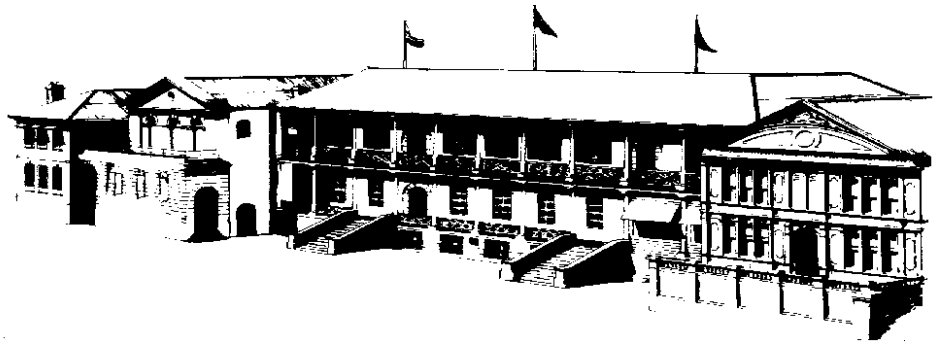
NEW SOUTH WALES



Legislative Assembly

PARLIAMENTARY DEBATES

(HANSARD)

FIFTY-FIRST PARLIAMENT
SECOND SESSION

OFFICIAL HANSARD

Wednesday, 18 November 1998

AUTHORISED BY
THE PARLIAMENT OF NEW SOUTH WALES

LEGISLATIVE ASSEMBLY

Wednesday, 18 November 1998

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

Mr Speaker offered the Prayer.

TRAFFIC AMENDMENT (SPEEDING ANTI-EVASION MEASURES) BILL

Second Reading

Debate resumed from 10 November.

Mr SOURIS (Upper Hunter—Deputy Leader of the National Party) [10.00 a.m.]: I lead for the Opposition on the Traffic Amendment (Speeding Anti-evasion Measures) Bill. At the outset I advise that the Opposition does not oppose the bill, which, in essence, will amend the legislation introduced in the days when excessive speed was detected purely by radar devices to prevent speeding motorists from using other mechanisms to detect such devices. Advances in technology have led to the creation of laser devices to detect excessive speed, to which industry has responded quickly by producing laser detection devices, laser jammers and laser reflecting number plates. It is appropriate that the Government should produce a bill to prevent motorists from using illegal means to defeat speed detection devices. The provisions of the bill will do just that. I hope that they are sufficiently wide to take account of future advances in technology that seek to detect, interfere with or reduce the effectiveness of a police speed measuring instruments. The Opposition supports the bill.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [10.04 a.m.]: I thank the shadow minister for roads for conveying the Opposition's support. I am pleased that the bill has become a bipartisan measure, and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SUPERANNUATION LEGISLATION FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads), on behalf of Mr Carr [10.06 a.m.]: I move:

That this bill be now read a second time.

The Superannuation Legislation Further Amendment Bill deals with a number of very important reforms to the administration of public sector superannuation and will greatly enhance the flexibility of superannuation arrangements for State employees. A major highlight of the bill is that it provides the basis for a reduction in the State's net financial liabilities of around $1 billion, along with a massive reduction in unfunded superannuation liabilities. I will later explain how this will be achieved. The bill also introduces a package of amendments to the State Superannuation Scheme negotiated with the New South Wales Labor Council to remove longstanding anomalies and amends other superannuation legislation to clarify provisions and remove deficiencies.

The first area of reform refers to the Government's agreement to the transfer of the First State Superannuation Scheme to trust deed. The bill implements this proposed change. The relevant amendments consist of a series of repeals of the benefit and administrative provisions in the First State Superannuation Act 1992 and minor amendment to the Superannuation Administration Act 1996. Provisions repealed from the First State Superannuation Act 1992 will form the major part of the trust deed. The First State Superannuation Trustee Corporation will remain bound as trustee by the prudential provisions of the Superannuation Administration Act 1996.

The trustee will have powers to amend the trust deed provisions with the consent of the Minister. Execution of the trust deed, which will coincide with the commencement of the legislated amendments, is expected by the end of the year. The major gain in moving to trust deed will be in the

capacity of the trustee to respond to members' needs in a rapidly changing superannuation environment. Additionally, greater flexibility will be gained in the speed with which the trustee will be able to amend scheme rules to meet changes, particularly changes in Commonwealth regulatory and taxation laws.

A significant reform in this bill is the re-establishment of free mobility of employees between major sectors of public employment. Honourable members will recall that in 1997 separate trust deeds governing sector schemes for employees in local government and the electricity industry were established. These were identical or mirror schemes to those in the public sector. The regulations made in 1997 for the purpose of effecting the transfer of scheme members and funds did not address the question of mobility, which was, of course, not an issue while all employees of the different sectors were members of the same schemes. On 23 October 1997 the Government announced that steps would be taken to address this retrospectively, by legislation.

The amendments, to be supported by regulations, are broken into two major intersecting components to deal with transfers from the local government or electricity industry sectors back to the public sector and to deal with transfers from the public sector to those sectors. The new provisions are intended to apply to all employees of the local government and electricity industry sectors whose superannuation entitlements moved from the State Authorities Superannuation Scheme or the State Superannuation Scheme to the local government and electricity industry superannuation schemes on 1 July 1997.

The arrangement is intended to apply also to members of the public sector schemes who take up employment in the local government and electricity industry sectors after 1 July 1997 and who have transferred or will transfer to the local government and electricity industry superannuation schemes. The amended legislation will allow these people to re-enter their corresponding public sector superannuation scheme if they resume employment in the public sector directly after ceasing employment in the local government or electricity industry sectors. They will cease membership of the local government and electricity industry superannuation schemes and transfer their accrued benefits back into either the State Authorities Superannuation Scheme or the State Superannuation Scheme, and resume membership of the relevant scheme.

The principle underlying the arrangement is that these former public sector scheme members will be no worse off than if they had never transferred to the newer schemes. The legislation enables a reciprocal arrangement to be put in place following amendments to the trust deeds governing the local government and electricity industry superannuation schemes. That is, members of the State Authorities Superannuation Scheme or the State Superannuation Scheme who after 1 July 1997 become employed in the local government or electricity industry sectors will be allowed to transfer their accrued superannuation entitlements into the equivalent defined benefit division of the local government or electricity industry superannuation schemes. Eligibility requirements for rejoining the public sector superannuation schemes will be elaborated in regulations.

The Government intends that there be no limit to the number of times an employee could transfer between sectors, that there be a time limit of three months within which an employee could elect to transfer, and that rejoining public sector superannuation schemes be limited to those occasions when a person transfers employment and not extended to occasions when a person had received a retrenchment or invalidity benefit. Former local government or electricity industry superannuation scheme members who have accepted voluntary redundancy or become invalids will be eligible to join as new employees the scheme offered to all new public sector employees.

No amendments are necessary to the First State Superannuation Act 1992 for this purpose, as this is the ongoing public sector superannuation scheme and has existing provisions which allow free mobility and transfer with other sectors of government. The third important initiative implemented by this bill is to offer members of the two closed pension schemes, the State Superannuation Scheme, and the Police Superannuation Scheme, the opportunity to become full members of the First State Superannuation Scheme.

The purpose of this once-only option for current contributors is to give them an opportunity to exit the old schemes, which were devised in the early part of this century, and join a more flexible accumulation scheme, designed to meet their needs in a modern employment environment. The conversion benefit will be based on a retrenchment benefit for State Superannuation Scheme contributors and a disengagement benefit for Police

Superannuation Scheme contributors. It is important to note that the election by a member contributor to join First State Superannuation will be strictly voluntary.

Following enactment of this legislation, lump sum offers will be made in February or March to the 47,000 or so members of the State Superannuation Scheme and the 7,000 or so members of the Police Superannuation Scheme. Contributors will have until the beginning of July to accept the offer. Because early acceptances will facilitate the administration of the process, the lump sum conversion benefit for those who accept by mid-May will be increased by $5,000. The lump sum conversion benefit is offered in lieu of all benefits under the State Superannuation Scheme and the State Authorities Non-contributory Superannuation Scheme. The conversion notices will ensure that there is full disclosure to contributors of any benefits that may be forgone in accepting the offer.

Employees will also be advised to obtain independent financial advice to assist them in considering their offer. The cost of this advice will be subsidised from Treasury's budget. While the lump sum would generally be less than the present value of future pension benefits, many contributors are expected to take up the offer because they could move between jobs—and in and out of the public sector—more easily because their super would be a portable, fully vested lump sum, their take-home pay would increase because they no longer have to contribute 6 per cent of their salary on top of their employer's super contribution, they can choose how their superannuation is invested and retain any benefit from higher investment returns, and they can subsequently choose a different superannuation fund after joining First State Super.

A similar offer by Victoria some years ago saw more than 30 per cent of employees leave older-style superannuation schemes. The option to convert accrued superannuation pension benefits to lump sums is expected to be an attractive option for younger contributors in particular. Lump sum amounts for accepting contributors will be paid by the trustees for the pension schemes to the trustee for the First State Superannuation Scheme for crediting to individual employee accounts. Rather than requiring the trustees for the pension schemes to sell existing assets of the pension schemes to finance these lump sums, the Crown will undertake a once-only borrowing of around $3.2 billion.

The loan will be paid to the trustees of the pension schemes, instantly reducing the Government's $13 billion of unfunded superannuation liabilities by $3.2 billion. Effectively, the Government is prepaying around three years worth of contributions that would have been made to reduce the unfunded superannuation liabilities built up by successive State governments over decades. Over the next three years, no Crown contributions will be made to the pension schemes. Instead the money that would have been contributed to reduce unfunded liabilities will be used to fully repay the debt and interest from the one-off loan.

As I said at the beginning of this speech, it is anticipated that at the end of the three years the State's net financial liabilities will have been reduced by around $1 billion more than they would have if the measures in this bill were not implemented. This expected $1 billion benefit will come from three main sources. First, the reduction in the present net value of the gross liabilities of the pension schemes will form part of the $1 billion expected benefit. This arises from present value lump sum amounts compared to the pension benefits.

The exact size of this part of the benefit will be a function of the number of employee contributors to the pension schemes who elect to accept a lump sum payment and join First State Superannuation. Second, Federal taxation savings will form a part of the $1 billion benefit. These savings arise from the utilisation of available pre-1988 taxation funding credits, and these credits will be offset against the 15 per cent per annum Commonwealth taxation on employer contributions. This part of the expected $1 billion benefit is not a function of the number of employee contributors to the pension schemes who elect to accept a lump sum payment and join First State Superannuation. It will be realised regardless of how many employees make such an election.

Third, on the assumptions of the government actuary, the earnings of the additional $3.2 billion added to the assets managed by the trustees of the pension schemes will more than pay for the full costs of servicing the short-term loan. In other words, the return on the additional assets under management would outweigh the interest costs associated with the loan. Again, the exact size of this part of the benefit will be a function of the number of employee contributors to the pension schemes who elect to accept a lump sum payment and join First State Superannuation.

I must emphasise that not one of these benefits alone has driven the proposal to allow employee contributors to the pension funds to elect to join First State Superannuation. The value of this voluntary option to employees, coupled with the

continued reduction in the State's overall unfunded superannuation liabilities, is reason enough. I now wish to address a further reform encompassed by this legislation, which is to implement within all of the New South Wales public sector employee superannuation schemes, other than the Police Superannuation Scheme, new Commonwealth standards for the preservation and release of superannuation benefits.

These new standards have been deferred on a number of occasions by the Commonwealth, but will now take effect on 1 July 1999. The effect of the Commonwealth preservation standards is to apply requirements for compulsory retention of future funded superannuation benefits generally and to allow their release only in accordance with strict rules. The new rules for preservation apply from 1 July 1999, but the rules for release of benefit have been in place for some time. The Commonwealth has grandfathered the pre-existing rules for preservation of benefits for accruals up to 30 June 1999. This means that the impact of the change will apply progressively. That is, an increasing proportion of the total benefit, as it accrues after that date, will be preserved.

The old provisions will be used to determine a cashable amount, which is the benefit component that can be paid out on any exit on and after 1 July 1999, the changeover day. The cashable amount is calculated as the benefit that would have been paid on termination, or retrenchment, on the changeover day, or the amount of the member's contributions, less what had to be preserved under the old rules. From that point, the total of the new employer-financed benefit accrual plus what had to be preserved previously must be preserved under the new rules until a condition of release for benefit payment is reached. It is therefore apparent that under the new Commonwealth rules the whole of any new benefit accrual is likely to be preserved compulsorily.

The Commonwealth conditions of release, which are already in place, permit unrestricted payment of benefit on death; on retirement at age 55 years if the person is permanently leaving the work force; on retirement at or after age 60 years; and on termination if the benefit is an amount less than $200. Conditional release of the preserved benefit component in the form of an income stream, and only in the form of an income stream, is permitted on permanent incapacity, on temporary incapacity for the duration of the incapacity and on any other termination before age 55 years. There are also specific restrictions as to the circumstances of release and the amount of benefit payable on compassionate grounds and for relief of severe financial hardship. Amendments are also made to schemes that have existing voluntary preservation provisions to ensure that provisions for voluntary benefit deferral and for compulsory preservation can operate together.

I wish now to describe the amendments to correct anomalies in the State superannuation scheme agreed to by the New South Wales Labor Council. The first amendment to the State Superannuation Scheme is to provide for a guaranteed minimum benefit in any contingency in the scheme, which will be equal to a termination lump sum payment. The most obvious instance in which a guarantee would be applicable is when a contributor retires and dies soon after without leaving a spouse or dependent children. The balance of the guarantee would be paid to the estate.

Amendment is being made to the scheme to permit an invalidity pensioner to elect to commute the pension benefit to lump sum at age 55 instead of 60. The amendment aligns commutation of an invalidity pension with all the other commutation provisions in the scheme and the minimum age allowed for commutation under Commonwealth provisions. The State Superannuation Scheme provisions for persons taking leave without pay vary depending on whether the person is a part-time employee. Subject to some exceptions, a full-time employee who takes leave without pay would suffer a reduction in benefit entitlement but a part-time employee who is treated as being on part-time leave without pay would suffer no entitlement reduction. The amendments remove this difference in treatment, subject to the exceptions that already apply to ordinary leave without pay.

State Superannuation Scheme members over the age of 50 who accept voluntary redundancy and are entitled to a retrenchment benefit in the scheme, with the agreement of the employer, will be given a new option to defer payment and qualify for an early retirement benefit at age 55. Amendments are being made in the State Superannuation Scheme to protect the level of recognition in superannuable salary for shift payments. Provisions based on the number of shifts worked in a year will be adjusted to recognise shift hours worked. This measure is designed to offset erosion of entitlements resulting from restructuring of the length of shifts.

The remaining provisions of the bill deal with straightforward amendments to two Acts. First, an amendment to the Public Sector Executives Superannuation Act 1989 gives to members of the scheme the right to elect to transfer their

membership and account balance in the scheme to the First State Superannuation Scheme. Second, there is an amendment to the regulation-making powers in the Superannuation Administration Act 1996. This will broaden existing powers for determination of superannuation disputes involving members of the local government and electricity industry superannuation schemes by the trustees of those schemes. This power will be extended to disputes in respect of benefits under superannuation coverage prior to transfer to the new sector schemes. The need for this power arises because the responsibility for payments of these benefits was also transferred to the new sector schemes trustees.

I should like to deal with the costs of these improvements. The Government has been negotiating for some time with the New South Wales Labor Council in relation to modest improvements to the State superannuation scheme to remove anomalies. It has been agreed by the Government and the Labor Council that the costs of these improvements should be offset against an unallocated surplus identified in the superannuation fund which is to be transferred to the employer reserves in the scheme.

Accordingly, the improvements will be fully funded by this unallocated surplus, and this legislation will put in place the mechanism to effect that transfer of funds. Treasury has costed all of the amendments. Three of the proposals for the State superannuation scheme will result in increased costs to be funded from employer reserves. These costs amount to approximately $165 million in present value terms spread over the remaining life of the scheme—25 to 30 years. The improvements also offer the prospect of savings. For example, although there will be increased initial cash flows in relation to the proposed earlier commutation of invalidity pensions, they will be offset by long-term savings. Overall, the majority of proposals in this bill are expected to be cost neutral.

In summary, this bill contains several major improvements, a number of amendments agreed with the employee representative bodies and a number of minor housekeeping amendments to correct legislated deficiencies. One of the major improvements is facilitating the First State Superannuation Scheme to move to a trust deed governed arrangement. Another major improvement is the provision for superannuation mobility between the public sector and the local government and electricity industry sectors.

Also the provision of an option for members of closed schemes to move to the First State Superannuation Scheme will complement the thrust of government policy to make available to employees modern and flexible superannuation arrangements and at the same time to exercise control over the cost of this key benefit of employment. Further, the adoption of the new Commonwealth standards for the compulsory preservation of superannuation benefits and for conditions of release is appropriately included in this package of amendments. Finally, as I stated at the outset, this package of reforms promises to reduce the State's net financial liabilities by around $1 billion and to provide for a massive reduction in unfunded superannuation liabilities. I commend the bill to the House.

Debate adjourned on motion by Mr Smith.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) BILL

CHILDREN AND YOUNG PERSONS LEGISLATION (REPEAL AND AMENDMENT) BILL

Second Reading

Debate resumed from 11 November.

Mrs SKINNER (North Shore) [10.25 a.m.]: It is with great pleasure that I speak on behalf of the coalition to the Children and Young Persons (Care and Protection) Bill and cognate bill. In 1994 former Premier John Fahey and former Minister for Community Services Jim Longley announced that the Department of Community Services would undertake a review of the Community Welfare Act 1987 and the Children (Care and Protection)Act 1987 and regulations. The review was referred to as the community welfare legislation review. Associate Professor Patrick Parkinson of the University of Sydney was appointed as review chairperson. Late in 1996, on a change of government, the new Minister appointed Dr Judy Cashmore as the deputy chairperson of the review.

The decision to undertake a major review of the Children (Care and Protection) Act was made partly because many changes had occurred since 1987. Some parts of the Act had not been brought into force. Other legislation had been passed, such as the Community Services (Complaints, Appeals and Monitoring) Act 1993 and the Children (Parental Responsibility) Act 1994, which had an impact on the Act. There had also been changes in community expectations about the role of the Government in child protection, increased demands on the system as the community became more aware of child abuse, significant changes in policy and

practice, changes at the national level such as the enactment of the Family Law Reform Act 1995 by the Commonwealth Government, and new developments internationally, such as the declaration of the United Nations Convention on the Rights of the Child.

Three reports were particularly important in drawing attention to the need for major reform of the child protection system. The first was the report of the New South Wales Child Protection Council on systems abuse, which drew attention to the way in which children in need of care and protection can be further harmed by systemic problems such as poor social work practice, lack of interagency co-operation and processes that do not respond well to children's needs or take much account of their wishes. The second was the report of the New South Wales Child Protection Council on child homicide, which demonstrated that important reforms were needed to help to prevent child deaths and to learn from cases in which children who were known to health or welfare authorities had died. The third was the Wood royal commission's reference on paedophilia, which focused community attention on the serious problem of child sexual abuse.

In 1986 changes were made to the Children (Care and Protection) Act 1987 to facilitate the exchange of information pursuant to the interagency guidelines. The Government has been made aware through numerous reports and circumstances that the system of child protection and substitute care was not working as well as both government and the community had a right to expect. While many of the failures were in the provision of services, it was felt that New South Wales law was not as specific as more recently enacted laws in other jurisdictions which set out in detail the responsibilities of child protection authorities and the powers of the courts to ensure the safety of children.

As part of the review undertaken by Professor Parkinson, more than 4,000 letters were sent out in May 1995 to individuals and organisations concerned with the care and protection of children, inviting them to identify issues to be addressed in the review. During early 1996, following representation from the review project, the Minister and the Attorney General approved the establishment of a working party to be chaired by Professor Parkinson. Three discussion papers were released, which assisted in the review process. The first was released in December 1996 and the remaining two were released in January 1997.

During February and March of that year the review team undertook a program of community consultation through public information meetings held at 20 locations across New South Wales. During April and May 1997 consultations took place with groups that were concerned with particular issues, for example members of the disabled community, major ethnic groups and young people's representatives. The committee received more than 350 submissions. The bills are the result of wide public consultation and therefore have the strong support of the coalition.

The objects of the bills are numerous: to establish a whole-of-government approach to child protection; to provide that a parent or child may seek assistance that will enable the child or young person to remain in or return to family care, which is a priority not only for the community but also for the coalition; and to require people to report risk of harm to a child. The department is to give priority to investigating cases in which a child is at greater risk, but reporting does not necessarily mean that the department must intervene. The bills will also broaden the range of professionals who must report abuse within the health, welfare, education and children's service areas.

The bills will ensure that a young person who has been removed must be brought immediately before the court, that is within one day, so that an interim order may be made; abolish the concept of wardship and replace it with the concept of a person for whom the Minister has parental responsibility; and encourage parental contact leading to family restoration for children taken into care, if appropriate. The court may issue contact orders and a care plan for the child. The bills will introduce less adversarial processes into the Children's Court and allow specialist children's registrars to facilitate family conferences. Alternative dispute resolution will be introduced to help families resolve issues of care through the Department of Community Services.

The bills provide for the appointment of specialist children's magistrates and a Children's Court Advisory Committee chaired by the Senior Children's Magistrate. The court is to be assisted by a Children's Court clinic, which will have the capacity to prepare psychological assessments. The object of the bills is to provide that parents should have responsibility for a child, in particular when there is conflict between older children and young people in their families. The court is to adopt an active role in assisting to resolve conflict. Under the provisions of the bills the director-general may provide a range of services to a young person who is homeless and will clarify circumstances in which a young person may be restrained.

The bills will reform the out-of-home care system so that designated agencies with care responsibilities may make day-to-day care decisions about a child or young person in care, and create the position of Children's Guardian to exercise the parental responsibilities of the Minister for a child or young person and review case plans for children in care. The bills are the result of extensive consultation and are positively supported by key child welfare agencies. In relation to the care of children, non-government agencies will be placed on an equal basis with the Department of Community Services, which will facilitate contracting out.

The creation of the Office of Children's Guardian, with specialist support staff, will relieve district officers of a role that they have found difficult. The bills establish that the Department of Community Services must work to restore families, not tear them apart. The bills will make it more difficult for the Department of Community Services to ignore the pleas of families who have problems with adolescent children. The creation of specialist children's magistrates should overcome a persistent complaint about the existing system. The principle that a family may seek help without the potential to lose the child will aid in prevention strategies. The coalition commends Professor Parkinson and all others who worked with him on the review. It congratulates the community on its extensive involvement in the consultation process. The proposed legislation is based on the result of that review and, therefore, has the support of the coalition.

Mr MARKHAM (Keira) [10.36 a.m.]: The bills incorporate the partnership the Government is committed to forging with the Aboriginal people of New South Wales. The proposed legislation is one of a number of government initiatives that aims to further the process of reconciliation and respond with compassion, understanding and justice to the report of the Human Rights and Equal Opportunity Commission entitled "Bringing them home". Recently the HSC has been in the headlines. We think of the HSC as the higher school certificate" but to indigenous Australians HSC stands for human rights, social justice and cultural rights, and it is important that parliaments and people in public office across the country recognise that.

The proposed legislation addresses human rights, social justice and cultural rights in a way that will be understood by the Aboriginal community of New South Wales. From the time of European colonisation the lives of Aboriginal people have been subject to government control, regulation and supervision. Without respect for traditional boundaries, entire communities were shunted from their land and forced to live in close proximity with people who, often, were their traditional enemies. Children were taken from their families. The stolen children lost not only their families, but also their culture, language, laws, traditions, history and land. Aboriginal elders were deprived of the young who would inherit their wealth of knowledge.

Both sides of this House recognise the impact of past government practices, policies and laws on Aboriginal people, and are committed to implementing the guiding principles of the national commitment to improved outcomes in the delivery of programs and services for Aborigines and Torres Strait Islanders, particularly those that relate to consultation with Aboriginal people and their empowerment, self-determination and self-management. On 14 August 1995 following the release of "Learning from the Past", the report on the State's welfare policies relating to Aboriginal people, the Premier, Minister for the Arts, and Minister for Ethnic Affairs formally apologised to Aboriginal people on behalf of the New South Wales Government for the suffering caused by the State's past welfare policies.

The national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families found that whole families and communities suffered as a result of the removal of children. The loss of so many children affected the physical and mental health of many indigenous communities. Indigenous men and women lost their sense of purpose and their sense of worth. Individuals responded to their loss by indulging in behaviour that led to hospitalisation, institutionalisation, incarceration or premature death.

Government practices which separated Aboriginal children from their families also deprived them of appropriate parenting role models. Many of the children who were taken from their families and placed in institutions or foster homes were subjected to physical, emotional and/or sexual abuse and/or neglect. For example, one New South Wales superintendent had to be told that he was not to tie a boy to a fence or tree, that instruments such as lengths of hosepipe or stockwhips must not be used, and that no dietary punishments shall be inflicted. Children who sought the protection of authorities by complaining of their ordeals were accused of lying.

The loss suffered by these children was already immeasurable; it was compounded by the loss of self-esteem, trust, a sense of safety and wellbeing and, for many, a loss of faith in and respect for figures of authority. The experiences of

the stolen children left many of them emotionally scared and with impaired parenting and interpersonal skills. Many Aboriginal people believe that the incidence of dysfunctional families within Aboriginal communities is attributable to separation practices. The stolen children were not exposed to appropriate parenting role models and consequently many have been unable to be effective parents of their own children. One Aboriginal mother told the inquiry:

> I'm a rotten mother. My own husband even put my kids in the home, and I fought to get them back. And then I was in a relationship after that, and he even put my kids in the home. I think I've tried to do the best I could; but that wasn't good enough. Why? Because I didn't have a role model for a start.

On 18 June 1997, when apologising unreservedly to the Aboriginal people of Australia for the systematic separation of generations of Aboriginal children from their parents, families and communities, the Premier acknowledged with regret Parliament's role in enacting laws and endorsing policies which inflicted profound suffering, grief, humiliation and loss upon Aboriginal Australians. In his speech the Premier announced that child welfare legislation in the State was being reviewed. Aboriginal communities were consulted during the review process. Community members indicated that policy and legislative reforms in child welfare should recognise the importance of traditional family ties and respect the need to protect children's Aboriginality and cultural identity.

The needs and aspirations of Aboriginal people were reflected in the strategies outlined in the New South Wales Government's statement of commitment to Aboriginal people, which was launched by the Premier in November 1997 at the Australian Museum. The Leader of the Opposition, who attended the launch, endorsed what the Premier had to say. I totally supported what the Premier had to say. The statement of commitment outlines a raft of strategies that reveal the Government's commitment to ensuring that child protection practices are culturally appropriate and sensitive to the needs of Aboriginal people. The proposed legislation provides a legislative framework for the child protection commitments the Government made in the statement of commitment.

The Children and Young Persons (Care and Protection) Bill embraces the principle of self-determination. It provides for the participation of Aboriginal and Torres Strait Islanders in the care and protection of their children. The bill provides that Aboriginal people will be consulted about the programs and services that affect them and provides that Aboriginal children or young people who require out-of-home care will be placed within the family, kinship or community group to which they belong. However, when that is not possible the bill provides that an Aboriginal child or young person will be placed with an appropriate Aboriginal welfare organisation.

By empowering and encouraging Aboriginal and Torres Strait Islanders to participate in care and protection decision-making processes, the legislation aims to overcome the reluctance that many Aboriginal people have in seeking the assistance of officers of the Department of Community Services. The forcible removal of Aboriginal children by welfare organisations has resulted in a stigma being attached to those organisations. Fear of having their children taken from them continues to prevent Aboriginal people from approaching mainstream services when they need help and support. However, one of the primary objectives of this proposed legislation is to provide appropriate assistance to parents to help them to create a safe and nurturing environment for their children.

The Aboriginal child placement principle has been enshrined in this bill. The placement principle ensures that Aboriginal children remain within their community or, when that is not possible, that they retain contact with their community and culture until they can be reunited with their family and/or community. All actions and decisions that are made when administering the legislation must recognise that the safety, welfare and wellbeing of the child or young person are paramount. Therefore, if the child or young person needs to be protected from serious risk of immediate harm or needs placement for less than two weeks, or if the child expresses the wish to be placed elsewhere, the placement principle will not apply. However, the Aboriginal community will not be excluded from decisions made in emergency situations.

As soon as practicable after the safety of the child or young person has been secured, the Director-General of the Department of Community Services must consult members of the community about the matter. The national inquiry into the separation of Aboriginal and Torres Strait Islander children from their families received submissions about the falsification, loss and destruction of records relating to the stolen children. The inquiry heard from parents who tried to trace their children and were told that they had died. Children were told that their parents did not want them or were told derogatory things about their parents. Although the files relating to the stolen children have often been difficult to access, records reveal that such advice was given to force families and children to adjust to their loss and separation.

The care and protection bill provides for access to and the protection of all records that relate to the out-of-home care of Aboriginal and Torres Strait Islander children and young people. The records will be kept permanently and all records in relation to a placement will be available to the child, the young person, the parents and/or their relatives or representatives. This legislation advances the Government's goal of achieving social justice for Aborigines and Torres Strait Islanders in New South Wales. The care and protection legislation empowers Aboriginal communities by incorporating the principles of self-determination.

The proposed legislation encourages Aborigines and Torres Strait Islanders to work in partnership with government agencies and to participate in the decisions that relate to the welfare of Aboriginal and Torres Strait Islander children and young people. It will give Aboriginal and Torres Strait Islander people greater equity, better access, wider participation and stronger rights in relation to child welfare matters. As I said at the beginning of my speech, as far as I am concerned and as far as the Government is concerned, HSC stands for human rights, social justice and cultural rights. I believe that this legislation goes some way towards accepting, recognising and supporting that concept. I commend the bills to the House.

Mr KINROSS (Gordon) [10.50 a.m.]: The Opposition will not oppose these bills. It is important to bear in mind some of the history behind this proposed legislation. Former Minister for Community Services Jim Longley announced a review of the Children (Care and Protection) Act and appointed Associate Professor Patrick Parkinson of the University of Sydney law faculty to conduct that review. These bills are the result of that review, which took some four years and was the subject of input from several key interest groups. The objects of the proposed legislation are sufficiently set out in the bills, so I shall not reiterate them. The primary focus of the bills is on the family. The emphasis of the Department of Community Services should be to make sure that children who wander away are reunited with their families.

This Government has announced many different policies but has cut an enormous amount of resources from a range of portfolios. Yesterday this House debated a censure motion moved by the shadow minister for transport against the Minister for Transport because of different promises that had been made but were not funded. While it is all well and good to appoint specialist children's magistrates and a courts advisory committee—and while I recognise that the Senior Children's Magistrate, Stephen Scarlett, would support the intent of these bills—I am concerned that we do not know how many additional magistrates will be appointed.

What resources will be provided for counselling to support the advisory committee that is to be chaired by the Senior Children's Magistrate? How will regular psychological assessments be undertaken? What backup will be provided? How will the clinic for the Children's Court be funded? How will the Government provide the counselling that will attenuate the necessary requirement for parents to follow through with their obligations once their children have been reunited with them? Who will report on and follow up the system to make sure that the continued health, welfare and education of children's services are kept to the fore? Who will take notice of the out-of-home care system so that those designated agencies with responsibility for a child or a young person in care keep the interests of that child or young person to the fore?

The matters I have raised reinforce the importance of the provision of actual resources and government commitment. The Government cannot borrow on some bankcard or visa card to fund these promises. What is at stake is the welfare of children. If the Government is sincerely committed to the welfare of children that commitment has to be matched not with mere rhetoric but with action. The commitment and backup of this Government have been so sadly lacking that one is able to list some 400 broken promises going back to those about the lifting of the tolls on the M4 and the M5.

The people of the western suburbs deplored the Carr Government for breaking its promise about the tolls, and we have since witnessed the farce of a small rebate being claimed on those tolls. The Government's broken promises are in evidence across a range of portfolios and key government sectors. There is no area more important than that of the welfare and protection of children. In this important area the Government cannot continue denying funding or not matching commitments with necessary funding. If that happens with these bills, the Government will be seen for what it is and in March the people will vote with their feet and toss the Government out of office.

Mr McBRIDE (The Entrance) [10.54 a.m.]: The purpose of these bills is to provide new legislation to replace the Children (Care and Protection) Act. The bills provide a new legislative framework for working with children, young people and families. A review of the Children (Care and Protection) Act was independently chaired by Associate Professor Patrick Parkinson of the

University of Sydney. The review was undertaken over four years, between 1994 and 1998. The review reference group comprised representatives from key government and community groups such as the Child Protection Council, Council of Social Service of New South Wales, the Association of Child Welfare Agencies, the Disability Council, a children's magistrate and a specialist children's lawyer. Extensive consultation programs were undertaken throughout the State, and meetings were held with key individuals and community and interest groups.

The bills provide more flexible ways for the Department of Community Services to work with families to strengthen their ability to care for their children. It is recognised that the responsibility to care for and protect children goes beyond the role of a single government department. These bills highlight the importance of government agencies working with the community sector to care for and protect children and young people. They make it clear that the Department of Community Services has a role in prevention and early intervention. Most urgent cases of child abuse and neglect will be given priority, and more professionals who work with children will be required by law to report concerns about children.

With regard to the Children's Court, care plans will be developed, after consultation with parents, to meet the needs of children and young people. Family conferences and counselling will be available outside formal court proceedings. Care registrars will be appointed, and the system of list days will be abolished in favour of individual court appearances. That is a very important issue with regard to the treatment of families, children and young persons in the court system. A major initiative of these bills is that families will not be dragged through a roll-over court system and treated like criminals. The needs of young people are different from those of other members of society, and those needs will be respected.

The Office of Children's Guardian will be established to ensure that all children in out-of-home care have a regularly reviewed care plan. Authorised carers will have responsibility to make decisions about the daily care and control of the child, and parents will be encouraged to maintain links with the child and to exercise some parental responsibility. When possible the views of children and young persons will be sought and taken into account. Including young people in the processes as partners in finding a solution to the problem is an important initiative.

My colleague the honourable member for Keira referred to the provisions of these bills that relate specifically to children and young persons of Aboriginal and Torres Strait Islander background. Aboriginal and Torres Strait Islander communities will have greater involvement in the making of decisions about the care and protection of their children and young people. The problems that are being faced by Aboriginal and Torres Strait Islander families have been reported on extensively at Federal and State level. A major initiative of these bills is that those Australians are given specific consideration and the cultural needs of their communities are taken into account.

It is provided that young persons under the age of 16 years should live at home with their parents and will be supported to remain at home unless that is not in their best interests. Early intervention strategies will be implemented to prevent relationship breakdowns between adolescents and their parents. Compulsory assistance orders will ensure that children or young persons who are a danger to themselves are helped, in order to ensure that person's safety and survival. These bills are obviously a great leap forward in the protection of young people. However, the Government and the Minister also recognise that society is a dynamic organism and that other issues still have to be resolved.

Associate Professor Parkinson recommended that further work be carried out in regard to child employment, an issue that the Attorney General raised recently. That is not limited to child abuse but includes significant issues of microeconomic reform, industrial practice, educational and training concerns and occupational health and safety. All of those issues will be considered together and a cross-government approach will be made to improve conditions affecting our children. Likewise, recommendations and a review of licensed children's services—including preschools and other child-care services—are receiving further consideration by the new Office of Child Care, recently established by this Government. The Office of Child Care is another major initiative of this Government to look after the special needs of young people.

The Office of Child Care will work with all providers of children's services to ensure a uniformly high standard of care for our children. Standards will be set only after consultation with the sectors concerned. I commend the Government and the Minister for their proactive position on the protection of children and young persons. The Government is following a far-sighted and

responsible approach that is a hallmark of the Minister for Community Services in particular. Most important, the bills focus on the needs of children, young persons and their families. There has been widespread community criticism of the role of the Department of Community Services in the care of young people. It is important to note that the bills are about and for children, young persons and their families.

The bills emphasise a whole-of-government approach to child protection, something started in programs initiated by the Government involving the police and the Department of Community Services [DOCS] working together to resolve matters concerning child abuse, child sexual abuse and other matters. When another organisation is established to deal with children they are exposed to re-examination and a number of other issues. In criminal proceedings evidence can become contaminated, so a whole-of-government approach to child protection is essential. I commend the Government and, in particular, the Minister for trying to improve the situation of young people in the community through this legislative package.

DOCS will continue to have a major responsibility for ensuring the safety, welfare and wellbeing of children, young people and their families. It must do so in co-operation with other agencies. That co-operation did not exist prior to the introduction of these bills. We are now seeing an emphasis on families and co-operation with the department and other agencies. Families, children and young people who are affected will, therefore, be part of the solution. Through ownership of outcome we hope to achieve a better result for everyone, including the broader community. The bills contain statements of objectives and principles. The lack of such statements in the Children (Care and Protection) Act 1987 was consistently raised in consultations as a major concern. A statement of objectives and principles will guide actions taken and services provided under the Act.

In my experience as a local member over the last 6½ years, this matter has been perceived by the community as a major problem. I heard a radio debate which summarised my experience. One of the people who participated in the radio debate concerning the provision of services by DOCS said that DOCS required a benchmark from which to operate. It required principles and objectives to achieve its stated outcomes and to determine how best to treat young people and their families. The person who was being interviewed summarised my impression of DOCS. The department did not have clear objectives and principles. People dealing with DOCS received a number of different responses and were confused and disillusioned. Another area of interest is clause 21 of the Children and Young Persons (Care and Protection) Bill, which states:

> A parent of a child may seek the assistance from the Director-General in order to obtain services that will enable a child or young person to remain in, or return to, the care of his or her family.

That is a major issue. We must not wait until the system breaks down. The Government is taking a pro-active approach. DOCS is not a police force; it provides an important service to enhance family relationships in our community. The Government recognises that high priority should be given to providing services to families, young people and children. The principle of working within the family structure is espoused in chapter 4 of the principal bill, which provides a framework for the department to deliver support services, work co-operatively with parents to develop plans to meet the needs of the child or young person and, if necessary, seek orders from the courts. The department should not have to regulate or deal with these problems.

The Government recognises the problems that are being experienced by communities, families and young people. We must try to find a solution. The Department of Community Services and other government bodies have been established to provide the best possible outcomes for young people, families and the whole community. I am glad that the Minister introduced this package of bills, which has had a four-year gestation period. It was pointed out earlier that that is equivalent to twice the gestation period of an elephant, which is roughly two years. We all recognise that governments work slowly. I am sure that all honourable members who have had consultations with the community totally endorse these bills. This is a great outcome for the community.

The honourable member for Gordon raised a number of issues relating to these measures. Lawyers always do that. However, he did not refer to the outcome which the Government wants to achieve. We want to provide the best services for our young people. By doing that we will create a stronger and better society. I commend the bill to the House. I recognise the stewardship of the current Minister and the previous Minister. The previous Minister was unfairly treated by the media and the community. However, his heart was in the right place. He was committed to doing the right things for our community. I was sad that he had to leave the Community Services portfolio. As often happens, when a replacement comes along, we get the right person to fill the position. This Minister is dedicated

to her Community Services portfolio. That is evident through her initiatives.

The community and the media are aware of the commitment by the Minister and the Government to provide the best possible services for children throughout New South Wales. We are aware of the unfortunate inheritance left to us by the previous Government, but the Minister and the Government are committed to obtaining the best possible results for young people and families in New South Wales. The Minister is doing a great job. She spoke earlier about her experiences. I was shocked when I heard what had happened to her as a parent. Those things have never happened to me but I have had experience of them through my dealings with members of the public. I am glad that something is being done to achieve the best possible results for families in this State.

Mr MOSS (Canterbury) [11.07 a.m.]: The honourable member for The Entrance referred to the many aspects that are dealt with in this package of bills. One common theme throughout these bills is the rights of the child. Anyone who has read these bills or the Minister's second reading speech will realise that the wellbeing of the child is paramount. Some honourable members might argue that any legislation dealing with the care and protection of children and young persons should regard children's rights as paramount. But that has not been the case in the past.

I will refer to three areas in which priority was not necessarily given to the child's best interests. First, the courts were able, with great ease, to remove children from the family unit. Second, children were isolated from dangerous or potentially dangerous situations whereas in certain instances that isolation could have been more harmful than the situation from which the child was being protected. Third, we have fallen down in the decision-making process. In the past more often than not decisions were made in the supposed best interests of children who were old enough and rational enough to know what was best for them, but they were not consulted.

It is ironic that in the past children were taken into care largely because of ignorance on the part of their parents and others, yet the care system through its own brand of ignorance often did the child more harm than good. With the introduction of the Children and Young Persons (Care and Protection) Bill and through the advances in psychology hopefully that is all behind us. Courts will only be accessed to separate a child from its parents when it is absolutely necessary or when all other efforts to keep a family unit together have failed. In other words, a court will have to be convinced that its intervention is the only course left open for a child's future care.

When children need to be isolated from potentially dangerous situations, the rights of the child are sovereign in this bill. In the past they were not. For example, it was par for the course to remove a child from the family unit in order to keep the child away from a violent parent. Now the emphasis is on isolating the aggressor or neglecter from the family unit rather than removing the child. Previously the child was protected from the aggressor, but the child was also penalised by being taken away from the entire family, quite often from people who loved and cared for the child and with whom the child felt secure. This bill provides that the child is still protected from the aggressor but can remain with the people with which the child is familiar and feels comfortable. That is an important aspect of the proposed legislation. I fully support children being involved in the decision-making process as to their future. In a report of the review committee into the care and protection of children and young people, which triggered this proposed legislation, one of the principles was:

> Wherever a child or young person is able to form his or her own views on a matter concerning his or her welfare, he or she shall be given an opportunity to express those views freely and those views shall be given due weight in accordance with the developmental capacity of the child or young person and the circumstances.

I doubt whether the process of children determining their own future was ever acted upon in the past. However, this bill puts the onus on the authorities to seek out the child's views and, where practicable, to act upon them. Children should have a fundamental right to comment on their own wellbeing. This bill places greater emphasis on the necessity for children, wherever possible, to remain with their parents. If that is not possible, the bill stresses the need for parents to have access to their child, with or without supervision. I emphasise that aspect is not for the sake of the parents, but for the sake of the child. As strange as it may seem, children, particularly young children, feel more secure with those they are familiar with, even when such people have neglected or abused them.

A few years ago in Sydney a discovery was made of the gross neglect by parents of their three children. Apparently, one of the children, a young boy, was tied up for some years. His only space was the floor area where he was tied. He slept on the floor and food was thrown at him. The neighbours did not even know that this child existed. The treatment of that young boy and the other two

children was a classic case of gross neglect and abuse. When the situation was uncovered the children were placed in care and the parents were put in custody. At the time a psychiatrist in my local area said to me that it would be traumatic for those children if they do not have access to their parents, particularly the child who was tied up. I was initially amazed by that statement, until he explained to me that although the parents had treated their children terribly, they were the only security the children had.

The young boy who had been tied up had probably not had any contact with an adult other than his parents. This bill recognises that fact by calling for families to stay together or for the provision of access for families who are separated. The success of this proposed legislation will probably not be revealed for 15 or 20 years. However, as a result of the measures being adopted in this proposed legislation, children who are now placed in care or supervised or supported by the welfare system will hopefully turn out to be well-adjusted and generally happy human beings in their adult lives.

Mr OAKESHOTT (Port Macquarie) [11.16 a.m.]: I support the Children and Young Persons (Care and Protection) Bill and the Children and Young Persons Legislation (Repeal and Amendment) Bill. I sincerely hope that the broad principles in these bills are practised on the ground by the relevant agencies, particularly in the north coast region of New South Wales where there are significant pressures on the resources of all welfare agencies. We are all seeking to find solutions to the growing child welfare problems. With the introduction of this proposed legislation and the funding that will hopefully be attached we will see answers to these problems.

The broad principles contained in these bills are that mediation is a priority issue and the welfare of the family comes first. Those important principles are well overdue, and ones that I wholeheartedly support in legislation. The objects of the bills, which are many, are: to establish a whole-of-government approach to child protection; to provide that a parent or child may seek assistance which will enable the child or young person to remain in or return to family care; and to require people to report where their exists a risk of harm to a child. The department is to give priority to investigations where a child is at greater risk, but reporting does not necessarily mean the department must intervene.

Further, the objects of the bill are: to broaden the range of professionals who must report abuse within the health, welfare, education and children services areas; to ensure that when young persons have been removed they must be immediately brought before the court, that is, within one day, where an interim order may be made; and to abolish the concept of wardship and to replace it with the concept of a person for whom the Minister has parental responsibility. For children taken into care, the goal will be, wherever appropriate, to encourage parental contact leading to family restoration. That is an important provision in the bill. The court may issue contact orders and a care plan for the child. A further objective of the bill is to introduce less adversarial processes in the Children's Court and to allow specialist children's registrars to facilitate family conferences. Alternative dispute resolution will be introduced to help families resolve issues of care through the Department of Community Services.

In addition, the objectives of the bill are to appoint specialist children's magistrates and to establish a Children's Court Advisory Committee to be chaired by the Senior Children's Magistrate. The court is to be assisted by a children's court clinic with the capacity to prepare psychological assessment reports. Importantly, the bill provides that parents should have responsibility for a child, particularly in the area of conflict between older children and younger children and their families. The court is to have an active role in assisting in the resolution of issues of conflict. Further, the bill provides that the director-general may provide a range of services to a young person who is homeless and may clarify circumstances within which a young person may be restrained.

The bill also seeks to reform the out-of-home care system so that designated agencies with care responsibilities may make day-to-day care decisions about a child or young person in care. The bill will create the position of Children's Guardian to exercise the parental responsibilities of the Minister for a child or young person to review case plans for children in care. The objects of the proposed legislation are extensive and the broad principles are in place. I shall watch with interest how the principles are put into practice. Obviously resources will have to be allocated to accommodate these extensive changes to child protection in this State.

The arguments for these changes are many and varied. There has been extensive consultation in relation to the bills and they are supported by key welfare agencies. Non-government agencies will be equal to the Department of Community Services when it comes to the care of children, which will potentially make contracting out easier. The creation

of a Children's Guardian with specialist support staff will relieve district officers of a role they have not performed well. The bill further establishes that the Department of Community Services must work to restore families and not tear them apart. I hope that this fundamental principle will be put into practice.

The bill makes the Department of Community Services' capacity to ignore the pleas of families with problems with adolescent children more difficult. Anyone from the north coast, particularly the Port Macquarie region, will remember the very distressing death of Shannon Faichney only six months ago. That incident was well documented. I hope that as a result of this bill children will not be able to slip through the net. The creation of specialist children's magistrates should overcome a persistent complaint about the existing system. The principal of a family may seek help without the family potentially losing the child. Such a measure will assist in prevention strategies.

In conclusion, I wholeheartedly support the broad principles of this bill. The bill puts the family first; it tries to re-establish the home arrangement above all else. Mediation and conflict resolution also take priority before any other departmental or government involvement kicks in. I will watch the results of this bill closely. The north coast is an area with high growth and low incomes. Therefore, enormous pressures are brought to bear on its welfare agencies. I will assist in any way possible to make the principles of this bill sound practice on the north coast.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [11.23 a.m.], in reply: I thank the honourable members who have participated in the second reading debate, including the honourable member for North Shore, the honourable member for Keira, the honourable member for Gordon, the honourable member for The Entrance, the honourable member for Canterbury and the honourable member for Port Macquarie. It is not often that bills are so widely supported by both sides of the House, but it is logical that that should be so in relation to these bills. Regardless of our political persuasion, we care about children.

Two Opposition members referred to resourcing. I would not want honourable members to think that resourcing will not be looked at. This is a chain of protection and if we break one link it will not happen. However, the honourable member for Gordon went a bit over the top when he suggested that the Government will not resource this carefully. Honourable members should remember that this Government has put $1.2 billion back into this portfolio, which was gutted by the previous Government. No-one should be concerned about the Government's commitment to resourcing. I would be worried if a coalition government were trying to introduce this reform.

It is unfortunate that I missed the speech of the honourable member for North Shore. The honourable member for Keira referred to Aboriginal children. His dedication to Aboriginal families is well known. What he said was valid. The honourable member for Gordon said that he supported the bills but referred to legal impediments—which will be addressed—and resourcing, which I have said is not a concern. The honourable member for The Entrance has been a great advocate for the care and protection of children for a long time. It is appropriate that he spoke in this debate. The honourable member for Canterbury and the honourable member for Port Macquarie talked about the protection of children and said that the focus should be on them. They addressed the new focus of this proposed legislation: making the family the centrepiece.

It is ironic that we are introducing bills to protect children from the people who are supposed to protect them. That is the soul-destroying aspect of this work. If the people who are supposed to protect children are not doing so legislation must be in place to ensure that the government can assume that protection. We can now apportion the responsibilities of families to a variety of people and we can keep the families in the loop, where appropriate. The safety of the children is a big issue. In conclusion, the children the Department of Juvenile Justice deals with are generally so damaged that they rarely ever talk about their experiences. However, if they do they say, "All I ever wanted was somebody to care about me." If we can protect children who are damaged and ensure that somebody cares for them they may not end up in our juvenile justice centres and institutions. I thank the Opposition for its support for this bill. It will go a long way to care for and protect children. I commend the bills to the House.

Motion agreed to.

Bills read a second time and passed through remaining stages.

RESIDENTIAL PARKS BILL

Bill read a third time.

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) BILL

Second Reading

Debate resumed from 11 November.

Mr SLACK-SMITH (Barwon) [11.30 a.m.]: The Agricultural Livestock (Disease Control Funding) Bill will not be opposed by the Opposition. The aim of the bill is to enact a general scheme to assist the agricultural industry to provide and fund agricultural services to control disease in livestock. Ovine Johne's disease is an incurable fatal wasting disease of livestock caused by the microbacterium paratuberculosis. In New South Wales the disease occurs in both cattle and sheep. The strain of bacteria affecting sheep is different from that which affects cattle: sheep cannot be infected from cattle and vice versa. Ovine Johne's disease was first discovered in Australian sheep in 1981 on the central tablelands of New South Wales. The second Opposition speaker on the bill will be my colleague the honourable member for Southern Highlands. Since 1981 a number of properties in New South Wales have reported the disease, and there has been a gradual increase since then. The disease was confirmed in Victoria and Flinders Island in 1995 and 1996.

Sheep usually become infected with ovine Johne's disease by eating pasture or drinking water contaminated by faeces containing the bacteria. Sheep can be affected at any age, although they are more susceptible to infection when they are young, and merinos are more susceptible than other breeds. The effects of the disease are seen more in older sheep because of the long incubation period of the disease. The bacteria can survive in the environment for up to 12 months. The disease can flourish in areas with heavy stocking rates and high rainfall. It is not a problem in my electorate of Barwon, which is hot and dry: the heat kills the bacteria.

Although the bill allows for the general application of livestock disease control levies, it has been introduced specifically to enable the New South Wales sheep industry to collect funds for the national ovine Johne's disease eradication program. Without the bill there would be no mechanism to raise the funds. The national eradication program will be implemented from the end of this year. Funding arrangements have been agreed to by the Agricultural Resource Management Council of Australia and New Zealand in July 1998. New South Wales producers are required to contribute approximately $10.5 million to the national program plus $750,000 per annum for three years in a State-based program.

A deed of agreement with the Australian Animal Health Council needs to be signed as soon as possible guaranteeing a commitment of New South Wales to the program. Under the bill the Minister may declare that services for the control of any particular disease in livestock are to be funded under the proposed Act. Once such a service is designated, the Minister may establish an industry contribution fund for voluntary contributions from the relevant livestock producers to fund the service. If that funding may be insufficient, the Minister may establish an industry levy fund from a compulsory levy on rateable land used by the relevant livestock producers based on the livestock carrying capacity of the land. In other words, cattle producers, goat producers or crop farmers would not have to contribute for control of ovine Johne's disease. Appropriate exemptions will be provided from the compulsory levy for persons who make a minimum contribution to the industry contribution fund to finance the designated service concerned.

The bill establishes an industry advisory committee for each designated service to advise the Minister on the funding of the service under the proposed Act. The majority of members of the advisory committee will be producers of the livestock affected by the disease. This method of collecting the funds is bureaucratic and will be difficult to implement. A transitional levy at the point of sale would have been a much simpler and effective way of raising the funds. But legal advice provided to the New South Wales Government concluded that such a levy would be unlawful.

It is interesting that the Victorian Government will use a stamp duty on sheep sales to raise its contributions. The bill will also severely penalise producers who fail to make contributions and are forced to pay the compulsory levy. They will be charged based on the capacity of all their land regardless of whether sheep are run on only part of the land. Rural lands protection boards will collect the levy at a rate determined by the Minister on the advice of the industry advisory committee and remit the proceeds to the director-general of the Department of Agriculture to be deposited in the industry levy fund. The Opposition does not oppose the bill.

Mr PRICE (Waratah) [11.36 a.m]: I support the bill, which is evidence of the Government's commitment to assist primary industry in the control of diseases which are part and parcel of primary

production and which can cause devastation and heavy financial hardship for specific sections of the agricultural industry. The generic scheme provided in the bill will be used first to raise industry funds for the national and State programs for the control of ovine Johne's disease, which is an insidious, fatal, wasting disease of sheep and goats which is difficult to diagnose but which can be devastating for sheep and goat producers whose flocks are infected. A different strain of the disease also affects cattle, as the honourable member for Barwon said. The cattle bacterium is not transferable to sheep.

Producers whose flocks are known to be or suspected of being infected—there are more than 600 such flocks in New South Wales—are subject to restrictions on the movement of their animals. For normal commercial flocks the consequences are severe; for stud flocks the consequences are heartbreaking, and can be financially ruinous. The national program for control of the disease aims to investigate the feasibility of eventual eradication of the disease in Australia and to deliver a solid basis for a future decision on the most appropriate course for dealing with the disease.

The business plan for the national program requires expenditure of more than $40 million over six years. The sheep and goat industries in the States will contribute almost 26 per cent. The New South Wales industry contribution will be raised under this bill. As well, the State industry will have to raise, using the scheme proposed in the bill, industry funds for the State financial assistance scheme, to which the Government will contribute $750,000 a year for three years. The commitment of the State Government to the State assistance scheme is in addition to its contribution to the 28 per cent of the national program which State governments, mainly the New South Wales Government, will be required to contribute to the national program.

The Government's commitment to the control of ovine Johne's disease is substantial not only in financial commitment but also in terms of its desire to help the industry to help itself. The bill will establish industry advisory committees for each disease nominated, including ovine Johne's disease. The committee will be responsible through the Department of Agriculture for advising the Minister for Agriculture of the extent of the problem. It will also make recommendations in relation to how the eradication programs can be funded.

Part 3 of the bill relates to voluntary industry funding. Clause 11 provides for payment from the fund of the costs of the relevant designated disease control service as approved by the Minister after consultation with the industry advisory committee. Clause 11 also authorises payment from the fund of costs of administration of the fund and of the industry advisory committee. Voluntary funds are difficult to raise and sometimes their administration is difficult to police. Therefore, the requirements specified in the proposed legislation are essential. The industry must show a certain amount of goodwill. It must acknowledge that the problems are significant, that they can only be controlled in this way and, therefore, that funding is required.

Part 4 relates to compulsory industry funding. Clause 13 stipulates that the industry levy is a special rate levied on the occupiers of rateable land under the Rural Lands Protection Act. The restructuring of rural lands protection boards may be a problem. The upper House does not agree entirely with the Government's proposal and the measure is subject to further debate. The role of the rural lands protection boards will be significant and the rate will be levied according to the carrying capacity of the land, which will make a significant difference as to who pays and how much is paid.

Part 5 relates to collection of industry levies. Clause 21 enables the director-general to obtain loans from rural lands protection boards. He may also require information in relation to the imposition and collection an industry levy. Again that relates to the legislation before the House that is currently awaiting further amendment. The general provisions in the bill relating to the industry funds are standard in style and application. The one difference from the usual provisions, perhaps, is that clause 26 allows internal loans between the various industry funds that cover the different types of diseases. That will require significant co-operation from the committee. The industry and the Government acknowledge the devastating problem of ovine Johne's disease and I have no doubt that the bill will go a long way towards resolving it. I support the bill.

Ms SEATON (Southern Highlands) [11.42 a.m.]: I speak on the Agricultural Livestock (Disease Control Funding) Bill. The Opposition does not wish to create a situation in which the sheep producers of New South Wales are locked out of a mechanism by which they could otherwise access Federal and other funding in the national ovine Johne's disease [OJD] program and make a start on managing and controlling the disease. The prospects for eventual eradication, regardless of how desirable they may be, are still debatable. I represent the Goulburn area and have had two years of close consultation with affected farmers from Gunning,

Crookwell, Tarago and all parts of the Mulwaree shire. The coalition would not want the Government to believe that its lack of opposition to the bill equates to enthusiastic support for all aspects of the proposed legislation in its current form. In the case of the farmers I represent that is particularly true.

In the past two years I have visited farms, attended public meetings of literally hundreds of people, visited the Elizabeth Macarthur Agricultural Institute [EMAI], met with staff and colleagues, including Dr Whittington, and spoken with almost every affected farmer in my region. That in itself is difficult because of the ad hoc arrangements visited upon many farmers whose flocks were the subject of early ovine Johne's disease diagnoses. They were so traumatised by the events which followed that in many cases they suffered major health problems or the testing of flocks in their own tragic circumstances were such a deterrent to others that the disease was driven underground. People were terrified to discover that their flocks were ovine Johne's disease positive.

It was also difficult to consult with people who wanted to remain anonymous but who desperately needed help and advice. However, I managed to gain the trust of those people by ensuring confidentiality and by respecting their privacy, even at public meetings. Much has happened since those early days—in my case since 1996 when I was elected a member of Parliament. However, when one speaks to locals such as Dr Len Pockley, Geoff Mitchell and Councillor John Foord, who for decades have been encouraging the Department of Agriculture to focus on ovine Johne's disease, one learns that not enough has happened.

Since I first began to represent local interests, some significant announcements have been made and, thankfully, there have been some major shifts as a result of strong and well-researched representation from farmers in my region. I refer especially to Mr Alix Turner, Mr Terry Hayes and Felicity Henderson. Our early concerns were centred around the announcement of an eradication plan which would have resulted in mass destocking by slaughter of affected flocks, leaving affected land vacant for two summers followed by restocking with so-called clean sheep.

In response local farmers questioned how one could be certain that the sheep were clean when no single animal test is available and assumptions about the ovine Johne's disease-free status in some regions are questionable. Farmers said that enough was not known about the biology of the bacterium in the soil and the range of conditions in which it might re-activate and survive. Farmers stated that they have learned to live with ovine Johne's disease to the extent that they can keep stock losses under 5 per cent—often the figure is less—and in many cases the losses are less than those from other diseases. They suggested that a management method was needed that did not throw the baby out with the bathwater.

The farmers did not reject altogether eradication as an aim, but where the methodology of eradication is flawed they should not be expected to pick up the tab. They said there was a stigma and that the penalty has fallen unevenly on the few who have agreed to participate in a test while others have understandably not volunteered. In particular, stud breeders suffered in any slaughter eradication plan, which is a little like killing the goose that laid the golden egg. They stated also that more research was necessary, particularly on a single animal test, vaccine and soil chemistry, which is an important unknown factor. They believed also that much more efficient flock tests should be undertaken.

The Morris Hussey report, which reviewed the eradication plan, brought some sanity to the situation and its recommendations were adopted by Agricultural Resource Management Council of Australia and New Zealand [ARMCANZ] and peak groups in 1998 as the foundation of a national approach. One of the aims of the report was to identify research gaps and address them. I congratulate Dr Widdington for his work at EMAI. The national program will cost money, and input from the Federal and State governments and from producers is required. The Opposition acknowledges that a mechanism is necessary to collect the producer component and link into the national structure.

The bill is the Government's response to that need. However, its future is fraught with landmines for which the Minister will have to take responsibility. I should like to be informed on how he plans to handle the many eventualities that local producers have warned could occur. Although the bill is general, its key intention is to facilitate funding to fight ovine Johne's disease. A levy specific to sheep producers would have been desirable. Both New South Wales Farmers and the Ovine Johne's Disease Advisory Committee are supportive of a mechanism to do the necessary job but advice to the Government from Don Saville and from David Jackson, QC, to New South Wales Farmers addresses the issue that a State-based tax of that type is contrary to section 90 of the

Constitution. However, Mr Jackson, QC, raises a doubt at points 16 and 17 of his advice. That is of great concern to at least one member of the Ovine Johne's Disease Advisory Committee with whom I have spoken. It is possible that the framework set out in the bill is vulnerable in that respect. Amongst his conclusions Mr Jackson stated:

> My view is that the proposals referred to above have a fifty-fifty prospect of not contravening s.90 if the 50 sheep threshold is not employed. If the 50 sheep threshold is employed, the prospect of contravening s.90 would be greater. I regret that it is not possible to express a view on the issue in other than the broad terms referred to above. The issue, however, is itself one which attracts impressionistic views.
>
> As I have said above, the more the proposal is designed to make only those who keep sheep responsible for the levy, and the more the true amount in one way or another payable has a relationship to the number of sheep actually kept, the greater the prospect that there will be held to be an excise. I would wonder whether, for the relatively small annual amounts involved, it is worth the trouble and expense of setting up and administering the scheme, rather than to take the course of simply paying the amounts from general revenue.

I am aware of representations made to the Minister on 27 October by Mike Nicholls, chairman of the Ovine Johne's Disease Advisory Committee regarding the committee's response to the early draft of the bill. The response was hardly a great endorsement for the proposed legislation. Mr Nicholls stated:

> However the Committee expressed its reservations regarding the efficiency, complexity and practicality of raising industry funds through the mechanism currently under consideration by the NSW Government. In particular, the Committee was concerned that the proposal would be extremely difficult to explain to producers and would jeopardise producer support for the program. The proposal would require a significant initial over-collection of funds of approximately $8 million per year, in order to raise the required amount of approximately $2.2 million per year. Much of these funds would be raised from producers of other commodities such as beef and grain who often have large assessed carrying capacities but low actual sheep numbers.

The committee was asking for further consideration of options. The legislation seeks to have rural lands protection boards [RLPBs] collect the money through their normal rating processes. Mike Nicholls identified the capacity to overcollect funds to the extent of $8 million and the necessity to rebate approximately $2 million per year in producer contributions. Though the concerns of New South Wales of 27 October have been partly satisfied by a clearer division of arrangements between those who pay the voluntary levy and those who do not voluntarily contribute in the first instance, a number of people for a variety of reasons will continue to have to pay via the RLPB rate rather than through the rebate structure.

Rural lands protection boards already have huge responsibilities. The testing role of RLPB veterinarians in the OJD program has been huge, and the Minister is aware of the concerns the Opposition expressed to him months ago about the liability of those veterinarians for the consequences of their diagnoses. But that is another debate. Local farmers are worried about the additional bureaucratic nightmare that RLPBs will have to contend with. In many cases people would pay a levy for more sheep than they have and be paid a rebate, or pay a levy for land without sheep and be paid a rebate. In the current climate I do not know many farmers who have the spare money to pay a levy for something they do not have. The Government is asking farmers to cash up a fund beyond its needs and then to wait patiently for a refund. It is not fair; it is an unaffordable impost on struggling farmers.

While I am speaking about costs, it is useful for me to refer to the analysis of the Yass Rural Lands Protection Board of the comparative costs of OJD and the proposed levy. In the Yass area the average mortality rate from OJD is a relatively low 1 per cent. However, in a flock of 3,500 sheep—which represents approximately 30 per cent of sheep producers in the region—a 1 per cent loss from the disease amounts to the loss of 35 sheep at $35 a head, or a cost of $1,000 per annum. Under the regulations, with a livestock price of $35 and an abattoir price of $10, the loss would be $25 a head. Under the current quarantine arrangements it would cost a farmer $17,500 to get rid of 700 sheep. The RLPB has calculated that loss incurred through regulation is approximately 15 times that of loss from disease in commercial flocks, so that is a major burden that people have to contend with.

Many producers are concerned about the current form of the bill, and regard it as providing an open door for the dreaming up and imposing of endless levies on farmers for a variety of stock diseases. I share that concern. Imagine if this bill had been available in 1996, when many in the Department of Agriculture were keen to pursue an immediate eradicate-by-slaughter emergency response. It would have provided a potential vehicle for raising and spending a levy before anyone knew what would happen and, given the hindsight we now have, for nil gain.

One advisory committee member particularly fears the scenario that when future stock disease issues arise the lack of the need for a plebiscite, which would have been required under the Agriculture Industry Services Bill, one of the alternative options for this mechanism, will remove an essential check on an open-slather levy

mechanism. I am aware that many of the serious thinkers on the issue have proposed amendments to satisfy that concern. Those proposals include stricter criteria going beyond the role of members of this place to disallow a particular industry or interest group proposal to activate this legislation to support the raising of a new levy.

I understand that under clause 6 of the bill, which deals with approval of funding under the Act for disease control service, the Minister would have to gazette any such proposal. I presume, therefore, that the proposal would be subject to disallowance by members of this House. However, there are considerable fears about the effectiveness of such a check. It is essential that the Minister satisfy producers that any loopholes that would otherwise allow open slather of farmers' precious resources are sealed.

I have also been alerted to concerns about clause 7 relating to industry advisory committees. The issue of liability by committee members is important. I have already reminded the Minister of the anxiety created in many veterinarians and RLPBs during the initial surveillance program. If well-qualified people are to be attracted to these committees they need to know that they will not be personally liable for the adverse outcome of advice they proffer in good faith based on current experience. This is particularly important if the Minister and the department are realistic about the methodological flaws in many of the key procedures they have implemented to date, firstly through the initial surveillance program and, secondly, through the enhanced surveillance program and the science or lack thereof in the testing design. In my view and that of many others, the design moved from the known to the unknown in a way that simply fulfilled its own prophecy. [*Extension of time agreed to.*]

The Minister is well aware of my position historically, but the flaws and darts that so many of us are aware of underscore the trepidation that potential committee members might feel if they are not adequately protected. I seek the Minister's assurances on that point. This also reinforces the feelings of some producers that at this stage the methodology is not secure enough to support the raising and spending of millions of dollars. In this context I would also like the Minister to comment on the early results of the tissue culture test developed, I understand, by Dr Whittington at EMAI. That test apparently indicated a higher range of OJD positive diagnosis than any other test devised to date.

While no-one wants it to be the case, if the results are credible—and I have no reason to think that they are not—it will mean that the predictions and suspicions of the many producers suffering in the Southern Highlands are sadly true and that the disease is more widespread and entrenched than the department has previously allowed. We in the Southern Tablelands would feel absolutely no joy about such a discovery. If that is indeed the case, the Department of Agriculture will be required to rethink its approach. Many people in the Southern Highlands would like to know why the veterinary council of the AHC has twice rejected the test, and I would very much like to know if the Minister supports its adoption as a matter of urgency.

The Opposition does not want to prevent New South Wales producers from accessing the national OJD program and therefore will not oppose the bill. However, the concerns that the Opposition has raised are genuine and are important to the people that I represent in the Southern Tablelands and to their neighbours and friends in Yass, Gunning, Crookwell and, I am sure, the Bathurst-Carcoar area. Ovine Johne's disease not only afflicts sheep; it afflicts families and neighbours through its often tragic consequences. I am impressed by the capacity of so many people in my community to take on the problem and try to solve it with commonsense and experience. I urge the Minister to listen to the views and fears I have represented and to understand that if the Government gets it wrong even more families will be overburdened.

Mr SMALL (Murray) [11.58 a.m.]: I support the Agricultural Livestock (Disease Control Funding) Bill and thank the Minister for Agriculture, and Minister for Land and Water Conservation for its introduction. Many facets of primary industry today are of grave concern. Whilst legislation is not always the right answer, it is necessary to control disease. The problem with disease control is the unknown. Stockowners often sell sheep and goats through sheep and cattle yards ignorant that the early stage of ovine Johne's disease is present in the stock.

Farmers could unwittingly sell stock and, consequently, a buyer could unwittingly buy breeding stock that is affected by disease. The responsibility is on all State governments and the Commonwealth to protect breeders, buyers and the export industry. Australia has relied on its wool and breeding industry for a first-rate quality lifestyle. How does a livestock breeder know in the early stages if his stock is diseased? Footrot usually occurs in the wet years. Tests can prove whether a foot abscess on a sheep is footrot. In the past 10 years New South Wales and Victoria have successfully tackled footrot, and it has been cleaned up wonderfully. A great deal of trade is conducted

across the Murray River with fat stock, livestock, and breeding stock.

The rural lands protection boards have identified and worked on sensitive areas to control footrot. The cross-border work has been successful. That is not to say footrot has been completely eradicated, but its control and management is better than it has ever been. The incidence of footrot has been greatly reduced. The proposed legislation will help buyers ascertain whether they are buying disease-free livestock. The Government, through the rural lands protection boards established under the Department of Agriculture, will be able to assure land-holders and graziers that mechanisms are in place to combat disease.

Graziers who pay in excess of $74 for breeding first-cross ewes for fat lamb raising make a big investment. They need to know that the sheep are disease free. But very few people are able to assess the presence of disease, particularly ovine Johne's disease, in the early stages. The rural lands protection boards and officers from the Department of Agriculture will have every opportunity to find the best methods to detect and test for disease. The only way for countries to successfully secure sufficient money for research is to impose a levy, such as that imposed in Europe, the United States of America, North America and New Zealand. If the levy is to fund research for breeding better grain it is levied on a per tonne basis. If the levy is to fund research for livestock disease one would assume it would be levied on a per sheep basis, but that would be difficult.

I note that the Director-General of the Rural Lands Protection Board and the Minister will consider such a levy. Part 2 of the bill deals with disease control services. Part 3 deals with voluntary industry funding and requires the director-general to establish an industry contribution fund for each designated service. Part 4 deals with compulsory industry funding, and authorises the Minister to impose a levy to assist the funding of any designated disease control service. Most Australians hate anything that is compulsory, but sometimes it is vital.

Australia is recognised for its sheep industry, which is the largest in the world, and its quality wool, which is suffering a downturn in trade. To maintain that profile we have to do the right thing. A compulsory levy will protect breeders of sheep or goats from diseases that manifest themselves in livestock. Such protection is fundamental to the livelihood of graziers. Our country's climatic conditions are unique. The interior is dry and arid, while the eastern coastal belt can be extremely wet. The southernmost areas of the country are cooler, and Tasmania can be damp and wet from continuous light rain. Such varying conditions contribute to diseases.

We do not know a lot about disease control. I have lived on the land almost all my life. When sheep or cattle have the scours they lose weight, but graziers also know what is going on because of the symptoms. With ovine Johne's disease graziers do not understand what is causing their stock to waste away. For those reasons I totally support the bill. The Victorian Government is using stamp duty on sheep sales to raise its contribution for disease control. I do not believe that is the best way to go. The rural lands protection boards will collect a levy, at a rate determined by the Minister on the advice of the industry advisory committee, to be remitted to the director-general for the provision of an industry fund. Approximately 10 years ago the agriculture industry had a livestock levy fund of about $7 million or $9 million which related in particular to the cattle industry.

Mr Amery: The Cattle Compensation Fund.

Mr SMALL: That is correct. It also assisted with tick control on the north coast of New South Wales. I endorse and totally support the bill.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [12.09 p.m], in reply: I thank the Opposition for supporting the bill. The honourable member for Barwon highlighted the urgency of getting the bill through the House. As he rightly said, a deed of agreement must be signed as soon as possible so that New South Wales can honour its agreement and participate in a national ovine Johne's disease control program.

There is some urgency about getting the bill through the House. Whilst politics is often played in passing government bills, I thank the Opposition for facilitating the passing of the bill and picking up some of the concerns that have been stated publicly and, not so strongly, in this Chamber that the bill has been a long time coming and that a new levy should have been imposed before now. Honourable members representing the electorates of Barwon, Southern Highlands, Waratah and Murray referred throughout their contributions to the history of ovine Johne's disease [OJD] in New South Wales, and the honourable member for Barwon referred to 1991. There is a notice of motion on the business paper which relates to a vote of no confidence in New South Wales Agriculture by farmers in the Goulburn area, to which I will respond later.

In response to criticisms that perhaps something should have been done earlier about OJD, the disease has been recorded in New Zealand for many decades. New Zealand did not address the problem correctly when it made the decision to live with the disease. I believe that as history unfolds, New Zealand may have a number of trade problems, if they do not have them already. New South Wales first identified OJD in the early 1980s and, in defence of the department's role at that time, at first only a couple of cases were isolated. Knowledge of the disease was even more limited than it is now. Basically the department was relying on information about the disease in New Zealand.

However, at the time, New South Wales Agriculture was warning sheep producers about OJD and encouraging farmers to recognise the need for and the benefits of a disease control strategy. That approach was not supported by industry, which, over the years, wanted only to monitor the disease and see how far it would go. It took a wait-and-see attitude. It was not until about 1989 that approximately 25 properties in the Bathurst and Carcoar area were detected as being infected with OJD. During the seven years of the coalition Government no similar schemes were ever initiated. More properties became infected with OJD. When this Government came to office in 1995 I saw that a number of animal health, environmental, and trade issues—call them what you like—were not receiving due attention.

The honourable member for Murray referred to the Cattle Compensation Fund and to cattle tick. But one of the big issues at that time was the helix contamination caused by cotton trash fed to cattle in the northern parts of New South Wales. Yes, the Cattle Compensation Fund was used; there was about $6 million in the fund at the time, which Treasury matched dollar for dollar. A $6-million subsidised testing program was introduced to start work on the helix problem. But the attitude towards the helix issue was that it was too hard, wait and see if there are any court cases—and ultimately there were.

I recall having a conversation with Peter Comensoli, the Chief Executive Officer of the New South Wales Farmers Association, who introduced a solution to the problem. We worked through it and got the program going. The honourable member for Murray and other speakers highlighted the fact that we do not know enough about ovine Johne's disease. It is hard to test. Although a lot of scientific research is being carried out on the disease, it is still a major problem. New South Wales has been a leader throughout the country in not only identifying and managing OJD but also in conducting scientific research.

Places like New Zealand which have had this disease for many more decades than we have are now making contact with New South Wales for an update on the progress, management and scientific research of OJD. The House should congratulate all those people in New South Wales Agriculture who have worked on this project for the 3½ years during which I have been Minister. Their work has attracted international attention with regard to a disease that has been fairly difficult to detect and test. The honourable member for Waratah, who is becoming one of our most prolific speakers on agricultural and rural matters in this House, said that the bill is a reflection of the Government's commitment to the OJD program.

New South Wales is a participant in the cost-sharing arrangements agreed to at the 31 July meeting of the Agricultural Resource Management Council of Australia and New Zealand [ARMCANZ]. I have had discussions with the New South Wales Farmers Association about the latest developments in this area and we have often exchanged briefing papers and notes. New South Wales has been the leader and the drive behind this national program. The meetings of ARMCANZ are not just rhetoric and politics. The New South Wales Government is putting its money where its mouth is. It has committed $9.912 million over the next seven years.

The Government has committed $750,000 per annum for three years for financial assistance to affected producers, subject to a contribution from industry, as well as a $7.245 million contribution to the national ovine Johne's disease control and evaluation program over the next seven years, to be funded as follows: 1998-99, $1.441 million; 1999-2000, $2.465 million; 2000-01, $1.767 million; 2001-02, $881,000; 2002-03, $391,000; 2003-04, $229,000; and 2004-05, $71,000. Approximately 100 producers in New South Wales will be able to enter into a research program. Money will be available to help those producers to de-stock their properties of sheep. Included in the figures I have just given is the Government's contribution of $417,000 in 1998-99 to the interim surveillance program.

The Government has also provided significant support to the market assurance program with a testing subsidy of $300,000 for the first 100,000 sheep tested in either the market assurance program or the enhanced vendor declaration testing program. In addition, the New South Wales Government has actively supported research in the interim surveillance program. New South Wales Agriculture is recognised as a leader not only in the OJD program but also in other disease control programs. The national OJD control and evaluation program aims to provide by the year 2003 sufficient

information to allow an informed decision to be made on the national management of OJD, especially on the feasibility and cost effectiveness of eradication. Eradication, as we know, was a major political issue in New South Wales leading up to the final ARMCANZ decision some months ago to conduct a more scientific evaluation program in the years ahead.

The program provides for the control of ovine Johne's disease during the evaluation period. This matter is causing producers some stress—an issue referred to by the honourable member for Southern Highlands in debate in this House and in the public arena. Over the next six years the national program will have a budget of $40 million, including $10.5 million for research and development; $18 million for surveillance; $7.5 million for support and restocking; $650,000 for support for the market assurance program; $2.7 million for the management of the program; and $600,000 to allow for effective communication of the program. Funding for the program will be divided between State and Federal governments and industry. It has been a considerable bugbear to put in place the funding mechanism for industry.

Following talks with the New South Wales Farmers Association, the Government managed to considerably reduce the industry component. I was involved in negotiations with representatives of the New South Wales Farmers Association, in particular John Cobb, who discussed this matter with me prior to the last meeting of ARMCANZ. It is estimated that 70 per cent of this $40 million program will be spent in New South Wales. All State governments and the Federal Government are involved. The problem does not exist only in New South Wales; Victoria has had to deal with this problem—a matter to which I will refer later. New South Wales is receiving 70 per cent of the money allocated for the program. I believe that New South Wales producers will get good value for their contributions. Industry should be made aware of this program.

I reject the argument put forward earlier by the honourable member for Southern Highlands. She referred to legal advice that had been received and said that, because of all the fuss relating to this matter and the problems relating to the collection of the industry levy, the bill should be paid by consolidated revenue. What precedent would that set for every other outbreak of disease? That legal advice to which the honourable member referred is financially reckless. No State government could underwrite every outbreak of disease in this State. Not even farmers would be so reckless as to suggest that governments should underwrite or insure all outbreaks of disease. It is universally accepted that industry has to take some responsibility for and contribute to the financial management of these problems.

Why was this bill introduced? I will answer some of the criticisms made in relation to this bill. Earlier the honourable member for Murray said that we should not follow the lead of Victoria and introduce a stamp duty. One prominent feature in relation to this matter is the High Court decision on excise taxes. We have all focused on things such as alcohol, tobacco and petrol taxes, but that High Court decision prohibits State governments from introducing any levy—based on a per head or per unit system—which could be interpreted as a new excise. We have been outlawed from introducing any per head levy at saleyards. We cannot do that legally. All the legal advice that has been given to us indicates that we cannot go down that path. Some of the legal advice that has been received indicates that some components of this legislation could be interpreted one way or another.

We must establish a voluntary fund and attempt to encourage producers to contribute to it. We will have the power to implement a compulsory fund if voluntary contributions do not meet the requirements of various national or State funding programs. I am confident that industry will support this approach and make voluntary contributions to meet the cost of this program. There is a strong commitment by industry to address this issue and to move towards eradicating ovine Johne's disease in New South Wales for the wellbeing of the individuals who are severely affected—in particular, the stud breeders referred to by the honourable member for Southern Highlands whose properties have been quarantined—and to preserve the image of our industry and our State.

We must demonstrate to the rest of the world that this problem is isolated and manageable. Ultimately, we will implement a program which will enable government and industry to work together to fund this eradication project. We still have some way to go. Concern was expressed earlier about the enzyme linked immunosorbent assay [ELISA] test. The honourable member for Southern Highlands has asked questions about the faecal test. The ELISA and faecal tests have not been rejected by the veterinary subcommittee of the Australian Animal Health Council. I will not become involved in whether or not we should lobby the Animal Health Council to approve these tests. In my view those matters should be determined by the committee on scientific grounds. The tests must be efficient and reliable and people must have confidence in the

results. It will take me a while to make appropriate representations to veterinarians. However, I am sure that that will not impact on the outcome of those judgments.

Scientific decisions must be made by the Animal Health Council. Honourable members are aware that the Elizabeth Macarthur Agricultural Institute and the Orange veterinary laboratory are attempting to improve this testing. Our ultimate goal is to test animals and to obtain results in a reasonable time frame. Until recently we could detect ovine Johne's disease only by performing an autopsy on infected animals. The animals are taken to a laboratory, an autopsy is carried out and the laboratory determines the cause of death. Those testing arrangements have been improved. We are proceeding in this area as quickly as we can, bearing in mind how slowly the scientific world works. These tests must be accredited by the Australian Animal Health Council. There is no room for criticism in that regard.

A number of other issues were raised in debate on this bill. Once the bill is passed the Government will sign the deed of agreement and New South Wales will then be part of the national program. I recognise the contribution of all honourable members to debate on the issue. Whilst I do not agree with everything that the honourable member for Southern Highlands said, she clearly highlighted the stress and pain being suffered by many sheep and wool producers in New South Wales after their sheep have been identified as having ovine Johne's disease. Some wool and sheep meat producers have been able to live with this problem after their properties have been quarantined.

However, stud breeders have had to shut their gates and have lost their income. The return that wool and sheep meat producers get for their wool and meat is minuscule compared to the return received by stud breeders. We must get this disease under control and eradicate it in the long term. I recognise the work done by many people who contributed to the formulation of this bill. I thank all honourable members for their contributions to debate on the bill. I will determine whether those matters raised in debate require a written response. I again thank Opposition members for supporting the bill and for facilitating its passage.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FOOD PRODUCTION (SAFETY) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of amendments referred to in message of 12 November

No. 1 Page 14, clause 19. Insert after line 8:

(6) A regulation establishing a food safety scheme in relation to a type or a class or description of primary produce intended for human consumption, other than meat, milk or milk products, does not take effect unless:

(a) the last day for giving notice of motion for a resolution to disallow the regulation in either House of Parliament has passed and no notice has been given in either House, or

(b) if notice of motion for a resolution to disallow the regulation has been given in either House of Parliament, the notice has lapsed or has been withdrawn or the motion has lapsed, been withdrawn or been defeated.

(7) If the circumstances described in subsection (6) (a) or (b) apply to a regulation referred to in that subsection, the day on which the regulation takes effect is:

(a) the day after the day referred to in subsection (6) (a) or the day after the lapsing, withdrawal or defeat referred to in subsection (6) (b), as the case requires, or

(b) if a later day is specified in the regulation for that purpose, on the later day so specified.

(8) Sections 39 (1) (b) and (2A) and 41 (2), (4), (5) and (7) of the Interpretation Act 1987 do not apply to a regulation referred to in subsection (6).

(9) In subsection (6):

(a) **milk** means milk from any animal, and

(b) **milk product** means any product in the production of which such milk is used or any substance produced from such milk is used.

No. 2 Page 25, clause 38, line 23. Insert "in an environmentally responsible manner" after "destroyed".

No. 3 Page 37. Insert after line 33:

68 Annual report

(1) In addition to any other requirements under any other law, Safe Food is to include in its

annual report under the Annual Reports (Statutory Bodies) Act 1984 the following matters, if known to Safe Food, relating to the period to which the annual report applies:

(a) the number of food safety schemes, and food safety programs under those schemes, implemented,

(b) the number of inspections or audits conducted to ensure compliance with food safety schemes and the level of compliance found,

(c) the number of recalls (whether voluntary or mandatory) of primary produce or seafood carried out,

(d) whether or not enforcement action has been taken following a finding that the Act or regulations have not been complied with or that certain primary produce or seafood has been found to be not safe for human consumption,

(e) whether any investigations have been conducted by Safe Food in relation to an outbreak of disease transmitted by primary produce or seafood.

(2) Safe Food is to ensure that:

(a) the copies of its annual report required to be kept under the Annual Reports (Statutory Bodies) Act 1984 to meet normal public demand are kept in a computer readable format as well as in a printed form, and

(b) if practicable, its annual report is made available in a searchable format on the Internet.

Legislative Council's amendments agreed to on motion by Mr Amery.

Resolution reported from Committee and report adopted.

Message sent to the Legislative Council advising it of the resolution.

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT (GAMING) BILL

Second Reading

Debate resumed from 17 November.

Mr GLACHAN (Albury) [12.30 p.m.]: The measures contained in this bill are timely. Although it was never the intention of the legislation, some people, seizing an opportunity to make money, have taken advantage of a loophole in the legislation and established shopfront casinos. This bill prevents the development of shopfront casinos. It is very important that should happen. All honourable members, and everyone in this State, would be concerned about the proliferation of gambling. We recognise it is an important source of income for the Government, but it has drawbacks and disadvantages for individuals and families.

It is interesting to consider the changes that have taken place in the hotel industry over the years. Many years ago the licensing of liquor outlets created a monopoly, and those licences became a valuable trading commodity. There is concern in my electorate about the trade in licences. For many years in the little village of Tooma, in the upper Murray, the local hotel has been the gathering place for the community. Recently the hotel owner was offered a large sum of money to sell the hotel licence. The owner, who has never made a great profit from the hotel, grabbed the opportunity. One cannot blame the owner for that. The business was not making much money and the owner had a chance to get enough money to buy a house or buy another business. That licence will move to Sydney and the community will lose its gathering place for social interaction.

Not much can be done about this sad situation. The community has protested to the Licensing Court, and the court will take those concerns into account. But business is business, and in the end I suppose the licence will go to Sydney. When considering other changes in the hotel industry, I believe that the requirements for licensees to live on hotel premises and for hotels to provide accommodation are no longer necessary. Now hotels serve alcohol and food, and gambling has become an important part of the industry. Some people have taken advantage of the legislation by establishing shopfront casinos. If the development of shopfront casinos were allowed to continue, some people would try to sell or lease them, or take some other advantage from them, which was never the intention of the legislation.

I remember the 6 o'clock closing time and the dreadful conditions that existed within hotels many years ago. In one hotel the public bar was a large room with a cement floor and a small bar in the corner. Between 4 o'clock and 6 o'clock it was jam-packed with people fighting to get to the bar to buy their drinks before closing time. A friend of mine said that the way the publican treated his patrons, he could just as well have put troughs along the wall and poured the beer out in buckets. Hotels have improved enormously, and patrons enjoy wonderful conditions in most hotels. Some of the big city

hotels that cater for specialist clients are magnificent. Generally the hotels are a credit to the State and it is a pleasure to patronise them. Hotels have changed dramatically from earlier years.

I reinforce the Opposition's support for this bill. It is timely that this bill should be introduced. I hope that the bill will be successful in preventing the tendency that has developed. Although we are in the last days of this Parliament, I am sure that this will not be the last time adjustments are made to the laws governing gambling and the consumption of alcohol. Human nature and weakness being as they are, people will continue to consume alcohol and gamble despite the enormous social cost and family and health problems associated with them. Parliaments of the future will have to make further adjustments as community standards and needs change. Because people will continue seeking business opportunities through the weaknesses of their fellow human beings, governments will have to step in and apply further controls. I support the bill and hope it has the desired effect.

Mr McBRIDE (The Entrance) [12.36 p.m.]: The introduction of this important bill is timely because an unintended situation has developed by people taking advantage of the system. This bill addresses that issue. The legislation allowing the introduction of poker machines into hotels was accompanied by specific provisions to ensure that the services traditionally offered by hotels were not eroded in the pursuit of the gaming dollar. A great deal of work went into devising a program for the introduction of poker machines into the hotel industry. That was done through a process of negotiation involving the hotel and club industries and other associated bodies. To his credit, the Minister for Gaming and Racing devised a proposal that balanced the needs of the hotel industry with issues involved in the club industry. To attain a fair balance is always difficult.

However, to the Minster's credit, all parties agreed to the proposal. Now we must deal with the people who are abusing the system—which regretfully always happens. Another important fact is that the Minister has acted so quickly on the development of shopfront casinos. We do not want unregulated, unsupervised gambling dens within our society. As the honourable member for Albury said, the community is concerned about the level of gambling. I congratulate the Minister on acting so quickly to introduce this bill. He has demonstrated a great command of the depth and breadth of his difficult portfolio. This is another example of good stewardship in his portfolio. He has identified the problem, come up with a solution and resolved the matter in the best interests of the whole community. I support the bill.

Mr SMALL (Murray) [12.39 p.m.]: I support the Liquor and Registered Clubs Legislation Amendment (Gaming) Bill. Like other honourable members, I believe that there is too much gambling at the present time. Many hotels were constructed during the early settlement of country towns. Many hotels were developed during the Cobb and Co. coach days as changeover stations for coaches and horses. At the turn of the century Deniliquin had approximately 28 hotels; today it has approximately eight hotels. The town still has a large number of licences, but nowhere near 28. However, some of the licences have been taken up by restaurants and the club industry: different purposes have been found for those liquor licences. I refer to the Liquor Amendment (Restaurants and Nightclubs) Bill, which is known as the "wine and dine bill". I thank the Minister for introducing that bill. It will help to overcome the problem of liquor licences being lost from country hotels.

Part (c) of the overview of this bill provides for a court to impose an additional fee on a hotelier's licence. To some extent that will be helpful, but it will not overcome a problem that I shall report to the House. I have had discussions with the Minister, who has been most helpful in trying to overcome these problems. I refer to hotel licences being sold off. In many cases small country hotels have had insufficient support from customers. The sale that brought matters to a head was the Royal Mail Hotel at Booroorban, halfway between Deniliquin and Hay. The Royal Mail Hotel and its licence were sold earlier this year. It did not bring a lot of money; perhaps $160,000 for the hotel. It is a lovely old building and a lot of money has been spent on its renovation. The liquor licence was the only thing of interest being purchased.

The people of that community, particularly Mary-Anne Butcher, a councillor of the Windouran Shire Council, were concerned that they were losing a local area where they had been able to hold meetings and where travellers could be accommodated. This hotel is an important identity for a rural-based farming group and the community was very concerned. With the assistance of the Minister and his officer, Jeremy Anderson, we looked at what could be done. Several meetings were held. The problem is that the purchasers of the licence sat on it. I understand that the licence was to come to Sydney so as to benefit from the Olympic Games. Quite a few licences throughout New South Wales have been purchased for that purpose in areas where they could be purchased relatively cheaply and brought to Sydney.

The Royal Mail Hotel in Booroorban was then left without a licence. However, the new owners of the hotel, Roger and Mrs Twist, cannot use the licence because they bought the hotel without the licence. The licence has not been purchased by another establishment. That has caused a great deal of difficulty in the local community. The Twist family wants to provide liquor in the restaurant. I hope that the Liquor Amendment (Restaurants and Nightclubs) Bill, introduced by the Minister several weeks ago, will allow a liquor licence to be sold in the restaurant, which is a separate area within that hotel building. I believe that will be beneficial.

The Hatfield Hotel, between Balranald and Ivanhoe, lost its licence several years ago. The licence of the Homebush Hotel, just out of Balranald, was going to be sold and the hotel closed down. However, a group of farmers located immediately around the building formed a syndicate and bought the licence so that they could keep it operating. Recently the liquor licence for the Coreen Hotel, between Urana and Corowa, was sold. We cannot blame the proprietors of those hotels for selling their licences. They are finding things tough; business has slipped away; farmers are facing difficulties; and there is not a high level of movement of people on those particular roads.

However, a void is left in the country area. My greatest concern—I realise this is not within the scope of the bill, but the Minister shares my concern—is that those liquor licences are being divorced from rural country areas and utilised in larger population areas such as Sydney to benefit from the Olympic Games. In the context of the Liquor Act and the licensing that has occurred over all these years, the clubs in many of our rural towns have been quite magnificent. That is not to detract from the hotel industry and the services and help it provides for sporting associations and the community. The clubs have provided facilities in most smaller country towns as an amenity for functions.

The improvements to the industry as a result of the Liquor Licensing Act, particularly in country areas, have been magnificent. Australians are great gamblers. If people are prepared to spend their money—and it is for a worthy cause, perhaps going to State funding for health, the resurrection of many of those buildings or better services—that is fine. At least it is being well utilised and I appreciate that. I support the bill. As a country member, I am concerned about the loss of liquor licences from hotels throughout New South Wales. I hope that the Liquor Amendment (Restaurants and Nightclubs) Bill, which has passed through the House, will help to overcome that situation.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.48 p.m.], in reply: I thank honourable members for their contributions to the debate on the Liquor Registered Clubs Legislation Amendment (Gaming) Bill. I thank the honourable member for Orange, who led for the Opposition. The honourable member for Barwon, the honourable member for Albury, the honourable member for Murray and the honourable member for Londonderry contributed to the debate. The contribution of the honourable member for The Entrance strikes at the heart of the concerns that he has had within the industry. He was one of the major motivators in trying to strike a balance in the Liquor and Registered Clubs Legislation Amendment (Community Partnership) Act, which passed through this House recently.

The honourable member for Fairfield appreciates that the Government was trying to achieve a balance. I can understand his distress about what has occurred in his area. As I said in the House the other night in response to private members' statements, unscrupulous people have tried to circumvent the will of the Parliament by operating shopfront gaming dens, causing problems for Fairfield council in particular. The bill will ensure that gaming machines do not predominate over the services and facilities offered by hotels. This relates to the definition of "primary purpose". The provisions are similar to those contained in the wine and dine bill passed recently.

The grant or removal of a hotelier's licence will be dependent on the satisfaction of the Licensing Court that the business to be conducted under the licence will be a bona fide hotel for the retail sale of liquor. The court will also need to be satisfied that the operation of gaming machines on the premises will not detract from the character of the hotel or from the enjoyment of patrons of the hotel who are not using gaming machines. Removal of licences was a concern of the honourable member for Murray. The bill does not contain the power to impose an additional fee when a licence is moved from the country to the city. The honourable member always seeks to be helpful. He faces particular problems in his electorate.

I assure him that this matter was examined in the development of the bill but it was not pursued in the face of opposition from the Australian Hotels Association, which said that some of its members may have been caused problems by some of the proposals. I am yet to be convinced of this. Some unfortunate people have bought hotels without making a considered business decision. Their only chance of getting out of the business is to sell the

hotel for what it is worth. It is a catch-22 situation. As the honourable member for Murray has highlighted, people have closed hotels and the licence has become dormant.

Diminishing populations have resulted in overlicensing in country centres. In one small country town of 1,570-odd people there are four hotel licences, four club licences, a bottle shop, and another hotel not far away at the railhead. The four hotels were probably enough in themselves. Who is to say who will stay in and who will get out? That is not the role of government. A RSL club with bowling greens was established after the war. Somebody decided that it would be a good idea to have a golf club and built one up the road rather than be involved with the RSL. There was a blue in the RSL and a separate bowling club was set up. There was already a little sports club, which had property value, so another sports club was built around the corner. All this was in the past 25 years.

Governments cannot legislate against stupidity. The town is now faced with a real dilemma. Such things have happened throughout country New South Wales. In Forbes, where I came out of my apprenticeship about 35 years ago, 11 of the 12 hotels that were there when I worked there 35 years ago are still operating. There are also larger clubs. The population in the area out from Forbes is dramatically lower. On one farm which was a very large holding there were 10 families. The property, owned by W. D. and H. O. Wills, would be supporting a couple of families these days. Overlicensing is an ongoing problem. I assure the honourable member that I will remain concerned about it. I want to consolidate the industry so that it will have a future, especially with clubs. I do not want to see small country towns lose vital sporting facilities.

Although the Government has been criticised, with poker machines it has introduced a tax-free threshold of $100,000, and a rate of only 1 per cent for the next $100,000. That effectively has saved probably 100 small country bowling and golf clubs. If they are sensible and go along with the whole-of-government approach to land tenure so that they can get some land equity—some of them could probably be sensibly combined without losing their identity—there will be some hope of retaining facilities.

The honourable member for Murray knows that the little towns he represents cannot afford to lose a golf club or a bowling club. In his electorate one club discounted alcohol and food to such an extent that the local country bowling and golf club was put out of business. People now have to drive 80 kilometres to Hay to play bowls or golf. That was a case of selfishness getting out of hand. I recently changed the legislation to deal with this problem. Clubs will also be able to operate as separate entities so that there will not be a double tax whammy.

As I said, I will keep the matter under review. The measures contained in the bill will go a long way toward preventing artificial devices to set up new gaming houses. The bill will deal with many of the concerns of the honourable member for Murray. If it does not, it can be reconsidered. The rewriting of the Liquor Act, which is scheduled for 1999, may be another avenue to rectify the problems. Fees for removal of licences from country areas to city areas will be considered at that time.

Last night the honourable member for Orange raised some points about problem gambling, which is a serious matter. I am sure that he raised the matter in the spirit of social concern, but the Opposition will have egg on its face if it makes an election issue out of gaming, where it is going and the social evils. Before I became gaming Minister nothing had been done in this State in regard to harm minimisation. I agree that everything is not perfect. It would be hypocritical for the Opposition to make an issue of it now. The Government has addressed many issues during its term in office. At present there is hysteria about all sorts of gambling. Most people in the community and most members of Parliament see gambling as a bit of enjoyment and a harmless pastime which provides important and lasting job opportunities.

Similar concerns were expressed during the term of the previous Minister, Anne Cohen. The only thing that has changed is the Government. There are economic and social benefits from gambling. From my background I know of issues of social concern. One could not but be devastated by the problems of a small but significant number of individuals and their families. But the alternative is illegal gambling. We should not be under the illusion that problems can be solved by prohibition. There is the example of the prohibition of alcohol in America. Prohibition could not stop the consumption of alcohol and it will not stop gambling. It is a matter of achieving balance in regulating something that is already there, and it is very difficult to overcome. The honourable member for Albury alluded to that.

Three strategies have been developed to implement the overall harm minimisation approach that I have pursued since I became the responsible Minister. The first strategy involves funding for a

range of research, education, counselling and treatment programs through the Casino Community Benefit Fund. I acknowledge the former Government established that fund under the legislation that was introduced to govern the running of the casino. The second strategy involves the fostering of individual industry initiatives. The club and hotel industries are now taking initiatives. That is long overdue and did not happen at the time I became the Minister. The third strategy involves ensuring the appropriate level of regulatory control. Funding has been, and continues to be, directed through the Casino Community Benefit Fund to problem gambling projects and services.

The funding was not available before the establishment of the casino, of course, and to date more than $11 million has been allocated for specific gambling research, education and counselling and treatment projects. It is ironic to note that the more money the Government sinks into problem gambling services, the more criticism it attracts for not doing enough. That was particularly so in the beginning when no funding was available. I am the first to acknowledge effective and dedicated problem gambling counsellors are providing a wonderful service to those unfortunate individuals who need counselling.

However, these days I am becoming concerned that anyone can set up shop, hang out a problem gambling counselling shingle and apply for government funding. An eminent person has informed me that few people who provide counselling to problem gamblers in this State have the requisite credentials to give that advice. Some have formal qualifications but many are former gambling addicts. I am not alone in expressing those concerns. An article in today's *Sydney Morning Herald* quoted Ms Marea Donnelly, a relative of a problem gambler. When giving evidence to the Productivity Commission yesterday she said:

> I also fear the gambling counselling service in NSW is on the verge of becoming an industry in its own right, with all the inherent conflicts of interest which can hinder any other business.

That statement is correct: A person who purported to be an expert had no formal qualifications in Australia and was merely a reformed gambling addict. However, that person operated on behalf of a rehabilitation centre in a private hospital and is now offering his services to the club industry. I will pursue that matter in my capacity as the responsible Minister. There seems to be an increasing trend for so-called gambling experts to sell their services to gambling operators. If that leads to more responsible practices being used by the operators it may be a good thing. However, I have serious doubts that it will.

That raises the potential for the conflict of interest to which Ms Donnelly alluded. Developments such as those in the bill will be continually monitored to ensure that the goal of minimising the harm associated with gambling does not get lost along the way. I will continue to ensure that gambling in this State is conducted in a responsible manner so as to preserve the public interest in the development of reforms and associated regulatory controls, to ensure that any abuse of the legislation is curtailed and to prevent irresponsible practices that may promote problem gambling.

Honourable members will also be aware that the Government has appointed the Independent Pricing and Regulatory Tribunal [IPART] to conduct an inquiry into the social impact of gaming in this State and gaming regulatory structures. The tribunal's report is due on 26 November. No doubt the inquiry will be complemented by the national inquiry into Australia's gambling industries being conducted by the Commonwealth Productivity Commission. It is to Mr Howard's credit that he has initiated that measure, after claiming for a prolonged period that it was a matter for the States. The mutuality concept of clubs and hotels is under severe strain when one remembers what happened yesterday at the Productivity Commission in relation to the Australian Hotels Association.

I am on record as supporting fully a mutuality concept if clubs do the right thing, as I indicated at the Registered Clubs Association conference in the Tweed and last weekend at the leagues club conference, which involved 60 leagues clubs from around the State. I support the mutuality concept and I will assist clubs in relation to it. Most clubs are doing the right thing and it is wrong to compare them with hotels. Clubs are for members and their guests. The initiatives that I have introduced in the past 3½ years to preserve that mutuality have been acknowledged.

The Government will await the finding of the IPART inquiry prior to finalising the implementation of the new strategies and programs currently under development. They will further enhance the measures put in place by the Government. Some people have chosen to do the wrong thing. The bill ensures that when a hotel licence has been granted, or the removal of a licence approved, the conduct of the business continues but could not be considered a business solely for the conduct of gaming. The bill

also contains a range of statute law provisions and minor amendments that are essential to make it workable. The amendments are in the interest of the community. They have also received the support of the industry. An article in the *Sydney Morning Herald* of 14 November stated:

> The amendments were welcomed by a spokesman for the NSW branch of the Australian Hotels Association.
>
> We believe the system has the potential to be abused by some people . . .
>
> We believe the primary business of a hotel should be being a hotel.

Obviously the Registered Clubs Association had every right to be appalled by what has happened. The honourable member for Albury was correct when he said this will not be the last time that liquor and gaming amendment bills are introduced into the Parliament; that is the nature of those industries. In conclusion, I thank my departmental officers and ministerial advisers who have worked hard to achieve the passage of this bill in the Government's heavy legislative program. I put on record my appreciation to Ms Jill Hennessy, director of policy and development, Ms Emma Wallhead, policy officer, and Ms Julie Allomes, senior policy officer. It is a miracle that the bill has been able to be introduced in this time span. If it does not work and endeavours are made to circumvent the will of the Parliament, another bill will be introduced to close any loopholes. I give that warning to those in the hotel and gaming industries who may try to evade the will of the Parliament.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[*Mr Acting-Speaker (Mr Clough) left the chair at 1.09 p.m. The House resumed at 2.15 p.m.*]

BILLS RETURNED

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

Workers Compensation Legislation Amendment (Dust Diseases and Other Matters) Bill

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

Local Government Amendment (Community Land Management) Bill

UNDER-AGE BOXING

Ministerial Statement

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [2.17 p.m.]: This Friday I will be attending the meeting of sport and recreation Ministers in Canberra, where I will put a plan to my Federal, State and Territory colleagues to review urgently the involvement of children under 16 in competitive boxing. At the very least, I believe that children under the age of 14 should not be able to compete in boxing events. There must be a uniform approach to under-age boxing. The Australian Medical Association also calls for a ban on under-age boxing. The Queensland President of the AMA, Dr Dana Wainwright, said that every blow to one's head causes a small haemorrhage in one's brain. These haemorrhages can accumulate, affecting the thinking processes and a person's co-ordination. This is the last thing that our children's bodies need.

This week the media has carried reports of bouts in Queensland between girls as young as 11, one bout ending after 45 seconds because one of the girls became frightened. Despite what people may think about adult boxing, I believe that competitive boxing can only offer children the possibility of permanent physical damage. Obviously boxing is a physically demanding sport. Advice from the New South Wales Institute of Sport indicates that children should be of sufficient maturity to understand the effects of competition boxing. As Minister for Sport and Recreation I believe I have an obligation to protect members of the community who sometimes are not in a position to protect themselves. I urge my colleagues on the opposite side of the House to offer bipartisan support to what I regard as a commonsense approach to this issue.

Mr HAZZARD (Wakehurst) [2.19 p.m.]: Obviously the Opposition supports the Government's concerns about under-age boxers. However, why is it that the Government responded only after a picture appeared in the *Daily Telegraph* of young girls boxing and possibly damaging themselves? Why does the Government have to be dragged kicking and screaming to make policies? The response from the Minister for Sport and Recreation is to look to her colleagues around the country. The New South Wales Boxing and Wrestling Control Act empowers the Minister to do something about this situation immediately. She could amend the Act to ban young children from boxing in New South Wales.

The Opposition is concerned that the Minister, unfortunately, has not been on the front foot in

consulting on boxing and sporting safety. She has followed her Premier's guidelines to avoid consultation with anyone in the industry. However, the coalition will consult with the boxing industry and come up with a solution on 28 March.

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, received from **Mr Brogden**, **Mr Merton**, **Ms Seaton** and **Mr Tink**.

Prince Henry Hospital Retirement Village and Nursing Home

Petition praying that a retirement village and nursing home be established at Prince Henry Hospital, received from **Mrs Grusovin**

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** and **Mr Phillips**.

Extended Police Powers and Sale of Knives

Petition praying that the sale of knives for unlawful purposes be prohibited and that police be given additional powers to search for illegal weapons, to question people in public places, and to disperse persons loitering or assembled in a public place, received from **Mr Humpherson**.

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**.

Gymea TAFE Carpentry and Joinery Relocation

Petition praying that relocation of carpentry and joinery classes from Gymea TAFE to Chullora TAFE be opposed, received from **Mr Phillips**.

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**.

Maitland and Cessnock Sydney Waste Dumping

Petition praying that the proposal to establish a mega waste management facility for the dumping of Sydney waste at the Bloomfield site near Maitland-Cessnock be rejected, received from **Mr Blackmore**, **Mr Mills** and **Mr Price**.

Cronulla Sewage Treatment Plant

Petition praying that the Cronulla sewage treatment plant be upgraded, received from **Mr Kerr**.

Faulconbridge Commuter Car Park Link Road

Petition praying that construction of a link road from Home Street to Faulconbridge railway station commuter car park be opposed, 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**.

Moore Park Passive Recreation

Petition praying that Moore Park be used for passive recreation after construction of the Eastern Distributor and that car parking not be permitted in Moore Park, received from **Ms Moore**.

Moore Park Light Rail System

Petition praying that a light rail public transport system be established to serve sporting venues and the Fox entertainment centre at Moore Park, received from **Ms Moore**.

Woolloomooloo Ferry Wharf

Petition praying that the Woolloomooloo wharf redevelopment project make provision for a ferry wharf, received from **Ms Moore**.

Kingfish Trapping

Petition praying that introduction of kingfish trapping be opposed, received from **Mr Martin**.

QUESTIONS WITHOUT NOTICE

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ELECTRICITY INDUSTRY PRIVATISATION

Mr COLLINS: My question without notice is to the Premier. Will he give an unequivocal guarantee that if he wins the March election he will not privatise the New South Wales electricity industry or introduce any leasing arrangement that amounts to backdoor privatisation?

Mr CARR: The Government has no interest in any special leasing arrangements, let me make that clear.

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

Mr CARR: It is no wonder the coalition is asking questions about our intentions in government after 27 March. The Leader of the Opposition inspires so much confidence in his parliamentary colleagues that one of them has invited me, as Premier, to perform a charity function in May next year.

[*Interruption*]

They want me to produce the invitation. I did not want to embarrass anyone, but if pressed I will ask one of my busy, diligent researchers to retrieve it from my office. One of their number has invited me, as Premier, to attend a function in May next year. The confidence the Leader of the Opposition expressed in his carefully crafted question is absolutely appropriate.

PAEDOPHILE INTERNET USE

Mrs BEAMER: My question without notice is to the Minister for Police. What is the Government doing to help catch paedophiles who use the Internet?

Mr WHELAN: Paedophiles are pure evil. Today I announce the introduction of two new weapons in the ongoing fight against child abuse: a new specialist police unit targeting child exploitation on the Internet and new laws to make it easier for police to charge people in possession of child pornography. In 1996 the Carr Government established the $8.6 million Child Protection Enforcement Agency, the CPEA, an agency recently described by FBI experts as knowing more about the investigation of sexual exploitation of children by paedophile rings than any law enforcement agency in the word. So evil are paedophiles that they employ the latest technology to prey on children.

Clearly, law enforcement agencies need to stay ahead of them. That is why the CPEA's latest weapon in the fight against paedophilia, a child exploitation Internet unit, will have three key aims: first, to gather intelligence on people who use the Internet for the sexual exploitation of children; second, to carry out covert operations targeting paedophile web sites and chat lines; and, third, and importantly, to join with specialist Internet child protection units from round the world to crack organised and international computer paedophile networks.

The establishment of the child exploitation Internet unit means that the worldwide web is tightening around these depraved creatures. A paedophile's next chat on a pornography web site could be with an undercover police officer. This new unit will consist of full-time specialist officers supported by CPEA investigators. It will also draw on additional support from the crime agency support unit and the organised crime strike force. Its establishment builds on the important work of recent CPEA operations named Featherstone and Cathedral. Featherstone was a pilot covert operation conducted between April and June of this year targeting Internet paedophilia. It gathered valuable intelligence on paedophile web sites, chat lines and pornography. It resulted in arrests in Marrickville, New South Wales, and the referral of several cases to overseas authorities for investigation. In fact, the permanent unit I have announced today is the result of the achievements of Operation Featherstone.

Under Operation Cathedral, in September the CPEA participated in a worldwide Internet operation with law enforcement agencies from 15 countries. The inquiry, named the Wonderland investigation, resulted in the seizure of child pornography in New South Wales and several countries around the world. I also announce today that police powers to snare people in possession of child pornography will be increased. Currently even examples of obvious child pornography must await formal classification by the Commonwealth Office of Film and Literature Classification, and that is not good enough. That is why the Crimes Act will be amended to ensure that police have the power to charge people found in possession of apparently prohibited child pornography prior to its classification.

This will ensure that police can, where appropriate, proceed to arrest and charge a person immediately. This is designed to end delays that police currently face in beginning proceedings against people engaged in child-related Internet crime. Today's announcements are the latest examples of the Government's unprecedented commitment to tightening child pornography laws and improving child protection in this State. The Carr Government has already increased penalties for publishing child pornography from $22,000 to a maximum of $220,000, and increased the gaol term from one to five years. We are determined to ensure that New South Wales has the toughest child protection laws in Australia. Child protection strategies used to be narrow and poorly defined and sadly lacking in resources, and inadequate time was allocated to complete investigations.

In stark contrast, the CPEA under the command of Superintendent John Heslop is staffed by dedicated, hard-working police whose record is without peer; indeed, as I indicated, it is recognised worldwide. The CPEA's record continues to impress. I am advised by Commander Heslop that only this morning his officers completed an operation that resulted in the arrest of a man for a staggering 151 counts of child sexual assault on more than 20 children. The man is due to appear in court today. The difficult nature of the task of those officers only adds to the significance of the initiatives I have outlined today, and I urge all members to give the CPEA the support it deserves and needs in its latest tactic to wipe out this heinous crime, to catch paedophiles and to protect our children.

DELTA ELECTRICITY DISCOUNTS

Mr PHILLIPS: My question without notice is to the Minister for Energy. Does the Minister approve of Delta Electricity offering cut-price power to ACT electricity and water at 40 per cent less than it is provided to New South Wales residents, exposing the company to potential losses of $200 million and forcing New South Wales residents to massively subsidise ACT power uses?

Mr DEBUS: I do not object to Delta Electricity's board taking commercial decisions, as is its responsibility.

COCKLE BAY WHARF DEVELOPMENT

Ms NORI: My question without notice is to the Minister for the Olympics. What are the latest developments in the Darling Harbour precinct and how do they fit into the overall plan for the area?

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

Mr KNIGHT: I commend the honourable member for her obvious interest in this important part of her great electorate. Honourable members would have noticed that progressively over the last few weeks a number of new restaurants have opened at Sydney's Darling Harbour as part of the new Cockle Bay wharf development. I take this opportunity to formally welcome the Cockle Bay development to the Darling Harbour precinct and the Darling Harbour family. I note the approval of the shadow minister for transport. The Cockle Bay wharf development will soon be recognised as Sydney's premier restaurant development. Just as Southgate and Southbank have transformed the eating habits of the citizens of Melbourne and Brisbane respectively, I am sure that the addition of so many of Australia's great restaurateurs to our city's premier leisure and entertainment precinct will mean that Darling Harbour is the place to visit in Sydney.

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

Mr KNIGHT: Just as importantly, the opening of the Cockle Bay development completes Darling Harbour's horseshoe around Cockle Bay and provides an important link to and from the city. This is the last major development to be undertaken in the precinct and ensures that the 1984 vision of Neville Wran for Darling Harbour to be used as a major cultural, leisure and business precinct by the people of Sydney as well as by tourists has been fulfilled. Of course, the whole of the Darling Harbour area stands as a powerful testament to the vision and commitment of delivering large scale projects by Labor governments. What we have done

stands in stark contrast to the record of the previous Government.

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

Mr KNIGHT: When the Darling Harbour authority wanted to construct an Imax theatre, the Leader of the Opposition said, "Don't quote me, it won't happen". Under the previous Liberal National Government, Darling Harbour was left to atrophy. That is not really surprising because the former Government opposed the project from the very beginning. During its reign, not one new development or attraction was undertaken at Darling Harbour. Members opposite hoped it would quietly die. It is not merely the fact that the previous Government did nothing to enhance and revitalise Sydney's premier waterfront development; through malice or incompetence, it prevented any new development occurring. It went out of its way to discourage business leaders in the community who wanted Darling Harbour to succeed. Almost every one of the new projects at Darling Harbour was rejected by the previous Government.

Mr Photios: Rubbish.

Mr SPEAKER: Order! I call the member for Ermington to order for the second time. I call the member for Georges River to order for the second time.

Mr KNIGHT: The honourable member should not say rubbish. At the opening of the Imax theatre Michael Photios came to me and said how embarrassed he was that a Liberal Government had never done any of those things. That is what he said. He was embarrassed to be a member of the Liberal Party.

[*Interruption*]

Mr SPEAKER: Order! The students of Sandy Beach Public School who are in the public gallery will not have been impressed by what they have just witnessed.

Mr KNIGHT: If the Leader of the Opposition puts his sunglasses back on people will know they are not to disturb him. The Government has approved many new developments at Darling Harbour which will ensure that it remains the focal point of Sydney throughout the next century. New developments include the world's largest cinema screen in the IMAX theatre; the Darling Walk entertainment complex, which contains Sega World; the $60 million refurbishment of the harbourside shopping complex; the $57 million expansion of the convention and exhibition centre to provide a new 1,000 seat auditorium and a new 1,000 person banquet room; an expansion of the Sydney Aquarium; and the new Cockle Bay wharf development.

Those developments will add immensely to the social and cultural life of this city and will also create jobs. For example, the opening of the Cockle Bay wharf created 400 construction job opportunities. The work on the convention centre expansion created 150 full-time positions. When Cockle Bay wharf is completely opened it will employ 1,000 people a day. Darling Harbour already employs more than 4,000 people. The Sydney Convention and Exhibition Centre alone contributes more than $200 million to the New South Wales economy each year.

Mr SPEAKER: Order! I call the honourable member for Ermington to order for the third time.

Mr KNIGHT: That is in stark contrast to the record of the Opposition. Anyone who has studied the history of this State throughout this century knows that if the people of New South Wales want any major project undertaken it will be done only by a Labor government. If it is required to be completed it will be completed by Labor. The facts speak for themselves.

Mr SPEAKER: Order! I call the honourable member for The Hills to order. I call the honourable member for Murrumbidgee to order. I call the honourable member for Baulkham Hills to order. I call the Deputy Leader of the Opposition to order. I call the honourable member for Vaucluse to order. I call the honourable member for Vaucluse to order for the second time.

Mr KNIGHT: Look at all the great projects! The Sydney Harbour Bridge was built by Labor; the Snowy Mountains scheme was built by Labor; the Sydney Opera House was built by Labor; the Sydney Harbour Tunnel was built by Labor.

Mr SPEAKER: Order! Today may be the last occasion on which some members have the opportunity to participate in question time. I suggest that they be on their best behaviour.

Mr KNIGHT: The $2.2 billion Pacific Highway upgrade will be completed by Labor, and the creation and completion of Darling Harbour was accomplished by Labor. The biggest building project of all, the Olympic construction project, once again is being undertaken only by Labor.

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

Mr KNIGHT: In the history of this State Labor governments have always undertaken the big tasks.

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

Mr KNIGHT: When the voters want something delivered they turn to the Labor Party.

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

LISMORE BASE HOSPITAL INTENSIVE CARE UNIT

Mr ARMSTRONG: My question without notice is directed to the Minister for Health. Will the intensive care unit at Lismore Base Hospital close at the end of January because of the lack of a director, meaning that there will be no qualified intensive care specialists between Newcastle and the Gold Coast? Under the Government's health care program who will look after those patients?

Dr REFSHAUGE: The Leader of the National Party has a burning interest in health issues, which is highlighted by the concerns expressed by a number of his colleagues. They have rung me and said that if he would just shut up things would get better. It seems as though the Leader of the National Party creates problems every time he opens his mouth.

[*Interruption*]

The honourable member for Coffs Harbour, on cue, asks about Coffs Harbour hospital. The previous Government had seven years within which to do something, but it did not build a thing.

[*Interruption*]

The honourable member for Myall Lakes said that the former Government built a hospital in Taree. The former Government did not build that hospital; the present Government is building that hospital. The Leader of the National Party made reference to the intensive care unit at Lismore Base Hospital. He got it wrong. A number of intensive care units are to be found between Newcastle and the Gold Coast. If he had visited some of those units he would know that good quality services are being provided at a number of hospitals. Those hospitals provide regular care for people needing intensive care, either through emergency services, or as a direct result of complex operations requiring intensive care.

Those intensive care units work very well. I do not know why the Leader of the National Party wants to downgrade those hospitals. Perhaps it is a new Opposition policy. All honourable members know that the Leader of the National Party wants to turn back the Clarence River and bring water from Papua New Guinea into Australia. This must be another Opposition policy, just as it has a new policy for Tweed hospital. We have almost reached the stage where people are being advised not to call an ambulance when they have a sick child. The next thing that will happen will be the charge for—

Mr Armstrong: Point of order: This fairly obvious point of order relates to relevance. My question referred specifically to a director for the intensive care unit at Lismore Base Hospital. That has nothing to do with the ramblings of this insensitive Minister for Health.

Dr REFSHAUGE: I know that the Leader of the Opposition wants to put on his sunglasses. Like the Leader of the Opposition, I too will put on sunglasses so he cannot direct any remarks to me. I am talking about the failure of the Leader of the National Party—

[*Interruption*]

The Leader of the Opposition, who is interjecting, closed 5,000 hospital beds. He privatised Port Macquarie hospital and other hospitals.

Mr SPEAKER: Order! The Chair is aware that the Minister finds it difficult not to respond to interjections. However, I ask him to return to the substance of the answer.

Dr REFSHAUGE: The Government must provide incentives for doctors to work in country areas. It must persuade doctors who are already there to stay and it must encourage other doctors to practice in country areas. The Government is providing leadership—

Mrs Skinner: You have cut budgets.

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

Dr REFSHAUGE: The honourable member for North Shore claims the Government has cut the

budgets of country hospitals. The Government has allocated an additional $300 million to hospitals in rural areas, bringing the total budget to $1 billion. The other day the Deputy Leader of the Opposition, who hopes to be Treasurer if the Opposition were ever elevated to office, said that a coalition government would provide no more money for hospitals. The honourable member for North Shore said that a coalition government would also privatise public hospitals. The Government is trying to get doctors, health professionals and intensive care specialists to work in country areas. The Government has increased funding for rural areas to a record level of $1.05 billion.

Mr Armstrong: Why can't you find the money for the nurses?

Dr REFSHAUGE: I thank the Leader of the National Party for his interjection. The Government is providing more money for nurses; it is giving them a pay rise. Honourable members will remember the Leader of the Opposition saying that we have spent more money on public servants, such as nurses, doctors and police. The Opposition does not want nurses to be given pay rises.

Mr Markham: It will rescind them.

Dr REFSHAUGE: Yes, it will rescind them. This Government is also providing leadership at the national level through the Rural Work Force Advisory Committee, which was set up at my first meeting with health Ministers. Not surprisingly, the New South Wales Government, one of the few Labor governments in Australia for many years—

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

Dr REFSHAUGE: Now there are Labor governments in Queensland and Tasmania. The Government provides leadership because Labor cares for the bush.

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

Dr REFSHAUGE: The Government has provided an extra $2 million for its rural work force strategy. It has worked with colleges to establish training positions for medical specialists in country areas, so that after gaining experience in the rural areas it is hoped that they will take on country practices. The Government has also provided 20 scholarships and 50 clinical placement grants for students from the bush or students who have a specific interest in the bush to study in Sydney, Newcastle or the Illawarra and then undertake work in rural areas. It has provided a pilot locum service for specialists in obstetrics and gynaecology and continuing medical education grants for rural physicians, including paediatricians. The Government is delivering to the bush.

Mrs Skinner: Point of order: Honourable members are waiting for the answer to the question about the intensive care service at Lismore hospital. Will the Minister explain what he will do to enable the people of Lismore to get intensive care?

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

Dr REFSHAUGE: The Government has worked and continues to work extremely hard to bring more specialists to the bush. The honourable member for North Shore wants to be able to go to Jewel's or Franklins, pick intensive care specialists off the shelf in aisle three, and pay 2/6 for them at the checkout. Jewel's and Franklins do not stock intensive care specialists. They require long-term training and experience. The honourable member for North Shore has no answers or policies, and because of that she will stay the shadow minister for health. The Government is working with the health professions and the hospitals to ensure that every vacant position is filled as soon as possible.

MURRAY-DARLING BASIN WATER MANAGEMENT

Mr BECKROGE: My question without notice is addressed to the Minister for Land and Water Conservation. What is the latest information regarding water issues in the Murray-Darling Basin?

Mr AMERY: I thank the honourable member for Broken Hill for what may well be his last question in this House. I hope it is not. However, if it is his last question, I am sure honourable members on both sides of the House will join me in wishing him all the best in his retirement. I congratulate him on being such a great warrior for his western division electorate. I will respond to the question asked by the honourable member for Broken Hill. However, there will be no need for me to respond to a policy document from the Opposition on water management because I have been unable to find any trace of one.

The Minister for the Environment and I will attend a meeting of the ministerial council of the

Murray-Darling Basin Commission [MDBC] in Adelaide on Friday. The MDBC is a partnership between New South Wales, Victoria, Queensland, South Australia and the Commonwealth Government which is aimed at co-ordinating effective planning and management for the sustainable use of water, land and other resources within the basin. Members of the Opposition are a duty-bound group. They think because I am wearing clear glasses they do not have to interrupt me.

Mr Tink: If you had a clear brain we would be tempted to.

Mr AMERY: There are no second prizes. The honourable member for Eastwood is the booby prize. Opposition members can interrupt me, my glasses are clear. One of the main issues on the ministerial council's agenda this week is the implementation of the so-called MDBC cap, which limits water extractions at the 1993-94 level of development.

Mr Armstrong: For one year.

Mr AMERY: It was initially for one year. The Leader of the National Party should realise that the MDBC cap is an instrument of five governments, not merely of the New South Wales Government. The implementation of that policy followed an audit of water use in the basin which revealed serious concerns about the health of the rivers and the impact of potential future growth. The Government remains committed to the MDBC cap. It agrees that the cap is an essential first step in establishing management systems to achieve healthy rivers and sustainable industry development. The cap is an important benchmark and is a monitoring tool that will continue to be used in New South Wales.

Because the cap is a fairly new concept, all States involved are grappling with its meaning. New South Wales has been criticised in some quarters for implementing the cap too rigorously compared with other States, despite getting a clean bill of health from the MDBC audit from time to time. However, so far New South Wales is the only State that has clearly defined its meaning for each valley. It has put a great deal of effort into developing the concept of climatic adjustment in relation to the cap and has negotiated water volumes with users. By contrast, Queensland is nowhere near finalising its cap arrangements and Victoria is still developing its climatic adjustments.

On Friday the New South Wales Government will ask the ministerial council meeting to take a different approach to water management. The Government wants to shift the focus of water management away from the current approach of judging a State's performance each year against numerical targets. It wants to move towards a focus on achieving significant environmental outcomes in the basin over the longer term. To the farmer on the land that means that in some individual years New South Wales and other States could exceed the cap. However, over the longer term there would still be a net gain for the environment and the overall health of the basin. The performance criteria against which compliance with the cap is currently assessed are contained in schedule F of the MDBC agreement. That is the schedule the Government will seek to have changed.

The change will allow for an assessment against a rolling average instead of strict yearly assessments. There will always be a need to manage and control the ever-increasing extractions from the basin. That will not only protect the health of the environment but will also protect the rights and long-term sustainability of water users. The Government is pushing for the change following consultation carried out in country areas by the Director-General of the Department of Land and Water Conservation during the past two months. The proposed approach is far more consistent with the way water is managed generally in New South Wales.

Under the water reform package that is now in place in New South Wales, the community participation model is delivering tangible outcomes. In 1998-99 environmental flow rules have been implemented for all regulated rivers and the Barwon-Darling. Water trading is also being freed up so that the market can allocate water between users. The Government is funding projects, such as a feasibility study into the future management of the Menindee Lakes, that are aimed at identifying water use efficiency savings. There is a $25.6 million structural adjustment package to assist irrigated agriculture to improve its water use efficiency. In conclusion I add one further point which relates to the Great Artesian Basin. A draft strategic management plan for the Great Artesian Basin—the largest in the world—is being launched.

[*Interruption*]

The Minister for Transport interjects. No, this has nothing to do with the National Party policy of getting water from New Guinea which runs down into a subterranean belt, flows under the ocean and bubbles up somewhere in the Murray Darling Basin. I understand that is one of the loopy policies of the Leader of the National Party. Unfortunately, I have

to deal only with the water in Australia. Perhaps we will be hamstrung in the coming election campaign in dealing only with the rivers and water in this country. The Government will launch that strategy on Friday at the ministerial council meeting. This plan identifies that we can save up to 95 per cent of the water that is currently being wasted by capping the bores and piping the water. The Government is pleased to support this 15-year program.

We will continue to work co-operatively with land-holders and other government interests. Again, this plan is consistent with the Carr Government's approach to managing water, which strengthens the equitable sharing of water among all users. It is in total contrast to the ad hoc approach taken by the coalition when it was in government and its loopy policies since it has been in opposition. Again, I thank the honourable member for Broken Hill for his keen interest in water management issues within the Murray-Darling Basin.

GROUP HOMES SUPERVISION

Mr HUMPHERSON: My question is to the Minister for Community Services. Will the Minister explain what supervision standards existed at a Wheeler Heights group home, where a 30-year-old woman with an intellectual disability who needed help to feed herself died recently after choking on her food?

Mrs LO PO': I am indeed sorry to hear that somebody died in one of our group homes. If the honourable member wants to raise this issue with me I will give him every assistance. When we start using the deaths of people with disabilities as a political issue we are scraping the bottom of the barrel. If I can give the honourable member any assistance, I will, but I have to say his question on this issue comes from the gutter.

KERBSIDE RECYCLING

Mr THOMPSON: My question without notice is to the Minister for the Environment. What is the Government doing in partnership with local councils to ensure the future of kerbside recycling?

Ms ALLAN: I thank the honourable member for Rockdale for his very pertinent question as to the future of kerbside recycling in New South Wales. I note that despite the large participation of sawmillers in the gallery this afternoon, no questions have been asked today about forests. I am not quite sure why, but I believe we will find out later this evening in the upper House. As of today a further $766,523 will be allocated to 17 New South Wales local councils as a means of short-term financial support for their kerbside recycling services. In April this year I informed the House that the Government would make available $8 million over the next two years as part of the kerbside assistance scheme.

The scheme had two components: a rescue package and a structural improvement program. I can assure the House that $680,000 has already been allocated from this scheme to waste board projects, leaving a balance of just over $5.32 million for the remainder of the financial year and a further $2 million for the next financial year. Seventeen councils will receive this money, and the majority of those councils are in rural New South Wales. That is another big tick for the Government when it comes to our rural constituency. Honourable members opposite will be heartened to know that the Government is concerned about the financial constraints being experienced by some local councils and it is helping them out.

For example, Warringah Shire Council will receive $139,000; Drummoyne, $60,000, despite the representations of its local member, which have been non-existent on this issue; Marrickville, $8,000; Lane Cove, $9,400; and Rockdale, $150,000. As a result of representations from the honourable member for Hawkesbury, Hawkesbury City Council will receive $35,000; Tamworth, over $100,000; Bellingen, $10,000; Cowra, $16,500; Gilgandra, almost $3,000; Gunnedah, almost $14,000; Kiama, $28,000; Mudgee, $11,800; Temora, almost $3,000; Yarralumla, $17,300; and Young, $35,000. That is a result of representations from the former member for Burrinjuck.

When I wrote to councils earlier this year seeking submissions from them for rescue funds I discovered that 34 funding applications had been made. This decision has not been made solely by Government. We established a committee with representatives of the Shires Association, the Local Government Association, the State Waste Advisory Council, the waste boards and the Environment Protection Authority. It is as a result of the recommendations of that committee that these moneys have been forthcoming. This rescue package will be followed by structural reforms of the kerbside system.

The Government appreciates that this is the longer-term solution to the problems being experienced at the kerbside, and will ensure the continued viability of that system. It is going to continue to help councils make the structural changes to their recycling systems. We appreciate their problems, and even though we are not the

cause of the problems we have a responsibility to assist them. For those members who are not aware of recent weaknesses in the Asian market due to the broader economic downturn, they have limited the opportunity for the export of surplus recyclables and continued to place downward pressure on the prices being paid for kerbside recyclables.

That is why this money is becoming available. That is why, despite the demand for plastics, glass, paper and other materials collected from the kerbside remaining strong, we still need to provide these financial packages to ensure that the system survives. I note that honourable members opposite do not share the Government's concern about this issue. Nevertheless, because this is an issue that local government and the community feel very strongly about, the Government has acted not only to solve the short-term problems in kerbside recycling, but also to address the long-term problems.

SYDNEY WATER SUPPLY CONTAMINATION

Mr HARTCHER: My question is to the Minister for Urban Affairs and Planning. What is the Minister's response to the launch today of a book on the Sydney water crisis by John Archer, the head of Australian Water Consumers, which claims that the Minister ignored the emerging cryptosporidium threat for two years, given that when Mr Archer launched a book on the threat to Sydney's water two years ago the Minister said it was scaremongering?

Mr KNOWLES: It is an extraordinary return to the scene of the crime by the honourable member for Gosford when we revisit who knew about what in relation to cryptosporidium and giardia. In the middle of the water crisis the Leader of the Opposition, who must have been wearing his sunglasses, did not know and did not want to.

Mr Carr: Are you referring to The Leader?

Mr KNOWLES: The Leader did not want to know, or said he did not know, about the existence of cryptosporidium and giardia. The public record is clear that since 1989 the coalition Government strategically constructed a case to build the water filtration plants around its knowledge of cryptosporidium and giardia.

Mr SPEAKER: Order! I call the honourable member for Vaucluse to order for the third time.

Mr KNOWLES: The coalition Government made the point that without the crucial water filtration plants we would not be able to deal with the problems of cryptosporidium and giardia. It even went to the extent of saying that the water filtration plants would remove 99.9 per cent of cryptosporidium and giardia. The only thing it failed to do was put the requirement in the contract. Who did that? The Leader. The coalition Government also adopted 1980 drinking water standards—15 years out of date—that did not require testing for cryptosporidium and giardia.

Mr SPEAKER: Order! I remind the honourable member for Ermington that he is on three calls to order. If he again interrupts the member with the call during the remainder of the session, I will ask the Serjeant-at-Arms to remove him from the Chamber.

Mr KNOWLES: This is Mr Archer's third book on the subject. He is well known for his position on these issues. He is well published. He has had access to the McClellan inquiry and has been interviewed by the inquiry. As far as I am concerned that is the appropriate place for Mr Archer and others to air their views about issues relating to the water contamination incident.

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

Mr KNOWLES: The Government continues to endorse the findings of McClellan. That is the appropriate and proper way to deal with the water contamination incident that we have been through. Mr Archer and others should take their views, concerns and beliefs to that inquiry for proper consideration.

COMMONWEALTH DENTAL HEALTH PROGRAM

Mr TRIPODI: My question is to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. How is the abolition of the Commonwealth dental health program affecting New South Wales families?

Dr REFSHAUGE: I thank the honourable member for Fairfield for his interest in this matter and his commitment to letting people know about the disastrous cuts to the dental health program by the Commonwealth Government. John Howard's decision to axe the program has hurt people across this State. It has been devastating. The impact of this destructive move is much greater than the Howard Government would have us believe. The effects run deep and they are extremely distressing. We are now facing a widespread impact not only on our economy but also on our communities, on the

health of our families, on the self-esteem of thousands of our most vulnerable people, and on the jobs of our health professionals.

New South Wales has lost a staggering $95.4 million since the Howard Government axed the program. That figure alone cannot paint the true picture of the effect on New South Wales families and the loss of hundreds of New South Wales jobs. This State has lost almost half its dental health budget. A few strokes of a red pen through the budget papers by Peter Costello and John Howard do not acknowledge the pain thousands of people are now suffering because they cannot get basic care following John Howard's axing of the program.

During 1997-98 some 270,500 patients across New South Wales would have received dental care if the Commonwealth dental program continued. Because it was axed, they missed out on that care. The people are still waiting for treatment because most of our dental clinics are now able to provide only relief of pain and emergency services. Some patients suffer serious mouth disease, nutritional problems and lowered self-esteem caused by their dental problems. Many of them are among the most disadvantaged in our community—the elderly, pensioners and social security beneficiaries. Many are in growth areas and regional and rural New South Wales.

What are members opposite doing about this problem? What is the Leader of the National Party doing to lobby his colleagues in the Howard Government to restore the dental program? His electorate partly covers the greater Murray area, where 13,500 patients did not receive treatment because of the cut to the Commonwealth dental health program. The loss of the program has slashed 37 per cent of funding from the greater Murray budget, with the loss of a dental officer and a dental assistant at Albury clinic.

The honourable member for Gosford has not spoken on the issue except to say that the Commonwealth has got it right. It has not. On the central coast 11,000 patients missed out on treatment because the honourable member for Gosford would not stand up to his colleagues in Canberra. He may go back to his drug squad mate and plot against his leader but at least he should stand up for the patients in his electorate who need dental care. He will not even talk to Federal members about it.

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

Dr REFSHAUGE: In the New England area 8,500 patients missed out on the treatment they needed because of the loss of the Commonwealth dental program. What did the honourable member for Northern Tablelands do? At least he had the decency to write to me about the patients who were missing out. Unfortunately, he did not write to his Federal colleagues asking that the Commonwealth dental program be restored. As a result, the Tenterfield dental clinic has closed. The operation of the Inverell clinic has been reduced from three days a week to one day a week. Operation of the Glen Innes clinic has been reduced from five mornings a week to one day a month. Officers at the Armidale dental clinic have been reduced from two to one.

What happened in Coffs Harbour? The honourable member for Coffs Harbour did not mention this problem to his Federal colleagues. He did not stick up for patients who needed dental care. They are now missing out because of the cuts to the Commonwealth dental program. Some 14,500 patients would have been treated at Coffs Harbour had the Commonwealth dental program continued. The honourable member for Coffs Harbour did not even take the matter up with his Federal colleagues. He rolled over because he does not have the guts to stand up against the Federal Government for his constituents.

The New South Wales Labor Government did stand up and fight for dental patients in New South Wales. I must admit that the Victorian Liberal Government did so as well—not the Liberals here but the Liberals in Victoria. The New South Wales Labor Government, the Victorian Liberal Government and the Queensland National Party Government stood up for dental patients but the Liberals and Nationals in New South Wales just said, "John Howard, cut the health budget and cut the dental program." All the dental patients waiting for treatment know that coalition members did not stand up for them. But they know that we did. The Commonwealth dental program should be restored.

Questions without notice concluded.

CONSIDERATION OF URGENT MOTION

Law and Order

Mr COLLINS (Willoughby—Leader of the Opposition) [3.20 p.m.]: This motion is urgent because almost four years ago Labor was elected to office on a promise to be tough on the causes of crime. Government members walk away from their embarrassment, spilling water as they go, as one would expect from a Government that is leaking. The Premier promised hundreds of new police, faster response times, tough anti-gang laws, mandatory life sentences for drug dealers and no more police station closures. It hurts, I know.

Mr McManus: Point of order: As the Leader of the Opposition well knows, he must not enter into the debate but must explain to the House why his motion is urgent.

Mr SPEAKER: Order! I have not heard sufficient to enable me to rule on the point of order. The Leader of the Opposition may continue.

Mr COLLINS: The matter is urgent because when it comes to law and order in these dying days of the Fifty-first Parliament the people of New South Wales understand that they cannot trust the Premier. The Premier promised more police. The matter is urgent because almost four years later police are losing the paperwork war, response times have blown out 400 per cent, police stations have been reduced, in many cases to shopfronts, and patrol numbers are hidden from police. Budget papers show there will be fewer police in March 1999 than there were this time last year.

The matter is urgent because everyone in the Parliament knows that the Premier keeps breaking his promises. They remember that the Premier promised harsher penalties, but the Government has not delivered. In these dying days of the Fifty-first Parliament the Government has a chance to deliver. But it will go to the election without delivering this promise—a core pledge given to the people of New South Wales in tatters on the floor of this Parliament. Almost four years later, no drug dealers have gone to gaol for life. Kevin Crump is counting the days until his release. This is where it really hurts the Government.

Mr McManus: Point of order: Once again I raise the same point of order. The Leader of the Opposition continues to debate the issue rather than state why the motion is urgent.

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

Mr COLLINS: This Parliament has before it a bill that could keep Kevin Crump in gaol for the term of his natural life. That is why the motion is urgent. The Government is prepared to allow this sadistic murderer to be released; he is headed for parole under the Carr Government. The matter is urgent because knife criminals in this State face the same penalty as bookworms caught damaging library books. The Government keeps breaking its promises. The matter is urgent because after four years drug confiscation is down 40 per cent despite increases in Commonwealth drug funding. The Government is always complaining that it does not receive enough money from the Commonwealth. It has received an increase in Commonwealth funding to step up the war against drugs, yet drug arrests have been halved from 724 to 337 and drug charges have dropped by 60 per cent.

The Premier wanted softer marijuana laws, the Australian Capital Territory heroin trial and free shooting galleries. There is a litany of reasons for debating this motion now, before the parliamentary recess. If members of the community are entitled to one thing it is their personal safety. They deserve to have the menace of crime removed from them. They deserve to have the streets of Sydney and every town in New South Wales returned to them. That is why this motion must be debated this afternoon. Honourable members opposite have done everything to duck and weave through this issue. Nothing is more urgent than a Government firming its resolve to stamp out crime. [*Time expired.*]

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

The House divided.

Ayes, 44

Mr 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 Collins	Mr Richardson
Mr Cruickshank	Mr Rixon
Mr Debnam	Mr Schipp
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Hazzard	Mr Souris
Mr Humpherson	Mrs Stone
Mr Jeffery	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kerr	Mr R. W. Turner
Mr Kinross	Mr Windsor
Mr MacCarthy	
Dr Macdonald	*Tellers,*
Mr Merton	Mr Fraser
Ms Moore	Mr Smith

Noes, 46

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 Carr	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 Iemma	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Woods
Mr Lynch	Mr Yeadon
Mr McBride	
Mr McManus	*Tellers,*
Mr Markham	Mr Beckroge
Mr Martin	Mr Thompson

Pairs

Mr Peacocke	Mr Clough
Mr Rozzoli	Mr Gibson

Question so resolved in the negative.

QUESTIONS WITHOUT NOTICE

Supplementary Answer

LISMORE BASE HOSPITAL INTENSIVE CARE UNIT

Dr REFSHAUGE: Earlier today I was asked a question about the intensive care unit at Lismore. I am advised that the director of the Lismore intensive care unit has resigned. I am also advised that the area health service is currently processing applications received to fill the position. The position will be filled as quickly as possible. The claim of the Leader of the National Party that the unit will be closed is simply wrong. It will not be closed. Once again he has been caught out scaremongering. No wonder he and his party are in such deep trouble in rural New South Wales.

MINISTER FOR REGIONAL DEVELOPMENT, AND MINISTER FOR RURAL AFFAIRS

Motion of Censure

Mr ARMSTRONG (Lachlan—Leader of the National Party) [3.33 p.m.]: I move:

> That this House censures the Minister for Regional Development, and Minister for Rural Affairs for his failure to rectify the anti-rural bias of the Government and his failure to prevent the implementation of Labor Government policies which have crippled vital primary industries and blighted small business in rural and regional New South Wales.

The Minister for Regional Development, and Minister for Rural Affairs should apologise today to the people of regional and rural New South Wales for his abject failure to turn his rhetoric into reality. If the Minister's hype could be turned into cash, no farmer, no logger, no countrywoman, no country child would ever know poverty again. Sadly, though, that will not happen. The Minister will continue with his pretence that he is actually achieving something for regional and rural New South Wales when the opposite is the case. This is the man who said when he entered State Parliament, "Bob Carr is no friend of mine," but who has since demonstrated his grovelling faith in his leader by supporting every piece of environmental legislation that the Government has designed to appease the Greens and penalise the farmer.

This is the Minister who has more offices than the Prime Minister and fills them with Labor lackeys. This is the Minister who boasts about job creation in the bush but has failed abysmally on that score. Just recently the Minister for Agriculture declared that five abattoirs in New South Wales will close in the future. How many jobs will go on the scrap heap? How many country families will suffer? What is the Minister doing to cushion the dramatic effect of rural job losses? His answer is to try out speech No. 23, which was written for him and which he has to read word for word because the Government cannot trust him to say the right thing.

This is the Minister who has looked on while rural and regional New South Wales have been dismembered by the withdrawal of government services and support, the alarming deterioration in country road conditions, the accelerating decline in country health services, the frightening loss of respect for law and order, and the serious depletion of police numbers in country districts. The Minister's role is to enhance regional and rural New South Wales, to help create a climate to encourage growth and development, and generally to improve the lifestyle of those who do not enjoy the comforts afforded to city dwellers.

Let me spell out the Minister's record on health. Carcoar hospital closed; the promises to reopen Wallsend hospital and to establish an emergency unit at Woolgoolga hospital were broken; rural health services were slashed, including the delaying of construction of West Wyalong and Coffs

Harbour hospitals; and new X-ray facilities for Cowra and Narrandera hospitals and a multifunction centre at Lake Cargelligo were deferred. In capital works the Labor Party's promises to build a Queanbeyan ring road and a Queanbeyan by-pass were abandoned; the drought freight subsidy scheme was dumped; country roadworks financing was sacrificed to help pay for $4.26 billion worth of promises for city roads; rural Roads and Traffic Authority staffing was cut; a promise to build a new primary and infants school at Ashtonfield was broken; Marulan South primary school was closed; a promise for a new police and emergency centre at Murwillumbah was broken; and $400 million was spent on a new sewage tunnel whilst nothing was done to improve sewerage works around Wallis Lake.

At the same time that the Government was breaking all those promises the country water, sewerage and drainage program, worth $86 million under the previous Government, which reduced the time that 300 towns and villages will have to wait for an adequate water and sewerage system from 14 years to nine years, under this Minister has blown out again to 14 years. The Labor Government has broken a promise to establish an ambulance station at South West Rocks and a police anti-theft squad at Orange. Workers compensation and CTP green slip charges have skyrocketed, dealing a heavy blow to job prospects across regional New South Wales.

Unfair dismissal laws combine to depress the job market. The Minister for Regional Development went along with all of this. He was an accomplice as State Cabinet set about implementing its city bias—at huge cost to the bush. What has the Minister done about workers compensation? There is no doubt in the world that the question most asked by country small business and by people who may be contemplating decentralising or establishing themselves in rural New South Wales is: What are you going to do about the cost and implementation of workers compensation in this State?

I understand that only last week the Premier of Victoria was ringing country industry in New South Wales, particularly in the central west and the north-west of the State, to encourage it to move to Victoria. One of his major selling points was the strangulation of industry by the Labor Government's workers compensation administration in the State of New South Wales. He said, "Come to Victoria and we will give you a better deal." This is a serious indictment of the Minister for his failure to do something for regional and rural New South Wales. The present debate about the timber industry in New South Wales highlights the weakness of the Minister, who, when he was campaigning to enter State Parliament, said his solid promise was to secure timber jobs. He has now betrayed that promise.

The Minister's support for the Forestry and National Park Estate Bill is the ultimate stab in the back for timber workers who were foolish enough to believe him when he said he wanted to secure their jobs. Timber workers now face the prospect of being locked out of their forests because of a renewed campaign by conservationists angry that all their insatiable demands were not met. There is no better example of the failure of the Minister for Regional Development, and Minister for Rural Affairs than the example of Hay. When the honourable member for Clarence became the Minister for Regional Development in December 1997 the town of Hay was working on an idea for its future, not a wild dream, not a daydream, but a brilliant idea. The Hay Shearers Hall of Fame will be a working museum of the wool and shearing industries based on Hay's heritage as the wool centre of Australia.

The town of Hay needs this project. There is no more suitable place than Hay in terms of its long association with the shearing industry to be host to the hall of fame. The town and district have suffered rural recession. Declining farm incomes have impacted particularly on employment opportunities for young people in Hay. The collapse of the Ravensworth feedlot, the town's major employer, has cost the town millions of dollars and put further pressure on Hay Shire Council to find replacement industries. Hay came to the Government and the Opposition looking for support for the project. Let us consider the responses. As the Leader of the National Party I travelled to Hay to inspect the project. I met with the Shearers Hall of Fame committee and the business people of the town. I met with parents who wanted jobs for their teenagers. I met with Hay Shire Council.

I met with the honourable member for Murray, Mr Jim Small. I believed the project could work. I lobbied both the Minister for Regional Development, and Minister for Rural Affairs and the Federal coalition. After months of lobbying, the Minister managed to find a paltry $5,000 for the Shearers Hall of Fame to do a business study. But the Federal coalition, through the Federation Fund, has given the project $4.66 million. The Federal coalition recognised the need and has delivered the money. The Minister for Regional Development delivered only $5,000 and a heap of rhetoric. Let us hear that again: funding for a project that is obviously an ideal State-Federal co-operative venture that would provide 40 jobs was given $4.66 million from the

Federal coalition but only $5,000 from the Minister for Regional Development, the pride and glory of the Carr Labor Government, the so-called Minister for the bush.

On my mathematics the State contribution to the Shearers Hall of Fame is less than a quarter of 1 per cent of the Federal contribution. Yet the Shearers Hall of Fame project was taken to the Minister for Regional Development long before it was taken to Canberra. Let us not forget that in the Premier's words the loss of country seats through his forced reduction of the lower House was supposed to be repaid through the creation of a Minister for Regional Development. The Premier picked the wrong man. Apart from the fact that the Premier has given the Minister no teeth and no budget and apart from the fact that the Minister was given his portfolio to fulfil an election promise to buy his way into Parliament, the Premier has picked the wrong man, a man who has not delivered for his Government.

While Labor spends all taxpayer funds in Sydney, Newcastle and Wollongong, the Minister is sent out to con the struggling taxpayers of New South Wales. What about the Labor icon called Lithgow? The town is battling mine closures and the shutting down of factories. Let us not forget that it was Bob Carr who wiped out more jobs in Lithgow when he gave the contract for New South Wales police pistols not to a company in New South Wales or Australia but in Hong Kong. The new Glock pistols, which we are now told may result in lead poisoning in many people, are manufactured in Hong Kong. The Minister for Regional Development has become the development Minister for Hong Kong.

It is a nasty situation for the Premier, a Labor Premier wiping out jobs in a Labor seat by sending jobs from Lithgow to Hong Kong. What does the Minister do? For months we heard about a police communications centre for Lithgow, a replacement industry, that would bring 70 new jobs to Lithgow. Wonderful! Except that two weeks later, when the jobs are advertised, when the project finally begins, only 50 new jobs are mentioned by the Minister for Police. That is the quickest disappearance of 20 jobs ever in the history of Lithgow. Now you see them, now you don't. It is the pea and thimble trick by the Minister for Regional Development. He is the man for taking jobs away. Twenty jobs can disappear with the snap of his fingers.

The loss of 20 jobs is no small loss for any country town. In Lithgow 20 jobs represents 20 families, support for a school, support for the local storekeeper and support for the local social infrastructure. Yet the Minister who sits in this Chamber today will get up and speak in the most boring fashion, I am sure, to try to protect his patch. But he cannot even keep the Government to its promise. It is simple: if he, as a Government member who sits in Cabinet, cannot keep the Government to its promises he should give the money back. Where is the outrage from the Minister? Why has he not been in here with a Dorothy Dix question that will enable him to stitch up his Cabinet colleagues who have dudded him? We have not seen it.

Where is his five minuter in the afternoon to draw attention to the fact that he was dudded? He has not done it. One would assume that the people of Clarence might enjoy the benefits of the Minister for Regional Development as its local member. Not so. The backbone of Clarence is timber. It has been a viable industry in the Clarence for more than a century. Loggers have selectively taken timbers, allowing both the industry and the forests to survive. The Minister grew up in Clarence; he is supposed to know this. Yet last week the Minister participated in conning his constituents. He helped sell the Carr Government's supposed 20-year regional forest agreements. For a start, the agreements give the industry about only half of the resource they should rightfully get.

But the Clarence sawmillers, loggers and timber truck drivers, and every family in Clarence that depends on a timber pay packet, will never enjoy that half supply. If the Carr Government is re-elected, the people of Clarence should know that the so-called 20 years will be lucky to last one night. The morning after the election night, in a pre-done deal with the Greens, the Minister for Forestry will throw the loggers out. The legal advice clearly shows that Minister Yeadon can do it. It shows that the Minister for Forestry can revoke the new agreements at any time. It also shows that the Minister for Regional Development has no power to prevent the revocation of logging areas.

Legal advice from a leading Queen’s Counsel indicates that the Government's legislation is flawed, yet we have not heard a squeak from the Minister for Regional Development, and Minister for Rural Affairs, the Hon. Harry Woods. We have not heard a squeak from his electorate of Clarence. I suspect that, as a result of his inaction, the jobs of some of the people who voted for him are in question. Their bank manager has probably asked them how they can guarantee their mortgage because Minister Woods will not stand up for them. Since the Minister was appointed by the Premier to deal with

regional and rural New South Wales he has driven around this State feeding off the back of private enterprise.

Every time private enterprise decides to invest and expand factories, every time it seeks advice from his department the Minister is at the opening a few weeks or months later, having a cup of tea and having his photograph taken. He now has the tweed coat and the hat. He is all countrified. He even has the country walk, although it is getting a bit slower all the time, like his brain. But all he is doing is picking up other people's initiatives, other people's investments, other people's planning and other people's ability to create jobs. He is not creating jobs or prosperity.

I challenge the Labor Party, when in opposition next year, to appoint an Opposition member who will understand the responsibilities of creating growth, creating structure and defending the bush against the hunger of city-based government, in this case a city-based Labor Government. It is a pity that the honourable member for Port Jackson was not appointed as Minister. We are sure she would have done a much better job than the Minister. Despite the fact that she comes from near the harbour she at least has the bush at heart. But this Minister, who lives in the Clarence, has ignored the bush. [*Time expired*.]

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [3.48 p.m.]: Ian Armstrong is never short on hyperbole and the result of the Federal election made little difference. Those are not my words but the words of Richard Lawson from the Dubbo *Daily Liberal*.

Mr Armstrong: Point of order: It is incumbent on all members within this Chamber, under the standing orders, to use the proper form of address in this place when referring to another elected member of this Chamber.

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

Mr Armstrong: Say you're sorry, Harry.

Mr WOODS: A thousand apologies to the nawab of Cowra. This Government has the—

Mr Armstrong: Point of order: I object to being described in that way by the Minister. He directly flouted your ruling. I ask you to direct him to withdraw and to address members in this Chamber in the correct form as set out clearly in the standing orders.

Mr SPEAKER: Order! The Minister will address members by their correct titles.

Mr WOODS: Very well, I withdraw the nawab of Cowra reference and replace it with the member for Lachlan. This Government has the confidence of country New South Wales. We are working in partnership with the communities of country New South Wales to create new jobs.

Mr Armstrong: Point of order: I realise the Minister is new to this place, but he is still not using the correct form of address. Under the standing orders members shall be referred to by their correct titles.

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

Mr WOODS: We are doing this through targeted and strategic intervention because we believe in it. The State Government has a comprehensive policy statement called rebuilding country New South Wales. That sets a range of policies and initiatives that this Government is undertaking to boost growth in country New South Wales. The Leader of the National Party is a source of embarrassment to the people of country New South Wales, the people who he deludes himself his party represents, and his own members. I move:

> That the motion be amended by leaving out all words after the word "House", with a view to inserting instead:
>
> "(1) congratulates the Government on its success in promoting regional development, jobs and investment; and
>
> (2) notes the failure of the National Party to release a regional development policy".

The State Government has shown that it is the Labor Party that represents the interests of country people. We have a belief in the need for targeted strategic intervention to help country businesses. Because we believe in it and we have the philosophy, we therefore developed the policy and strategies that are working and succeeding in country New South Wales. The National Party is committed to the hard line, economic rationalism of the big city Liberals. They believe they can sit back, do nothing and somehow market forces will deliver a fair go for country New South Wales. The National Party has no ability to develop policy, partly because its members are lazy and indolent. They believe they can sit back and do nothing. They have not and will not deliver a fair go. The National Party represents a regional development policy void.

This is in contrast to the work of the Carr Labor Government, which has an armament of

programs to meet the needs of a range of circumstances in country New South Wales. We are actively assisting country businesses, country economies and country people. In the first nine months of this year the Government has approved projects worth $320.5 million, which will create 3,319 full-time jobs in country New South Wales. We have helped the Cadia mine get under way, creating 400 new jobs, and Bengala mine in the Hunter, creating 200 jobs through special legislation.

It should be noted that jobs growth in regional New South Wales has outstripped jobs growth in the greater Sydney area in the past three years, something that was not happening when the previous Government was in office. To help towns suffering from hardship I set up the regional economic transition scheme, which is worth $5 million a year. It is designed to help communities like Lithgow, Cobar, Goulburn, Blayney and Gunnedah, towns that have suffered a sharp, economic downturn following structural changes in key regional industries. The Government will use the scheme to help attract new industries, to diversify their economic base and create secure new jobs.

Regional economic transition funding has been provided for the reopening of Centennial mine at Lithgow, and assistance with the reopening of the former CSA mine at Cobar. In Goulburn funds have been used to help Goulburn City Council upgrade the Goulburn racecourse. This will create up to 40 new full-time jobs and another 40 casual jobs. The regional economic transitional scheme grant will be used for a sewerage line connection from the racecourse to existing town services. This means that the Goulburn and District Race Club will be able to complete a six-lot subdivision to provide a new racing and training facility to be marketed to out-of-town trainers. Benefits will flow from the capital expenditure by trainers in building their stables and housing.

The Hunter Advantage Fund has shown the merit of lending a hand to regions recovering from economic shock. The new scheme will give these other regions hope for a secure future. Another important task is to take advantage of opportunities that exist in regional economies. Industry is willing to invest in regional centres and deliver the jobs needed for the economic growth that brings prosperity. The Government recognised the opportunities for growth in the western Riverina. A local business, Bartter Enterprises, one of the largest poultry produces in Australia, was looking to undertake a major expansion but needed key impediments addressed. The Premier established the western Riverina labour availability task force to ensure that the project was not lost to country New South Wales.

We identified the key impediments to the projects, developed a five-point action plan of solutions and the end result is significant. Bartter Enterprises has now committed itself to the expansion of its existing operation at Griffith. It will invest $125 million and create 970 jobs over the next 10 years. In addition, the task force identified other potential investments worth $80 million and 600 jobs. The State Government, through the western Riverina initiative, secured 1,600 full-time jobs for the western Riverina. This is an exercise we are repeating across the State. It is called the country centres growth strategy, a new strategy that believes in the growth of country areas. The Government wants to identify opportunities for economic development and make them happen. It does not believe in failure, as the National Party does.

The most important part of the program is to work on the individual strengths and impediments of each centre. So far we have announced growth strategies for Orange and Tumut as well as the western Riverina. The plan takes into account the need for a co-ordinated approach to economic development, particularly in light of the proposed $380 million Visy Kraft mill and other growth potential in the horticultural industry in that area. The Leader of the National Party does not understand the breadth and depth of the work that the State Government is doing for country-based industries. We introduced special legislation to ensure certainty of supply for Visy Kraft as well as other measures.

In August I announced the country centres growth strategy for Tumut. We are working with businesses there and across country New South Wales to create new jobs. The five-point plan for Tumut sets out the action that the State Government, local government, industries and others will take to secure investment and ensure that any potential impediments like labour and land shortages are identified and overcome. We are engaging all these people in country New South Wales and we are working in partnership with them, something that the National Party simply does not understand.

The Visy Kraft mill proposal will create 150 direct new jobs, and a further 300 to 350 jobs in forestry, in haulage and other support operations. Further growth potential has been identified in the horticulture sector and in small industries proposing to establish in that area of New South Wales should Visy Kraft proceed. If all current projects were to

proceed, some 500 or 600 direct new jobs will be created over the next three to five years. Unlike the National Party leader's Federal colleagues, the State Government is not sitting back on its hands waiting for investment to come along and saying that the market will decide or fix it. It looks like Peter Costello has the whip hand not just in Canberra but here in Sydney with the National Party, showing once again the irrelevance in a policy sense of the National Party.

That brings me to the next feature of the State Labor Government's rebuilding country New South Wales policy, the policy of the State Labor Government that the National Party cannot even understand. We all know that country centres are great places in which to live, to own a business and to raise a family—I am sure National Party members will agree with me. In general they enjoy good services, clean air and a strong sense of community. They are not all the same, though people living in the city often think they are. They tend to generalise. They tend to say that if there is a problem in one town in the north or the south, it is applicable to all country areas. The perception of the National Party is that the country is in difficulty, regional economies are depressed, crime is high and there is no hope. Country centres are not all the same. The country is not dying. The experience in the western Riverina region and the other places to which I have referred proves that there are strong, vibrant centres across this State. Grafton is different from Armidale, which is different from Dubbo, which is different from Tumut.

Each town has its own features and virtues, characteristics which make it attractive and unique. But we must help to promote these towns—one by one, if that is needed. For that reason the Government has allocated $1 million each year to the country lifestyles program. Recently I took nearly 30 institutional investors on a tour to sell to them the benefits of country New South Wales. All members of the Opposition, including the Leader of the National Party, who is no longer in the Chamber, should ask Orange City Council, the proprietors of Setons Pies at Dubbo, aquaculture representatives in Grafton, or the Real Estate Institute of New South Wales what the Government is doing for country business. When responding to the regional business tour the Real Estate Institute said:

> By organising this inaugural regional business investment tour, the Government is following through with positive action on its direction statement on regional growth and lifestyles, released in May 1998.
>
> By showcasing the considerable investment opportunities in regional and rural areas and linking them with capital providers, the Government is clearly demonstrating what can be achieved.

The Government is succeeding in doing that. It is embarrassing to the Leader of the National Party and to members of his party that the Government is succeeding. They are bent on failure and are severely embarrassed by the achievements of this Government, but that will not stop the Government. We believe in the growth of country New South Wales. Because of that the Government will continue with its strategies and policies. I mentioned earlier that the Government wants to help to attract the skilled labour that is needed to secure new investment. The program will provide government, industry and communities with the tools to do that. We must look beyond the programs funded in the statement, as valuable as they are. The Government has chosen to follow that path because it believes in those programs. It is in the national interest for those things to happen.

Since my appointment to the ministry I have made more than 50 visits to regional centres. They all have one thing in common: people in regional centres do not regard government as being part of the problem. They say—and we all know—that government can be part of the solution. The Government does not regard the regions as an insoluble problem; it regards them as part of the solution for the whole nation. In Grafton the Government was able to help Ramsey Wholesale Meats Pty Ltd reopen the abattoir and put 200 people back to work. In Lithgow the Government helped to negotiate a package to bring Doral to the town and, with it, 120 jobs. The Government will continue to do those things for country New South Wales. [*Time expired.*]

Mr CHAPPELL (Northern Tablelands) [4.03 p.m.]: The Minister, in debating the motion, did not mention one significant new policy that he has introduced since he took over the regional development portfolio. He referred to the continuation of existing policies and trumpeted as a new project the regional economic transition funding project—a project that I piloted in Junee and Glen Innes when I was Minister for Regional Development more than five years ago. He developed the pilot scheme which was in place, and so he should have. However, the Minister did not tell us what he did with the Country Embassy. It is still there in name but it is not being used. It was thoroughly deserted by the Government as soon as it came to office. That project, which was a great success when it was launched several years ago, was picked up in an ownership sense by towns throughout the length and breadth of this State.

The Minister referred to a continuing raft of policies that the Government has in place. Those policies, which were substantially already in place when the Government came to office, were all written up in the former Government's policy document. That document was emulated in every State in Australia and was picked up overseas because of its balance of programs for economic assistance in regional areas. What happened to the country business assistance scheme, an innovative scheme that I put in place? No-one has heard of it. What happened to the project that I proposed to boost information technology research and training in country locations? It has not been heard of again. The $1 million that I allocated for that project was spirited away for some other purpose. It was probably spent on roadworks in the city.

I compliment the Minister on his regional investment tour. I believe it was a worthwhile exercise. I assure the Minister that that initiative will be continued by the next coalition government. At that time I will invite him, as a member of the Opposition, to play his part in it. We might even visit Grafton. The following questions must be asked: What did the Minister do in his electorate to protect the dozens of rail maintenance jobs that were lost? What about the 400 NorthPower jobs that were lost in his area? What has the Minister done over the past two or three weeks, or even over the past few months, to assist the Timbarra goldmine near Tenterfield? That goldmine is in the Minister's electorate, but I have been doing all the work to try to ensure that the project goes ahead without undue restraint by environmental protesters.

I have been working vigorously to try to obtain additional police resources to ensure that the project goes ahead. People are being assaulted and they cannot gain access to their jobs. Neighbours are being assaulted and threatened and their children are being threatened. Did the Minister attempt to protect those jobs in his electorate? The Minister and I may be responsible for many of the same constituents, as some of them live in Tenterfield, which is located in my electorate. Where has the Minister been? What did he do to protect 280 jobs at the Midco abattoir at Macksville? The Minister responded once to the queries of constituents. After that they received no replies to letters, faxes and telephone calls. The Minister did not tell them what his Government proposed to do to protect those jobs. All honourable members know that it is infinitely easier to protect existing jobs than it is to generate new ones.

Anyone involved in regional development at local government and State government level realises that existing jobs have to be protected. What did the Minister do in relation to that matter? He made only one attempt to protect existing jobs. If the Minister cannot protect jobs in his electorate on the north coast serious questions must be asked about what he doing to boost jobs throughout country regions. There have been a few reshuffles. For instance, the mid-north coast office of the Roads and Traffic Authority was attracted to Grafton. That was a great win for Grafton, but it was at the expense of Port Macquarie—another country city. That was something of a boost for the Minister but it was not a real plus for country jobs. North coast mayors and industry representatives went to Victoria to examine value-adding in the timber industry. Nothing was achieved from the Minister as a result of the visit. [*Time expired.*]

Ms NORI (Port Jackson) [4.08 p.m]: I have listened with interest to the debate and wondered what logic was behind it. Why are we engaged in this debate? I have come to the inescapable conclusion that we are having this debate because the Minister and the Government have been too successful in their policies on regional development, small business and State development. In preparing for this debate I tried to remember the small business and regional development issues in which I have been involved over the past few years, together with the present Minister for Regional Development, and Minister for Rural Affairs. The plans, policies and programs that the Government has developed to assist regional and rural small businesses make interesting reading.

The Government's programs have a logical, intelligent focus. Each element of those programs and policies builds upon the next. Eighteen months ago five export advisers and 12 agribusiness advisers were appointed throughout regional New South Wales. The agribusiness advisers were appointed because the Government wants to ensure that our regional small businesses consider diversification and value-adding. Generally, businesses in the bush—whether they are farms, manufacturing companies or information technology firms—are small businesses. The five export advisers were appointed because the Government wants our rural businesses to consider exporting their products or increasing their share of the export market. We want our regional small businesses to grow through exports.

Before preparing this speech I checked my diary. It shows that in the past seven or eight weeks I have travelled to the bush at least 10 times to talk to representatives of regional small businesses about exports, commerce and information technology. That work, which I undertake as Parliamentary Secretary

for Small Business, is done in tandem with the work of the Minister. The Government has conducted seminars in the bush. Recently in Maitland representatives of 70 Hunter businesses attended a high growth business forum to listen to senior management from IBM and Telstra and lawyers talking about doing business electronically. The forum also dealt with two case studies from the Hunter region. Any business that is not on line and has not learned about the challenges and the advantages of doing business electronically, particularly business to business, will be out of business in about two years.

Regional small businesses must understand the importance of doing business electronically. So the Government conducts seminars and takes the experts to the businesses. Publicity generated from the seminars spreads the word. Hunter business representatives who attended the high growth business forum will take whatever steps are required to make sure that they are on top of technology. The Government has also conducted seminars in the bush to encourage regional businesses to tender for Olympic Games contracts. I attended some of those seminars at Orange, Wagga Wagga and other places. Even if unsuccessful in obtaining an Olympics contract, regional businesses would gain experience of the tendering process and might gain other business contracts. The Government takes a hands-on approach to regional small business.

Similarly, with the Australian Technology Showcase [ATS], the Government is asking businesses from the regions to join. The ATS is of great value to individual firms and to jobs growth in this State. Our advertising program for the ATS has been based on targetting regional businesses. The Government is trying to instil in regional areas a culture of innovation, creativity, growth and exports. That is the only way there will be jobs growth in the bush. The State Government has not found it easy to implement its programs. The Federal Government abolished the AusIndustry program, removing $4.3 million in funding from business development programs, mainly those related to the bush. That money went up in smoke. I again remind honourable members about the disgraceful way New South Wales was cheated out of half of its regional telecommunications infrastructure funding—$207 per head for a Taswegian and $17 per head for a person from New South Wales. That is grossly unfair. If we do only one thing for the bush, it should be to give them a decent telephone, modem and fax system so that they can trade electronically.

Mr BECK (Murwillumbah) [4.13 p.m.]: I support the motion moved by the Leader of the National Party to censure the Minister for Regional Development, and Minister for Rural Affairs. The Minister mentioned the Government's country growth centre strategy. On Monday of next week the Minister will visit the Tweed Valley to put forward his policies for that area. I will not go through his whole agenda, but when the Minister arrives he will have to apologise to the people of the Tweed for his inaction and do-nothing approach to jobs in the Tweed Valley. If the Minister does anything for the area, it will be too little too late.

Hanna and Edmed, a company of 50 years standing which employs more than 50 people, has gone into receivership. Where was the Minister when it was in trouble? Why did he not support it? Only weeks ago a restaurant closed down. The Minister for Agriculture, and Minister for Land and Water Conservation lent support to that business. But where was the Minister for Regional Development? Did he even know what was going on? That business had operated for 23 years and employed 22 people. It has now moved to Queensland. What did the Minister do about it? He did not even visit the area or talk to the people concerned. I do not think he would even know the name of the company. I am sure that every other member on the other side of the House would know about that restaurant, which is called the Fishermans Cove Restaurant.

McLeods Engineering, a company that has been in operation for 52 years, manufactures agricultural equipment such as farm slashers. The company has moved to Queensland and 13 jobs have been lost to this State. I visited the company a few years ago when it received its QA certificate. What did the Minister do to help that company? Ruth and Dennis Sharkey, who are herbalists, tried to operate a business at Cudgen Road, Duranbah. Under State and local government policies they were only allowed to employ one person. The State has lost that business. It now operates on the Gold Coast in Queensland, it employs nine full-time and six part-time staff, and has spent $250,000 on improvements.

Has the Minister had discussions with his colleague the Minister for Gaming and Racing about the cessation of an important sporting event at Border Park Racecourse? I do not think that the Minister would even know that harness racing, which has been conducted at weekly meetings for the past 38 years, has ceased. I could refer to many other examples. Next week the Minister will be in the Tweed Valley. Does the Minister know about a $3 million racing industry trading centre that is proposed for the Tweed, and, if so, will he support

it? The project will be an improvement for the Tweed Valley and will create jobs. I hope the program receives the Minister's support. It is clear from the information I have provided today that this Minister does not know what is happening in the Tweed Valley. If he does not know what is happening there, heaven help the rest of New South Wales. He would not have a clue what is happening throughout the State.

The Minister is a failed Federal backbench member who sneaked into State politics. He was given a portfolio by the Premier to prop him up and to help him to hold his electorate. He has failed and his reign is nearly over. Next March he will be replaced by the National Party candidate, who is working very hard and knows what is happening in the electorate. Steve Candell will be the new member for Clarence. The Minister is a failure and deserves to be censured by this House. I support the motion moved by the Leader of the National Party, which has also been supported by the honourable member for Northern Tablelands.

Mr CLOUGH (Bathurst) [4.18 p.m.]: I have listened with considerable interest to this debate. I heard the Leader of the National Party posturing about being referred to as the honourable member for Lachlan. Is this the same honourable member for Lachlan who walked alongside the honourable member for Dubbo in Cowra three or four years ago knowing full well that his colleague had been removed from the ministry and did not have the guts to tell him? Is this the same honourable member who did that? The member for Dubbo is an honourable member and he did not deserve that treatment.

The honourable member for Northern Tablelands claims that one of the major sins committed by the Minister is the transfer of the Roads and Traffic Authority [RTA] depot. I take the House back about six years, after I had won back the electorate of Bathurst. At that time the Leader of the National Party had the Lithgow RTA depot transferred to Parkes, which is in his own electorate, and Lithgow lost 53 jobs. Is that the same honourable member who has moved this censure motion against the Minister, who has done a fantastic job in country New South Wales? Is this the same honourable member for Lachlan who is on record as saying that they will close down the Minister's office in Bathurst, where it has given valuable assistance to those to the west of the area by providing a contact point at which they can contact the Minister and his staff? In the last Federal election the National Party was so savagely mauled that it now has no relevancy in country New South Wales. For the first time in 20 or 25 years the National Party failed to get a Senator from New South Wales into the Federal Parliament.

The National Party has closely followed the Liberal Party in this Parliament. About 12 months ago, whenever the Leader of the Opposition asked a question about such important matters as Darling Harbour and the M5, the Leader of the National Party followed up with a similar question. He has asked the Minister for Agriculture a minimal number of questions in the last 3½ years. The Minister for Agriculture gets a shock when he has a question from the Leader of the National Party. Today the House has seen the posturing of the National Party members about what they will do when they get into government next year. I assure them that they had better not hold their breath until that occurs. I am fairly close to the people in country New South Wales because I have had a little experience with them in relation to farm debt mediation and the rural protection lands boards review. I can tell honourable members that in the country members of the National Party are gone. Nobody wants to know them; nobody wants anything to do with them. But they have the hide to criticise a Minister in this House who is trying to do something to help country New South Wales.

Country New South Wales has had problems under the coalition. No-one did anything to stop the drift of people away from small rural towns. Members of the coalition did nothing at all to prevent their mates in the banking industry from closing banks. They did nothing to prevent the withdrawal of services from small country towns that have virtually become ghost towns. Their criticism of the Minister—bearing in mind what he has done, the places he has visited and the successes he has achieved—is nothing short of hypocrisy. In my electorate Lithgow has suffered the loss of coalmining jobs, but those jobs have been restored with the establishment of a police assistance line. That was an initiative of the Minister for Regional Development and 70 people will be involved. I have no confidence whatsoever in members of the National Party; I regard them as being irrelevant to the political sphere in this State. They certainly have no chance at all of making any inroads in my electorate and I believe it is just another area of country New South Wales where the people will totally ignore them.

Mr WOODS (Clarence—Minister for Regional Development, and Minister for Rural Affairs) [4.23 p.m.], in response: What a trio from the National Party the House has heard from today! The honourable member for Murwillumbah wanted

to retire but was not allowed to; he was talked out of it because so many others were retiring. The honourable member for Northern Tablelands resigned from the Opposition frontbench after the last election. He had no confidence in the Leader of the National Party, the honourable member for Lachlan. For the information of the honourable member for the Northern Tablelands, visitor numbers at the Country Embassy have more than doubled since the coalition left office.

What a great embarrassment the Leader of the National Party is to his members! Yet they are unwilling to do anything about it. In the recent Federal election the National Party suffered the largest swing against it of any major political party—a swing of 4 per cent. The National Party lost the seat of Hume, a longstanding National Party seat, to the Liberal Party's Adrian Cruickshank. For the first time since 1977 the National Party did not secure a seat in the Senate for a New South Wales senator.

Mr Armstrong: Point of order: The Minister probably needs to correct *Hansard*. The electorate of Hume—

Mr SPEAKER: There is no point of order. If the Minister wants to make a personal explanation he may do so at the appropriate time. The Leader of the National Party will resume his seat.

Mr WOODS: Under the leadership of its present embarrassing leader, the National Party lost the State election in 1995; it lost the Clarence by-election in 1996 with a 14 per cent swing against it; and it almost lost the by-election in Orange in 1996 with a 14 per cent swing against it. It lost the three-cornered contest with the Liberals in the electorate of Southern Highlands. It suffered a swing against it in Port Macquarie. The National Party is going backwards and its members know it. They should do something. Why are they so weak that they are not willing to take on this embarrassment? It is no wonder that a list of National Party members of Parliament are walking at the next election. They know they cannot win; they know they will not win. In this term of government nine lower House members of Parliament have either resigned from the National Party or announced they will resign at the next election.

The Hon. Wendy Machin, the Hon. Ian Causley, the Hon. Garry West, Peter Cochran—they are all going or have gone, and they are almost forgotten. The honourable member for Dubbo, the honourable member for Oxley, the honourable member for Lismore, the honourable member for Murrumbidgee and the honourable member for Murray are about to join them. More than half the members the National Party started with are either going or have gone. Over half of the parliamentary National Party has deserted the sinking ship. The honourable member for Murrumbidgee best confirmed the prevailing views among National Party members of Parliament in his remarks confirming his impending retirement. He is a bloke who knows well the failings of the leadership of the National Party and its failure to develop policy. On 7 April 1997 the honourable member for Murrumbidgee gave the *Sydney Morning Herald* his opinion of the honourable member for Lachlan. He said:

> We say hello and goodbye. That's about it.

He went on to say:

> There is really no doubt that the National Party is not performing as it should be in making new initiatives for the people of country New South Wales. The coalition could win the 1999 election—even with all of yesterday's men, they can still do it—

He did not sound too confident—

> but it wouldn't be because of our brilliance.

It would only be luck. The Leader of the National Party claimed on *Stateline* that he is confident of getting green votes. I can see him up on a tripod in his hemp tunic with a couple of greenies waving his green National Party flag and saying, "Vote for me, greenies." His speech in this House today has demonstrated clearly that the National Party is indeed a policy vacuum. Members of the National Party do not even know what regional development means; they do not know what it is about. They do not understand the role of government in regional development. They do not understand the needs of country New South Wales. They do not understand the need for an interventionist policy. They are still stuck with Costello on the economic rationalists roundabout. The Government has a policy: It is a policy about rebuilding country New South Wales, about making things better, about succeeding and about success. The Government's policies are new policies; they are policies for regional development, business, regional job creation.

Unlike the National Party, the Government is looking after the interests of the people of country New South Wales. It is not solely focused on the interests of primary producers, although they play an important part. The Government acknowledges their importance to regional economies, but the Government is doing more than propping up rural

industries. Under the working centres growth strategy, the Government is working with country businesses and country communities to create new jobs. The Government has helped to create jobs in the western Riverina, Orange, Tumut and other areas as the strategy has progressed.

The Leader of the National Party should ask business proprietors in Griffith such as Peter Bartter or Tony Parle what the Government is doing to help country business. Perhaps he would like to ask Phillip Miller at Orange what the Government is doing to help small businesses such as those in the new cut flower industry. The regional economic transitional scheme will help towns that have suffered hard blows, such as Goulburn, Blayney, Gunnedah and Cobar. The Leader of the National Party could ask Blayney Shire Council what the State Government is doing in the Blayney area to help local business. The State Government is helping rural land-holders to diversify, to grow and to find new members.

He should ask land-holders in the central west about the State's agribusiness alternative program. It is helping to turn the problem of St John's wort into a new export industry. He should ask western division land-holders what the State Government is doing to boost goat meat exports, to introduce new sheep routes, and to farm snapper in saline farm dams. If dairy farmers were asked what the National Party did when in office they would say that it deregulated the milk industry, resulting in farmers earning less. That was done in 1992 when the Leader of the National Party was Minister for Agriculture. That was great support for rural industry! Farmers know that they are not supported by the coalition but they are supported by Labor. The regard in which dairy farmers were held by the economic rationalists, including the Leader of the National Party and other members of the National Party, is shown by the making of that decision.

This Government's export advisory program, working with agribusiness officers, gives farmers a real chance to find new markets. In the first nine months of this year alone the State Government has helped to secure $320.5 million in investments, creating more than 3,000 new jobs. Through the regional development scheme we have helped Windowrie Estate Winery at Cowra, Australian Roof Tiles at Kempsey, Allgold Foods at Leeton, Petchef International at Forbes, Steggles and Gloucester Shire Council, the Australian Tow Bar Company at Goulburn, and Harmony Doors at Taree. They are brief examples.

There are examples all over the State. The State Government has a vision for country New South Wales that includes a vibrant economic future, jobs and hope. As proved by the Leader of the National Party, National Party members are committed to doom, gloom and despair. They are a lousy mob, a sour mob. Their message is not what country people want to hear. They know that it is working against them. Members of the National Party might also if they listened for a moment to what country people are saying about them. If they do not have something positive to say they should just shut up; keep it to themselves. Think of the positives.

We understand that things are not always as they should be. We will do our utmost to fix the problems. But we are hell-bent on success for country New South Wales. This month I led a regional investment tour. The Leader of the National Party should ask the proprietor of Tracserv in Dubbo what he would rather do: hear the rant and rave of the National Party that takes no-one anywhere or take up the positive opportunity to meet investors. That is why the State Government has set up the country lifestyles program. The mayor of Blayney, John Davis, summed up the Leader of the National Party clearly on 16 June this year when he said:

> His statements were simply unbelievable. I thought it had been April Fool's Day when I read his statements. If he is the leader of the Nationals in NSW, heaven help us, I'd hate to see their second or third in charge.

Mr ARMSTRONG (Lachlan—Leader of the National Party) [4.33 p.m.], in reply: I thank all members who have participated in the debate today from both sides of the Chamber, including the Minister for Regional Development, and Minister for Rural Affairs. By his contribution today he has very ably demonstrated his incompetence and lack of focus. A few minutes ago he convinced the Chamber totally that he does not understand and does not have the mental capacity to bridge the gap between country and city. I will point out some of the areas that, unfortunately, he did not address. As a member of the Government he has certain responsibilities. The first is to recognise the value of the public service and the importance of having the public service across New South Wales so that administration is uniform and services are maintained.

One of the Minister's colleagues, the Minister for Agriculture, and Minister for Land and Water Conservation, gutted the Department of Agriculture when Labor was elected to government. Six hundred jobs were taken out of the Department of Agriculture and 200 positions have not been refilled. We know that the Minister does not like the Premier: he said that the Premier was not any friend

of his. He bagged his own Premier. The fellow that he said he does not like said that he put in over 240 public service jobs throughout regional New South Wales. The jobs may be there, although they have never been identified, but it is certain that there are not people to fill the jobs. It is one thing to create a job on a piece of paper; the important thing is to have a person serving in the position who is receiving a pay packet and contributing to the community as a public servant. That statement was a hoax.

The Minister did not address that this afternoon. The Labor Government centralised the education department to Sydney. The Health Department has been centralised to metropolitan areas. The departments responsible for commercial water have been centralised. State Emergency Services administration has been centralised. Police in country areas of New South Wales have been centralised. The Parkes patrol is six sergeants short. The constable at Lake Cargelligo will have to spend another month or two living in a motel because the Government will not provide him with a house. He and his pregnant wife spent last Christmas living in a motel at Lake Cargelligo. The Minister did not address any of these issues.

The Minister made much of the dairy industry. I will refresh his memory about something that occurred before he became a member of this place. I suspect that he has done a little homework on deregulation of the New South Wales dairy industry post the farm gate. I hope that tomorrow he corrects the *Hansard* in relation to what he said today. He was quick to correct it last week when he made the absurd, childish bungle, calling his answer to a question nonsense. He raced around to correct the *Hansard*. He had better correct it today because the fact is that the dairy industry was not deregulated by Labor or the coalition behind the farm gate. He should get his facts right if he makes statements that will be included in *Hansard*.

Deregulation of the New South Wales dairy industry commenced during the Wran Labor Government and the Unsworth Labor Government. It continued after the changes of government in 1988, 1991 and 1995. The deregulation has been supported by all parties. Indeed, on the Dairy Industry Amendment Bill on 17 November 1993 the Hon. R. D. Martin, who was at that time a Labor spokesman, said in part:

> At this hour of the morning I indicate that the Opposition will be supporting the bill. But I will be seeking from the Minister certain assurances. The bill is about deregulation of the 1,500 milk vendors in New South Wales. Those milk vendors have spent between $100 million and $120 million buying their runs . . .

The Labor Party supported the bill yet this clown at the table is trying to say that deregulation was the fault of the Liberal and National parties. He has a long way to go in politics before he is effective. The Minister did not address the most vital issue of productivity in rural New South Wales. Following health, law and order and jobs, the next most important industry in all its aspects is water: water for industry, water for tourism and, most important, water for irrigation. He referred to the cap. This afternoon his colleague the Minister for Agriculture, and Minister for Land and Water Conservation indicated that the Government of the day will refuse to do anything about the cap. The cap in the Murray-Darling Basin was introduced in 1993-94 as a one-year-only policy to allow further scientific study to enable a proper management proposal to be put forward for irrigation in this State.

The Minister who masquerades as the Minister for Regional Development ignores the fact that to date that scientific research has never been undertaken. I should give him the benefit of the doubt. He did not ignore it, he just does not understand it. The Minister for Regional Development does not understand when the Minister for Agriculture, and Minister for Land and Water Conservation talks about those programs, because he is not bright enough to understand that inland New South Wales is being constrained from development and investment in technologies and proper environmental management because the Government has adopted a policy without any scientific backing. As if that were not enough, the Minister for Regional Development had the opportunity to point out the folly of his colleague's policy on runoff water across the State. It does not matter whether it is Nambucca Heads on the coast, Bourke in the west, Dorrigo in the north or Bega in the south—

Mr E. T. Page: All the places you have not been to.

Mr ARMSTRONG: It is an absolute fiasco. The Minister for Local Government sits at the table yapping away. He should acknowledge that his shires have been let down because the Government released a policy allowing land-holders to catch 10 per cent of the water that runs off their land. How does one measure 10 per cent? Ten per cent of runoff at Dorrigo is, on the old scale, approximately eight inches; 10 per cent at Condobolin is approximately 0.38 inches; and 10 per cent at Bourke is approximately 0.3 inches. That policy was to overcome an impasse regarding the usage of irrigation water out of empowerments of more than seven megalitres for commercial purposes.

Unless one lives at Dorrigo or in an area with a rainfall of more than 50 inches one is better off and has more water under the old regulation of

seven megalitres. The Government has made an ass of itself in trying to suggest that it is helping farmers, the community and productivity, particularly in developing industries such as the macadamia nut and avocado industries, and a whole raft of new and exciting horticulture industries ranging from blueberries to the intensive production of lettuces and strawberries, particularly on the coast. There is wonderful growth in these industries by farmers with small land-holdings, despite the Government working assiduously against them.

Any pretence by the Government to defend the most incompetent Minister in this place for many years when it comes to rural New South Wales leaves the Government flawed. He hopes that the Government will support him, although that is not guaranteed. Someone will have to point him in the right direction to get him to the Chamber for the division that will no doubt be called. New South Wales is losing industry to Victoria at a rate of knots because of the incompetency of the Minister, supported by the Premier. Jeff Kennett is laughing all the way to the bank with value adding in industry, particularly rural industries that are leaving New South Wales. The Cerebos salt company from Parkes is just one. The Minister should apologise to this Parliament. [*Time expired.*]

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 47

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

Noes, 42

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 Cruickshank	Mr Rixon
Mr Debnam	Mr Rozzoli
Mr Ellis	Mr Schipp
Ms Ficarra	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Dr Kernohan	Mr Tink
Mr Kerr	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	
Dr Macdonald	*Tellers,*
Mr Merton	Mr Fraser
Ms Moore	Mr Smith

Pairs

Mr Clough	Mr Oakeshott
Mr Knight	Mr Peacocke

Question so resolved in the affirmative.

Amendment agreed to.

Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 47

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Mr Moss
Mr Aquilina	Mr Nagle
Mrs Beamer	Mr Neilly
Mr Carr	Ms Nori
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rogan
Mr Gibson	Mr Rumble
Mrs Grusovin	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Woods
Mr Lynch	Mr Yeadon
Mr McBride	*Tellers,*
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Noes, 42

Mr Armstrong	Mr O'Doherty
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Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Dr Kernohan	Mr Tink
Mr Kerr	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	
Dr Macdonald	*Tellers,*
Mr Merton	Mr Fraser
Ms Moore	Mr Smith

Pairs

Mr Clough	Mr Oakeshott
Mr Knight	Mr Peacocke

Question so resolved in the affirmative.

Motion as amended agreed to.

PRIVACY AND PERSONAL INFORMATION PROTECTION BILL

Second Reading

Debate resumed from 29 October.

Mr TINK (Eastwood) [4.55 p.m.]: The Opposition supports the Privacy and Personal Information Protection Bill, which will provide for the protection of personal information and for the protection of the privacy of individuals generally, provide for the appointment of a Privacy Commissioner, and repeal the Privacy Committee Act 1975. The bill was the subject of extensive debate in the Legislative Council, where a number of amendments were considered. I want to take a few minutes to discuss privacy issues. Some years ago I was appointed by the former coalition Government as a member of the Privacy Committee. At the time I did not have a particular interest in privacy issues. In fact, I had a lawyer's suspicion about privacy and about the propensity for privacy principles to create a lot of work for lawyers and a lot of difficulty for the community generally.

My membership of the Privacy Committee was tremendously interesting, and I learnt a great deal. I should like to pay tribute to a number of people who have had a long and distinguished commitment to the Privacy Committee, privacy principles and privacy issues generally, and who, at one time or another, have done a lot of important work on the committee. I pay tribute to Totti Cohen, who was then chair of the committee; Maureen Tangney, the chief officer, so to speak, of the Privacy Committee; and Graham Greenleaf. It was such an education for me that I proposed a private member's bill in this Chamber during the term of the former coalition Government. I believe it was the first attempt to put privacy and data protection principles before the Parliament in bill form.

The issue was then taken up by the Fahey Government and in late 1994 the Hon. J. P. Hannaford, who was then Attorney General, introduced a further privacy bill, which had gained the approval of the Fahey-Armstrong Cabinet and was put before the Parliament on that basis. As memory serves me, the Parliament was prorogued for the 1995 election before final consideration of that bill but it was an election promise of the Labor Party to bring forward privacy legislation.

It has been an extraordinary long time coming. I note from lengthy discussions with the Hon. I. M. Macdonald in another place, who was also on the Privacy Committee with me for some time, that there was a great deal of opposition to the bill. He had been a great proponent of it, as I was. That opposition came not so much from the political process or the Cabinet, but from the Cabinet Office. Although the Cabinet Office does some magnificent work, this was not one of its finest hours, and I say that with full respect and consideration. The way interference has been run on successive attempts to do something about privacy and data legislation in this State has not been a plus for the Cabinet Office.

It is fair to say that finally, and perhaps belatedly, the Cabinet Office has been mugged by reality: internationally this jurisdiction is under more and more pressure to protect its data. Significant principles and laws now apply, especially in the European Community. If protection in this jurisdiction is not reciprocated, the data flow will dry up and enormous consequences will flow. We would no longer be a part of the international financial network, the governmental network, the heart and soul of international trading, commodities or any network. We would run the risk of locking ourselves out of it.

It is interesting to note that the Commonwealth and other Australian States have moved on this issue, and, finally, we are starting to catch up, but not before time. As is always the case, controversy has surrounded what should be contained in the bill. Clause 24 deals with exemptions relating to investigative agencies. It is appropriate that law enforcement agencies are exempt in the way contemplated in the proposed legislation. Compliance in all circumstances with the principles laid out in part 2 would be onerous and draconian to the point of being counterproductive. Clause 9, which deals with the collection of personal information directly from an individual, states:

> A public sector agency must, in collecting personal information, collect the information directly from the individual to whom the information relates unless:
>
> (a) the individual has authorised collection of the information from someone else, or
>
> (b) in the case of information relating to a person who is under the age of sixteen years—the information has been provided by a parent or guardian of the person.

Obviously, members of the Police Service will collect personal information about people from others in the overwhelming number of criminal investigations; that is at the very heart of the investigation of many police and serious criminal matters. The information sought from third parties will be sought in an extremely hostile environment so far as the individual in respect of whom the information is sought. It would be inappropriate to strictly apply the principle contained in the bill and insist that police officers first seek permission from the suspect or accused before collecting information from others. The exemption set out on page 14 of the bill is appropriate.

However, the exemption is limited to the prejudice of the agency's law enforcement functions, and I believe the terminology is appropriate to cover the situation I described, without providing a blanket exemption to all matters covered by the Police Service, which cannot be justified. The Police Service holds a lot of personal information that is not of a criminal nature. Much of it relates to occupational health and safety of individual members of the Police Service, employment records and things of that nature that would not strictly relate to the agency's law enforcement functions, and would certainly not be within the spirit of the proposed legislation.

It is appropriate that the same protection accorded from data protection principles to other people in the public sector and elsewhere are enjoyed by the Police Service when the bill is enacted. The principles are set out in part 2 and are basically the same principles that have been before the Parliament for upwards of seven or eight years. From time to time they are refined in small measure, but it is important that they remain intact because they are now well accepted in many other jurisdictions.

We will reap the benefits of consistency and precedence from rulings in other jurisdictions in relation to the tests that apply and the experience gained about the application of the principles. As a member of the privacy committee I also agree, and I am sure every member of the committee would agree, that the repeal of the Privacy Committee Act is appropriate. It is also appropriate to move to a privacy commissioner.

The Privacy Committee was an advisory body, although it is not widely known that it also had royal commission powers to act where necessary, but they tended to be a side bar to the thrust of the proposed legislation, where as the bill provides some central powers, responsibilities and adjudicating roles that go well beyond the role of a privacy committee. The centrepiece must now be the role of a privacy commissioner to ensure that the proposed legislation is administered appropriately and that the powers it confers are exercised by a commissioner rather than a committee. In all the circumstances I am pleased to support the bill, which is long overdue.

Mr MILLS (Wallsend) [5.07 p.m.]: I wish to speak briefly in support of the Privacy and Personal Information Bill. In addition to the principal highlights of the bill I would like to raise the concerns of the Newcastle Family History Society, of which I have the privilege to be patron. Some weeks ago the president of the society came to see me to raise concerns about the first draft of the bill. The society's concerns were that access to public records by historians drawing up family trees will be diminished.

The records include births, deaths, marriages, places of employment and a range of other things that are of interest to those building up a picture of their family antecedents. The society was also concerned about the Public Trustee and similar people accessing family records to settle arguments about wills and such matters. I have been in contact with the Minister about these concerns. During debate in the upper House on 14 October the Minister indicated in reply to the second reading:

> I foreshadow that in Committee I will move a number of amendments to meet certain concerns raised by a number of government agencies and research bodies to achieve the

> balance between the need for protection of information and reasonable access . . .
>
> These foreshadowed amendments have arisen in the context of recent discussions with the Independent Commission Against Corruption, the Ombudsman's Office and a number of research and genealogy groups. They will improve and refine the legislation . . .

The Government moved those amendments in Committee. The Attorney General said that the amendments clarified the relationship between the State Records Act and the bill, and that they had been included to address concerns raised by the State Archives Authority and the History Council, both of which had indicated their support for the amendments. The Liberal Leader of the Opposition also commended the amendments. He understood they were aimed at making certain that historical information would be available and that a code could be devised to allow access to it. My colleague the Hon. Janice Burnswoods also spoke in support of the amendments. She said:

> For a while various historians and others were most concerned about the possibility of conflict between privacy considerations and the needs and interests of historians. As a member of the New South Wales Archives Authority, I played some role in discussing the need for amendments that would achieve these ends, and I congratulate the Government and members of the historical and archives community on making sure that any possible conflict between the privacy legislation and the State Records Act was overcome.

As I understand, the amendments introduced in Committee in the upper House are contained in the second print of this bill and would meet the bulk of the concerns of family history groups. With those remarks I am pleased to support the bill.

Mr KINROSS (Gordon) [5.11 p.m.]: Sting, the lead singer of the Police, sang, "Every breath you take, every move you make, every bond you break, every step you take, I'll be watching you." Standing orders and due humility to the gallery prevent me from singing it. It is important that this legislation is passed. The Opposition will support it, but is of the view that it is only a half-baked measure for reasons I will come to shortly. It is also a delayed promise not fully fulfilled to the New South Wales community. Labor promised prior to the March 1995 election that it would introduce a bill dealing with full privacy detail. Like the last minute ram bam of legislation that the House is dealing with, suddenly this bill comes forward at the eleventh hour when there is insufficient time to debate it in great detail, let alone comprehend the extent to which it will be applicable to numerous agencies.

In August 1992 the Independent Commission Against Corruption dealt with privacy and the release of unauthorised information from government agencies. One of the agencies the subject of an ICAC report was the Roads and Traffic Authority. The release of that report followed the introduction by the honourable member for Eastwood of the data protection bill which was regularly denied by the Labor Party on private members' days before we came to office. On 14 April 1994 the Hon. John Hannaford introduced the Privacy and Data Protection Bill, but the measure now before the House is less comprehensive. In his second reading speech the former Attorney General said that the bill should have gone further and embraced the private sector. So we are here today examining the extent and application of this bill.

The Opposition in another place moved a number of worthwhile, consistent and uniform amendments, bearing in mind the debate that occurred in the Federal arena a year ago. Late last year, after the Federal Attorney-General had ready a draft for approval, the Prime Minister sought to withdraw at the last minute through some lobbying from the private sector. However, this bill highlights the dichotomy in relation to the application of privacy legislation for the simple reason that government is frequently dealing with public sector agencies which in turn deal with the private sector. In that application it is important that there is an overlap between who is and who is not going to be subject to privacy legislation.

Furthermore, in relation to the amendments moved, it was the Opposition's proposal to bring within its realm the application of the definition of "public sector agency" to include a State-owned corporation. The reason for that is fairly simple. If privacy principles apply to the public sector, those principles surely should apply to agencies that the public sector owns. Not only was the Roads and Traffic Authority one of the direct arms of government involved, but we have all had inquiries and heard stories about the extent to which public sector agencies, including Sydney Water and other State-owned corporations, have breached the principles of privacy.

I had a fairly recent example where I received in my chambers about seven or eight water bills for colleagues. The internal control undertaken by the then managing director, Paul Broad, was sadly lacking. I did not even get a response from him. There was a breakdown in the system where I was getting other people's accounts. The answer came back, "Aren't you the only resident at that address, Wentworth Chambers, 180 Phillip Street?" I said, "Try another 150 and you might get somewhere to knowing the extent to which the breach that you have committed impacts on privacy."

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

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HUNTER REGION SUPERDUMP PROPOSAL

Mr BLACKMORE (Maitland) [5.15 p.m.]: I bring to the attention of this House a matter that has been mentioned previously: the proposal for a superdump in the vicinity of the Hunter region, an area known commonly as Bloomfield colliery and Whites Creek, Ashtonfield. This area adjoins the electorate of Maitland and the current electorate of Waratah, which will soon be encompassed in the electorate of Wallsend. Like the honourable member for Waratah, on 1 November I attended a public protest meeting against this proposed site and was then taken on an inspection of the site. The proposal for approximately 400,000 tonnes of putrescible waste to be accepted in this area did not go over too well with the residents nor me. It was hard to imagine as we stood on top of what appeared to be a large hill that we would be dwarfed by in excess of 60-metre mounds of putrescible waste which is intended to be driven from Sydney and deposited in the pristine Hunter Valley.

There is a lot of concern in the lower Hunter Valley about this Theiss proposal. Hunter Residents Against Sydney Garbage Dump is holding protest meetings and some of the material it has made available shows there are justifiable concerns regarding a water reservoir currently on the site. Even though there are suggestions that a roof can be put over the reservoir it is quite a valid argument to say that birds scavenging food from the dump site may use the reservoir for drinking and bathing, and bird droppings may cause microbiological contamination of the water.

In addition, residents have concerns over the threat to local creeks and water catchments, the transportation of the rubbish—150 kilometres each way to and from Sydney six days per week—the impact of vermin, and the odour from the site. Certainly, there is no guarantee that odour would be eliminated by this process. Having viewed the site, there is no doubt in my mind that the proposal is against the wishes of the community. The choice of location is certainly not in keeping with what people in the Hunter would expect.

I refer to today's *Questions and Answers* in which an answer from the Minister for the Environment states that there was 1.067 million tonnes of domestic putrescible waste from the greater Sydney region in 1997. Whilst the Government talks about initiatives to reduce the amount of waste that is being generated, it is against the will of the people in the lower Hunter that Sydney waste is deposited in their area. One very important answer from the Minister for Agriculture relates to a question about putrescible waste from a phylloxera-infested area to a phylloxera-free area. The answer from the Minister was:

> I would not support any proposal to move putrescible waste from Sydney to country NSW unless the assessment indicated that the agricultural risks associated with the proposed movement were extremely low and adequately managed.

The people of this pristine rural area—which only a few kilometres up the road has one of the best winegrape growing areas in the State—do not want the risk of the introduction of phylloxera. Maitland prides itself on being the heritage capital of New South Wales. The people of that area do not want it to be known as the garbage capital. I urge the Government to reject the proposal forthwith and let the people of the Hunter Valley live in peace.

SUTHERLAND POLICE STATION VICTIMS OF CRIME ROOM

Mr McMANUS (Bulli) [5.20 p.m.]: I acknowledge and thank the Engadine Customer Council, a police community group working in the interests of our local community. The council consists of representatives of schools, council, churches, Neighbourhood Watch, chamber of commerce, clubs, general community and local police. The Engadine Customer Council, which was established in 1990, has been very active and successful in promoting and solving police community issues. With the restructure of the New South Wales Police Service into local area commands in July 1997, Sutherland, Engadine and Menai police stations were combined into one local area command. The well-established Engadine Customer Council provides the community consultative link to the new command.

The Engadine Customer Council is now working towards supporting victims of crime by setting up a comfortable room at the Sutherland police station. With the help of local community and business groups, the council has set up a similar room at Engadine police station. That room has proved to be a valuable asset to local police by providing an area to respond to victims' needs with a caring and professional approach. The room is also used as a counselling room by police when confronted with trauma situations.

Police stations can be extremely unpleasant places for victims, who may have to wait for hours,

sometimes with young children, in offices and foyers. By furnishing and decorating the room, the council's aim is to provide a comfortable non-threatening environment with privacy away from the public foyer and general business areas. This will give the local Sutherland police a professional facility to adequately support the needs of persons adversely affected by crime.

The room will be furnished with a specially designed interview desk, computer and printer, comfortable interview chairs, sofa, wall prints, plants and tea and coffee facilities. It will also have a wall-mounted television and video recorder to entertain young children, with a variety of videos, toys and reading material. The estimated cost of the furnishings, computer and printer, and associated items will be $5,000. The Sutherland Shire Council has donated $1,000 towards the project and three local schools have donated $400. The committee contemplates officially opening the room in late January-early February if the necessary funds are allocated in time.

Because of the work of the Engadine Customer Council in the community over a period of time, I ask the Minister for Police to give consideration to the provision of a small grant. That will give the council the assistance it desperately needs to ensure that the room is furnished. I want to acknowledge the members of the Engadine Customer Council. I thank the local area commander, Superintendent Ron Shaw, who has worked very hard to ensure the continuity of the council. Another very hardworking member of the council is its chairman, Inspector Warren Wilkes, Sutherland local area command.

Other members are: June Scott, secretary, a very good friend of mine, and Pauline Saunders, treasurer, from the Engadine community; Louise Haddon, senior citizens representative; Councillor Ken McDonnell, Sutherland Shire Council; Jenny Hiscoks, St John Bosco School; Major David Nole, Salvation Army; Len Griffiths, Salvation Army and Menai community; Reverend David Russell; Marie Miller, Department of Community Services, Sutherland; Jenny Chapman, Program Co-ordinator, Camp Challenge; Rex Harris, Anglican Youth Services; Gerrit Platt; Bob Colhourn and Ray Albrighton, Neighbourhood Watch; Louise Scouten, Engadine High School; Lyn Alexander, Heathcote High School; Walter Mollenhaur, Lions Club, Engadine; Ben Maiorana, President, Chamber of Commerce; and Don Johnstone, Waterfall Progress Association.

This wide-ranging council comprises representatives from all over the Sutherland shire. It is hell-bent on ensuring that the people of the shire get a fair and equitable service from their police. The committee is working with the Police Service to ensure the needs of the community. I am pleased that the Minister for Police is present to hear my plea. I hope at the appropriate time he will be able to give me a positive result to ensure that the room is completed on time with all the facilities to assist victims of crime.

Mr WHELAN (Ashfield—Minister for Police) [5.25 p.m.]: I thank the honourable member for Bulli for the courtesy of asking me to comment. The honourable member has a wonderful hardworking community in his electorate. The Engadine Customer Council, which is a police community group, works in the interests of the local community. The council is on record as helping members of the community who come in contact with the police.

I will be pleased to take up the request of the honourable member. I pay tribute to those people who work with the police. Policing is a community-based project. A room as described by the honourable member can be used by police when confronted with trauma situations and would provide a great asset for the community. Police stations can be unpleasant places for victims who often have to wait in open corridors and foyers. Sometimes they wait in police stations that were formerly old homes and not built for policing purposes.

I give the honourable member an assurance that I will look into the matter. He would know, as would many other honourable members, that the Government has a proud record of looking after victims of crime. I will certainly view the honourable member's request sympathetically. One of the reasons I will do that is because it is a community-based project, as is evidenced by the people the honourable member referred to. The council deserves to be supported because it supports the police in their difficult job. There is every reason for the Government to award a community council that works so hard to look after the community's interests. I will look at the matter not only for rewarding those who help but also for providing a lasting benefit for the people in the electorate.

PORT MACQUARIE HOSPITAL COMMUNITY BOARD OF ADVICE

Mr OAKESHOTT (Port Macquarie) [5.27 p.m.]: I wish to comment on the somewhat unprecedented action of the Community Board of Advice, Port Macquarie Base Hospital, to take out a full-page advertisement in today's edition of the

local newspaper, the *Port Macquarie News*. The advertisement reveals the total frustration experienced by the broader community in the Hastings Valley with the health war being conducted by the Minister for Health at our local hospital. I consciously use the term "our local hospital", because to the broader community of the Hastings Valley that is what it is.

The broader community wants the Government and the Minister to focus on quality patient care. Unfortunately, we are not seeing that in Port Macquarie. Sadly, we are seeing a continued campaign by the Minister to destabilise patient care in Port Macquarie. That is a clear breach of duty in his role as the Minister for Health. Today's newspaper advertisement from the Community Board of Advice makes several points about the misinformation being peddled by the Minister for Health. The advertisement commences by stating:

> Enough is enough! Give this community a fair go! Why does Dr Refshauge, New South Wales Minister for Health, continue to victimise this community for political gain?

It goes on to say:

> Dr Refshauge continues to distort statistics on Port Macquarie Base Hospital's performance. Dr Refshauge continues to refuse to recognise the excellent clinical performance of the health care personnel. Dr Refshauge continues to refuse to release the Mental Health Report to the community, in a deliberate attempt to sabotage our Mental Health Service. Dr Refshauge continues to deny Renal Services to Port Macquarie patients.

I will go into the detail of some of the comments made by the Minister and compare them with the facts advanced by the body representing the interests of the broader community of the Hastings Valley. In relation to costs, the Minister made the comment:

> The fact is Port Macquarie Base Hospital is massively more expensive to run than other hospitals. It costs taxpayers 30 per cent more in recurrent funding compared to equivalent hospitals.

The community board advice stated:

> Port Macquarie Base Hospital's costs for the 1996/97 financial year were—

Quoting from correspondence from the New South Wales Department dated 8 January 1998—

> ". . . pleasing, comparing favourably with other rural hospitals."

Referring to elective surgical and medical waiting lists the Minister has said:

> The base hospital's figures were more than double the state average, according to figures released by the NSW Department of Health . . .

According to the community board of advice the fact is:

> Port Macquarie Base Hospital is in the same position as most other rural base hospitals. Dr Refshauge is distorting statistical information in the Department of Health Elective Surgical and Medical Waiting List of September 1998 to reinforce his claim, "That privatisation has been an 'unmitigated disaster'". PMBH waiting lists include urology and vascular surgery, which are services that are only available at PMBH for the mid-north coast. When these numbers are subtracted from the waiting list PMBH compares more favourably to other rural hospitals.

On clinical performance a spokesman for Dr Refshauge stated:

> Health Department indicators also place the base hospital behind state averages for emergency department performance and waiting times.

However, according to the community board of advice, the fact is:

> Port Macquarie Base Hospital's performance is equal to or better than the peer average of the Peer Hospitals.

That information came from the Department of Health Port Macquarie Base Hospital peer review network report, which is yet to be released. The Raphael report, the mental health review, is the report everyone is waiting for. Staff at the hospital are now leaving because of their enormous workloads. Real services to the area are being denied because of some ideological opposition to the hospital. I therefore once again ask the Minister, the Government and the Australian Labor Party to stop condemning Port Macquarie Base Hospital. Surely the focus must be to work towards the best possible facility for quality patient care. The Australian Labor Party and the Minister are renowned for being good haters, but I ask them to direct their hatred elsewhere. After all, in Port Macquarie the facility is merely the local hospital.

INTELLECTUAL DISABILITY FOUNDATION OF ST GEORGE

Mr THOMPSON (Rockdale) [5.32 p.m.]: Last Friday evening I attended the launch of the Intellectual Disability Foundation of St George [IDF]. The launch took place at a dinner held at the Sheraton Sydney Airport Hotel. Prior to the launch the organisation was known as St George Special Industries Incorporated [SGSI], which was established in 1963 to provide a measure of gainful employment for people with intellectual disabilities.

Over the years, through the untiring efforts of its founders, parents and friends the SGSI successfully provided a unique service to people with intellectual disabilities in the St George area. In the process of doing so it developed considerable expertise and capabilities in contract packaging. With the introduction of the Disabilities Services Act in 1986 the organisation began to explore new avenues of employment.

Unfortunately, things did not go too well. The organisation had a low per capita grant structure. Its management lacked the skills and competence to implement change successfully. There was a poor economic environment, an inefficient and expensive decentralisation in response to DSA pressure and a lack of adequate financial support. As a result, from 1989 to 1993 SGSI suffered heavy financial losses from and was on the verge of bankruptcy. In his speech at last Friday's function the foundation's President, Mr Bill Dunn, referred to those difficult times. He recalled that six years ago the board members realised that the organisation would have to change direction if it was to survive. A dynamic chief executive officer was needed to put the necessary changes and policies in place. Michael Price was recruited.

In the years since, I have come to know Michael well. From day one I was impressed by his enthusiasm and drive. He had been a career army officer. He left the army to take up the challenge of saving SGSI and restoring security of employment and opportunity for the intellectually disabled of our district. From the commencement of his employment with SGSI 5½ years ago, Mr Price set about analysing the position of the organisation. It became apparent that the organisation was trying to perform three main functions: to be a charity, a business and an employment service. It was ultimately realised that under the existing structure the organisation simply could not properly perform three such diverse functions simultaneously.

Mr Price set about total restructuring the operation and, as a consequence, the Intellectual Disability Foundation of St George was born. It did not happen overnight and a lot of blood, sweat and tears were expended in the transition process. Under the new umbrella organisation there are now three distinct structures: the charity, the business division and the service division. One cannot succeed without the others, but they each have separate paths to follow and each have clear and separate goals to achieve. I pay special tribute to those wonderful people in our community who have so unselfishly and caringly given support over the years in so many ways to the intellectually disabled in the community.

They and others like them in other fields are the real heroes in our society. They are the salt of the earth: the people who care about and support the less well-off or the disadvantaged. The concept of helping the disadvantaged among us is fundamental to a civilised and free society, as is the concept of equality of opportunity. The mission statement of the Intellectual Disability Foundation of St George states as its goals:

> To provide the capital, facilities and co-ordination of support required to enable people with intellectual disabilities to live happy, healthy and productive lives in the St George community.
>
> We will have achieved this mission when people with intellectual disabilities are able to: enjoy full civil and political rights; become as self-reliant as possible; have access to education, training, habitation and guidance; enjoy a decent standard of living including the right to secure and retain employment; experience a normal living environment within a family, where possible, including all social, creative and recreation activities; be protected from exploitation, discrimination, abuse or degrading treatment; receive medical care and treatment appropriate to individual needs; be legally represented when impairment prevents the exercise of legal and property rights.

The foundation is about finding appropriate employment and training for people with intellectual disabilities through the operation of its own business, and paying fair wages for work performed. It is also about co-operating with local business, government agencies, non-government services and training institutions to improve employment opportunities in the open work force for people with intellectual disabilities. It is about providing the best possible advice and support for families and guardians in their care roles and giving an effective and respected public voice on disability issues in the St George region. I compliment everyone involved in this wonderful organisation and wish them every success for the future.

M2 BUS SERVICE

Mr MERTON (Baulkham Hills) [5.37 p.m.]: I bring to the attention of the House the demonstrated need in my electorate of Baulkham Hills and the adjoining electorates for urgent action to be taken by the Department of Transport. The introduction of the M2 bus service has been welcomed by many of my constituents and others in adjacent areas. I am sure that if the question were put to WestBus, the operator from my electorate to both the city and North Sydney, it would say that patronage has exceeded all expectations. However, a number of issues have been brought to my attention by constituents in relation to the lack of designated car parking facilities where they can leave their cars while they travel to their places of employment by

public transport. I have also had complaints from residents in streets in the vicinity of the city bus stops. Those residents are now faced with cars being parked all day, sometimes on both sides of the road, in narrow streets which were obviously never designed for such intensive parking.

This matter has been regularly raised over past months at Baulkham Hills shire local traffic committee meetings. My representative has advised me that at the meeting held on Monday of this week representatives from the council and the police stated that immediate action is needed to address the problem. I have spoken in this House on numerous occasions about the need for public transport for people within the Hills district. Some Government members have openly declared that they do not believe that Hills residents want public transport. The success of the M2 bus service disproves that. The Minister for Education and Training, who is at the table, does not hold that view. His electorate is adjacent to mine and he knows that more public transport is needed in the Hills.

Residents in Charles Street, John Street and Yattenden Crescent, Baulkham Hills, have experienced increased all-day parking in their streets caused by the success of M2 bus services. Many other streets could be added to the list, including Oakland Avenue, Baulkham Hills, and Perry Street, North Rocks. I am sure that my colleague the honourable member for The Hills could list just as many streets affected in the same way within his electorate.

I call on the Minister for Transport to give urgent attention to this very important issue. Everyone acknowledges that we must protect our environment. People should be encouraged to use public transport, but easy access to public transport is necessary if it is to be viable. People within the Hills district have to drive their cars to gain access to the nearest public transport to the city—the M2 express bus. The Department of Transport has had plenty of time to assess the situation along the route of the M2 to ascertain where suitable car parking facilities can be introduced. It is time for the department to come up with answers.

Integrated ticketing for all public transport services throughout Sydney—whether private or government services—is another issue the department should consider. Integrated ticketing would make it easy for people to travel around the city on public transport. They could then leave their cars at home. This issue is important not only to the Baulkham Hills electorate but to the whole of the Hills. The M2 has given easier, safer and, in many instances, cheaper access to the city. The only public transport in my electorate is by bus; there is no rail service. I have raised this matter many times in the Parliament.

At the forthcoming election a rail service to the Hills will be a major issue. I am confident that I will be able to go to people in the Hills and say that when the Opposition is returned to power on 27 March 1999 part of its policy will be to have a rail service to the Hills. In the meantime we have to allow people who want to use the M2 bus service to park their cars with safety and without clogging up streets. They should have a decent place to park that is safe. They will then be able to hop on the bus, travel to Sydney and return to find that their cars have not been vandalised. Public transport is a must for the Hills. The M2 is a great success but a car park for people who catch the bus is needed. [*Time expired*.]

FAIRFIELD CENTRAL BUSINESS DISTRICT REVITALISATION

Mr TRIPODI (Fairfield) [5.42 p.m.]: I draw to the attention of the House developments with respect to the revitalisation of Fairfield central business district [CBD]. When I was first elected to this House a priority of mine was to give the CBD special government attention so that it could be revitalised. It has an enormous number of empty shops and there is a sense of despair in the shopping centre. The Government, the local government and I have worked to deal with the problem. After the election the Minister for Urban Affairs and Planning visited the electorate. He visited the Villawood shopping centre, which is receiving similar attention, and the Villawood housing estate, which has now been demolished, and the Fairfield CBD. I identified the issues of concern to shopkeepers, the council and me.

Subsequently, funding under the main street program was applied for. It is administered under the Department of State and Regional Development. The criteria applied only to rural areas, but it was decided that western Sydney needed as much attention as anywhere else and the program was applied to central business districts in the western Sydney region. Our grant application was successful and Kylie Pike was appointed to work on the program full time. The town centre management committee took on the dual role of being the consultative committee required under the main street program. I thank Kylie Pike for the work she has done. Because of her youth many people doubted her capacity to achieve results. But she has applied enormous energy to the job and has

achieved identifiable and measurable results in improving the CBD of the Fairfield local government area.

She has an office in the council shopfront in recognition of the fact that many pensioners and elderly people could not go all the way to Wakeley to deal with council matters. This was achieved mainly through the efforts of Councillor Chris Bowen, who is now the Mayor of Fairfield. Kylie Pike plays an important liaison role. She works closely with Sil Frissetto, President of the Chamber of Commerce. The annual general meeting of the chamber will be held tonight. Because I will be here in Parliament House I will not be able to attend. Sil Frissetto has spent a lot of time, free of charge, working with Kylie Pike to revitalise the CBD.

Sil Frissetto plays a very different role from that of the previous president of the chamber, Phil O'Grady. He had nothing better to do than say negative things about Fairfield. Even now that he no longer is president he keeps bringing bad attention to the City of Fairfield rather than positive attention. He never stops running silly, concocted stories about crime levels, et cetera, in the CBD. That damages his constituency, the shopkeepers of Fairfield, rather than assisting them in encouraging the growth of their businesses. Sil Frissetto is in stark contrast: he is very committed and is achieving good results working with Kylie Pike.

Kylie Pike, Sil Frissetto, the main street liaison committee, the Fairfield town centre management committee, Fairfield City Council and I are starting to achieve good results for the central business district. Kylie worked very closely with the Carnivale festival a few months ago, which was a great success. This month there will be an Italian day. We will focus on the multicultural strengths and benefits of the local centre to promote the CBD. In the end we hope to create a safer, better environment with a stronger sense of community in the central business district. The shopping centre plays a role in unifying the community and bringing it together to engender a sense of being one. [*Time expired.*]

NARRANDERA DISTRICT HOSPITAL

Mr CRUICKSHANK (Murrumbidgee) [5.47 p.m.]: I raise a matter referred to also by the honourable member for Port Macquarie, that is, consistent attacks on our rural health system. It is a matter of great distress to me. I informed the Minister for Health that I would be raising this matter this evening. During the coalition term of government improvements were made to Narrandera hospital. Unfortunately, cuts are being made to the hospital which are piddling, unfair and very deleterious to the continuing existence of the hospital. Narrandera is on the edge of one of the Murrumbidgee Irrigation Area, one of the fastest growing areas in New South Wales, where the expansion is dynamic, widespread and enormous. One industry is the Rockdale feedlot, which is now expanding its operation. It is increasing throughput to 600 head per day through its abattoirs and will soon require another 100 personnel.

The bean counters, the cost cutters in the Greater Murray Area Health Service, are always looking for efficiency gains and there are always complaints about the service. Whatever it touches turns sour. That has happened at Narrandera District Hospital, where the area health service sought to remove the monitors from the high-dependency unit to the general ward, which is next to the duty nurse's station. It is, however, a long way from the high-dependency unit. Worse still, the area health service is seeking to close down the children's ward and move children to the general ward. One does not need to be Einstein to realise that a children's ward should not be part of the public ward. The bean counters regard that as a money-saving measure. However it merely highlights the fact that they do not know what they are doing.

Apart from superficial changes, residents would like to be informed of the costs involved with the alterations. Unfortunately, the really damning part is that a ban has been placed on certain people visiting the hospital. I received a call from a doctor and another constituent who asked me to inspect the hospital. I did so and the tour was almost completed when Mrs Casserly told me I had no right to be in the hospital and must make an appointment first. She proffered a number and suggested I ring it to gain permission to visit because she considered it was rude of me to have visited without having made an appointment. The number she gave me was the number for the Minister for Health. He will suffer more than the people of Narrandera or me if I must ring his number each time I want to make an appointment to visit the local hospital.

Slim Dusty gave a concert in Narrandera and one of his long-time admirers could not attend the concert because he was in hospital. Slim Duty decided to visit him in the hospital but he was denied access. Slim Dusty is not someone who would seek to undermine the activities of the Government. People do not realise what health services cost the community. In Sydney one can catch a taxi, bus or train but in the country a one-day procedure may involve a drive to Wagga Wagga

of 200 kilometres in the family car, the cost of a motel, loss of pay and two days absence from work. Public transport is not available and often babysitters have to be found. That can be stressful for patients, making it difficult for them to cope. Different reasons may be given for rescheduling, and that may involve additional motor vehicle costs, not to mention the psychological effect on those awaiting test results. The Minister and his staff do not understand those matters. [*Time expired*.]

DELFRAM PIG-IRON WHARF DISPUTE COMMEMORATION

Mr HARRISON (Kiama) [5.52 p.m.]: Last Sunday morning, 15 November, it was my privilege to attend, with my colleague the honourable member for Keira, the sixtieth anniversary commemoration of the historic *Delfram* dispute in which port workers in Port Kembla refused to load pig-iron for use by the Japanese war machine. That campaign by Port Kembla wharfies was led by their branch secretary, Ted Roach. It was a milestone in the history of the Australian trade union movement and the Australian working class. The dispute was not about wages or working conditions but about solidarity with the people of China who, at that time, were having their population centres mercilessly bombed by Japanese imperial forces. History records that after capturing Nanking, Japanese soldiers butchered and raped Chinese citizens. Reliable accounts of that time indicate that something like 300,000 people were murdered in a bloody 12-day period.

Port Kembla waterside workers, sickened by stories coming out of China, decided unanimously that they would not under any circumstances load pig-iron, which was needed by the Japanese for the creation of bombs and other armaments. On 15 November 1938 the dispute commenced with waterside workers refusing to load the vessel *Delfram*, although they indicated at that time that they were prepared to work any other ship in the port and were not on strike as such. The Port Kembla stevedoring company, as other labour became available, worked its way through the entire roster, suspending port workers as they refused to man the *Delfram* until the entire work force was stood down. The Federal Attorney-General at that time, Robert Menzies, then invoked the provisions of the infamous transport workers legislation, commonly known as the dog collar Act, that had been used to break the waterfront strike in 1928 and the seamen's strike in 1935. It required port workers who were willing to work on the *Delfram* to register and be issued with a card.

Only one Port Kembla worker registered and then gave his registration card to Ted Roach for a ceremonial burning. Port Kembla wharfies adopted the slogan "Bombs on China will mean bombs on Australia" and some person whose identity is not clearly known framed the nickname "Pig-iron Bob", which haunted Menzies until the end of his life. Fascism was on the march in 1938. Franco's fascist forces had taken Madrid and were poised to smash the Spanish Republic. Nazi Germany was armed to the teeth and spoiling for a war of expansion, and Japanese forces were murdering Chinese citizens in their hundreds of thousands.

It was against that backdrop that Port Kembla wharfies, under the leadership of Ted Roach, made their stand of international solidarity with the Chinese people. The dispute dragged on until February 1939, when the *Delfram* was finally loaded. However, such sympathy had been generated for the Port Kembla wharfies that the government of the day was never game to attempt to load another pig-iron boat for Japan. Ted Roach went on to be the National Assistant Secretary of the Waterside Workers Federation. I should like to read a short extract from the *Australian*, which stated:

> During the 1949 coal strike, fund freezing legislation had him back in court. After refusing to hand wharfies' money into the court and being told "it is the law", he replied: "It is the law to starve the miners' wives and kids." He served six weeks in jail for contempt. In 1951, the Arbitration Court gave a £1 increase to all workers, but wharfies received only 10/6. Roach had a "thimble and a pea" cartoon published in the *Maritime Worker*, criticising the "wage steal". Three new contempt charges resulted; he served nine months and eighteen days in solitary in Long Bay Jail.

Such was the calibre of the man that he was prepared to give so much for working-class solidarity. The tradition born in 1938 has continued to this date and the good fight has been fought by Port Kembla wharfies about working conditions of overseas crews, the rights of the individual people to throw off the yoke of Dutch imperialism, the war of intervention in Vietnam, and the loading of barbed wire and other such materials for use by the apartheid system in South Africa. Sir Isaac Isaacs, retired Governor-General and High Court Judge, in his booklet *Australian Democracy and the Constitutional System*, wrote:

> I believe that Port Kembla, with its studied but peaceful and altogether disinterested attitude of the men concerned, will find a place in our history beside the "Eureka Stockade", as a noble stand against executive dictatorship and against an attack on Australian democracy.

I salute the memory of Ted Roach, who passed away last year, and those port workers who were prepared to make personal sacrifices for humanity

and their belief in the brotherhood of man. The thirty years that I spent on the waterfront has given me an opportunity to work with many people who participated in the *Delfram* dispute. Sadly, only three are alive today but they are a credit to the working class in this country.

SPIT AND MILITARY ROADS TRAFFIC CONGESTION

Mrs SKINNER (North Shore) [5.57 p.m.]: I wish to address a matter of great importance to the North Shore electorate—traffic and transport. I am rather like a cracked record in this House when such critical issues arise for the people of my electorate. There is no more pressing problem than the traffic congestion on Spit and Military roads. The editorial in my local newspaper, the *Mosman Daily*, of Thursday, 12 November, commences:

> It will be ironic if it takes a massive upheaval like the malfunctioning of the Spit Bridge to focus the minds of government on the chronic traffic problems facing the north shore.
>
> No-one, it seems (and obviously not the present State Government) is prepared to tackle the issue which is strangling the Spit-Military Rd corridor and those flanking it.

That editorial correctly expresses the attitude of the current Government. It made it plain, through the Minister for the Olympics, in very early days that the people of the north shore would pay for the roads for the people of western Sydney. I do not object to people making a fair contribution to the delivery and provision of services for each other, but it is scandalous when it is put so blatantly that the people who desperately need assistance will not get it. I should like to place on record for the benefit of this House, for the constituents of North Shore and, indeed, for the readers of the *Mosman Daily* the comments of the Leader of the Opposition, whose views are exactly the same as mine.

The Leader of the Opposition and I share an electorate boundary on Military and Spit roads so this issue has an effect not only on us but on all those who use Military and Spit roads as a funnel to travel from one point to another but do not intend and do not need to stop in my part of the world. The Leader of the Opposition was quoted in the *Mosman Daily* of 8 April as saying:

> The alternative would be an underground road tunnel running parallel to Spit and Military Rds which would link the Spit Bridge with the entry points to the Harbour Bridge off the Warringah Expressway.
>
> Dedicated bus lanes would be a feature of the new tunnel because people are prepared to use public transport if it was "accessible, clean and safe".
>
> "The Liberal Party is committed to solving transport problems and would commence construction within its first four-year term. It would be preferable for the private sector to undertake the several hundred million dollar project and bear the financial burden.
>
> "But it has been recognised by the Liberal Party that the government also needs to contribute, so we would spend between $100 and $150 million."

I put it on the record that a coalition government would solve the problems confronted not only by the people in my electorate but also by the people from western Sydney, Parramatta and Liverpool who travel the length of the corridor to the northern beaches. I can assure honourable members that there are plenty of them. I am delighted that my side of politics has pledged to deal with the problem as a priority. One of my visions is the restoration of a sense of community in the people and the seat of North Shore. This can be achieved by removing the traffic jams on Military Road so that it can once again be used by the local people instead of being used by people as a runway. Once the congestion is relieved, we can widen the footpaths and put in street cafes and bus bays to encourage more people to catch public transport. That solution will end the division of the suburbs one from another. I look forward to my time in government so that the coalition can solve the problems of Spit and Military roads.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.02 p.m.]: I have noted the honourable member's remarks. Labor Party members will take special note of the coalition's commitment to a tollway system should the coalition win government. Honourable members should clearly note that for seven years, during which time the Leader of the Opposition has been Treasurer and Minister for Health, he has made no policy statements. All of a sudden the coalition has solutions to problems it has neglected in the past. The House will also recall the 13 occasions on which the Hon. Bruce Baird announced the introduction of trams to the northern beaches so that everyone from the western suburbs could go to the beach. That project never eventuated in the term of the previous Government. The Labor Party will watch with great interest. I know that the honourable member for North Shore will pass on the Government's comments as well as her own to the media when she promotes the action she has taken here tonight.

FAIRFIELD DRUG ACTION TEAM

Ms MEAGHER (Cabramatta) [6.03 p.m.]: I should like to bring to the attention of the House the latest work of the Fairfield drug action team

currently taking place in Cabramatta. The Fairfield drug action team is one of four such pilot projects around Australia and is pioneering innovative approaches to the problems associated with drug abuse and related activities. It is based on an English model and was initiated in 1996 by the drug programs co-ordination unit of the New South Wales Police Service after a special agencies command member completed a study tour of the United Kingdom.

The team is co-ordinating strategies involving the Police Service, the Department of Health, the Department of Education and Training, and the Department of Juvenile Justice youth services as well as drug and alcohol services. It has focused on prevention, education, rehabilitation and harm minimisation. The structure of the drug action team embraces community input but is secured against degenerating into a talkfest. The continuation and enhancement of the action team has been ensured by the assistance of the Cabramatta place management project, which the Carr Government initiated last year.

In its latest action plan the Fairfield drug action team has prioritised the following issues for its attention: drug use by young people in the Fairfield local government area; the health of drug users in the Fairfield local government area; the impact of drug use on the community; appropriate diversion of drug users from the criminal justice system; police and harm minimisation; and the completion of current and ongoing drug action team projects such as information for parents of young people, welfare support for police patrols, information cards for police officers, a drug action team day to target general practitioners, pharmacists, solicitors and businesses that have frequent contact with drug users. The drug action team is putting together a needle stick pamphlet in commonly spoken languages and increasing the involvement of the non-English speaking communities in the identification and reduction of drug-related harm in the Fairfield local government area.

Now that the various interest groups and service providers are able to meet regularly and discuss their priorities, the problems that they face are being addressed in a co-ordinated and systematic manner. The local Department of Education and Training is incorporating the drug action team's knowledge of community and health services into school drug education programs. Following a lengthy meeting with the local Indochinese youth and community workers at the Cabramatta community centre, the drug action team and police officers are supporting the establishment of a consultative committee for young Indochinese input into policing initiatives in the Cabramatta area. The drug action team is developing a diversion program that includes education and service provision for drug users and opportunities for intervention at the time of cautioning, arrest and court or custody.

To this end preliminary discussions have been held between the drug action team, the Cabramatta project, probation and parole officers of Fairfield corrective services, the Department of Juvenile Justice and the drug programs co-ordination unit of the New South Wales Police Service. It is also envisaged that the drug action team initiative will work closely with Australia's first Drug Court, which was recently announced by the Carr Government and is to commence in western Sydney in February 1999. Like the Cabramatta place management project and other Carr Government initiatives, the drug court program is being developed co-operatively between several New South Wales government departments and other stakeholders.

The Fairfield drug action team is an example of the wide-ranging involvement of the Cabramatta project in initiating and sustaining positive developments for the Cabramatta community. The Cabramatta project is dedicated to results and represents an understanding by the Carr Government that the challenges confronting the Cabramatta community are more than simply law enforcement issues and require a whole-of-government approach.

Without question the drug action program, together with the Cabramatta project, represents a second chance for Cabramatta and will complement initiatives that have already taken place. Yesterday I was briefed by the drug action team. I was told of an interesting initiative being undertaken by the local church committee to provide a drop-in space for people with drug dependency problems. The space will provide them with food and coffee and "Christian fellowship". It will also be an opportunity to alleviate the business community and visitors to Cabramatta of the stress they encounter when they experience drug-related crime on our streets. The idea is to provide a safe place for people with a problem and relieve the community of having to deal with those problems on our streets. I congratulate them on that initiative.

FARM MACHINERY PERMITS

Mr BECK (Murwillumbah) [6.08 p.m.]: Many primary producers in my electorate, which is in the Tweed Valley, are concerned about the escalating cost of permits to operate unregistered machinery between properties and leases. These concerns would

also pertain to all primary producers throughout New South Wales. The cost of third-party insurance is out of control and could force primary producers to risk not obtaining a permit. If that were so and an accident were to occur on a public road, a claim would be made against the primary producer, and could involve a court action resulting in the primary producer losing his farm.

I want the Government to act now to reduce the costs. I ask the Minister for Industrial Relations in the other place or the spokesperson for the Minister in this place, the Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney, to consider the matter. Costs have escalated in the past four years under the Carr Labor Government. In 1994-95 a permit to operate an unregistered vehicle cost $12 and the compulsory third-party insurance $24. In 1995-96 the cost of the permit increased to $13, which is acceptable because it is within the consumer price index, but the compulsory third-party insurance increased to $36, an increase of 50 per cent in one year.

The cost of a permit in 1996-97 was $14, which once again was acceptable, but the compulsory third-party insurance increased to $72, an increase of 300 per cent. It is disgusting! In 1997-98 a permit cost $14, the same as the previous year, but compulsory third-party insurance increased to $96, an increase of 400 per cent on the original cost of $24 when the Carr Labor Government came to office. A permit obtained in October for the 1998-99 year again cost $14, which is quite acceptable, but the compulsory third-party insurance rose to $132, an increase of 550 per cent on the initial cost of $24.

I am sure that the Minister for Mineral Resources, and Minister for Fisheries, who is in the Chamber and who was formerly shadow minister for agriculture, would be concerned by these massive increases. I ask the Minister to look at these figures and refer the matter to the Regulation Review Committee, as I intend to do, to determine the justification for such a massive increase. I will ask the honourable member for Bankstown to establish an inquiry into these costs. The Carr Labor Government said there would be no tax increases, but third-party insurance on unregistered farm machinery has increased by 550 per cent. That is unacceptable. It needs to be investigated now.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.13 p.m.]: I know that the honourable member for Bathurst, who is in the chair, has raised these very matters and I know they concern him as a member who represents a country electorate. The honourable member drew attention to increases of more than 500 per cent, and that would worry any person. It is only fair that the increases be investigated. The previous Government introduced a green slip system that involved 13 insurance companies.

When we consider how those companies have treated the system we should all be worried. Unfortunately we do not have legislative control over private insurers who, under the Greiner Government, were given free rein to run what was supposed to be a competitive system. Ultimately we have to have justice. I know that the Minister in the other place is also concerned about this matter and is examining green slips generally.

DEATH OF ALECIA WALSH

Mr LYNCH (Liverpool) [6.14 p.m.]: I draw to the attention of the House and the Minister for Health a difficult and worrying situation which was brought to my attention by Mrs Irene Searle, the sister of Alecia Walsh, who was born on 9 December 1968. Mrs Walsh died of a ruptured dissecting thoracic aortic aneurism on 23 September 1997 at Liverpool Hospital. She was 28 years of age and married, with a three-year-old son. Many questions arise from her death. Mrs Searle certainly has many questions. The mother of Mrs Searle and Mrs Walsh, Maria Sassos, died three years previously, aged 52, during an operation to repair an abdominal and thoracic aortic aneurism. The diagnosis of Mrs Walsh was made only after post mortem. If the diagnosis had been made earlier and if Mrs Walsh had been treated on the basis of that diagnosis, she probably would have survived.

What is most concerning is that a number of doctors were told of the family history, but those concerns were not investigated. If they had been, it is likely that Mrs Walsh would have survived. On 19 September Mrs Walsh collapsed at work. She was taken by ambulance to Liverpool Hospital. Mrs Searle and Mr Walsh were at the hospital. They were most concerned about the symptoms Mrs Walsh was displaying because they were so similar to those displayed by Mrs Walsh's mother, Mrs Sassos. They had been alerted to the generic predisposition in regard to aneurisms and had carried out some research into them. They told the emergency department of their concerns.

Mrs Walsh was discharged from Liverpool Hospital at 4.45 p.m. on 22 September following a number of tests, none of which related to the concerns of the family. The diagnosis was viral

costochondritis, a viral inflation of cartilage between the ribs and sternum. No tests were carried out for aortic aneurism, notwithstanding the concerns of the family. Understandably, Mrs Searle was quite concerned. Her sister was still in some difficulties. Mrs Searle drove her sister to the family practitioner. Mrs Walsh had trouble breathing and was crying from the pain. She also had an excruciating headache.

The general practitioner prescribed pethidine and sent her back to the hospital by ambulance. She arrived at the hospital at about 6.45 p.m. A computer tomography [CT] brain scan and a lumbar puncture were ordered. The family requested a magnetic resonance imaging [MRI] scan, an ultrasound and an angiogram, none of which were carried out. Those tests were refused. Mrs Walsh was left in the hospital overnight. Mrs Searle received a phone call the next morning to say that her sister's condition had deteriorated dramatically. Mrs Searle arrived at the hospital to find that Mrs Walsh had died while an arch aortagram, which is one of the tests that might have got to the bottom of her problem, was being prepared. Mrs Searle has asked a number of questions arising out of these events:

1. Given my family history, why wasn't the thought of an aneurism entertained seriously?

2. Why wasn't an M.R.I., ultrasound or angiogram performed?

3. Why weren't my mothers records accessed or Dr HAZELTON spoken to regarding Alecia's history?

4. Why was Alecia discharged when she was still exhibiting the symptoms of an aneurism?

A plethora of paper, together with a whole host of medical reports, has been generated by these issues. None of the reports satisfy Mrs Searle. No satisfactory explanation was given to Mrs Searle as to why the family's concerns about the possible diagnosis were not taken seriously. In reality Mrs Walsh died on 23 September of a condition that had not been diagnosed or treated, notwithstanding that when she was admitted to hospital on 19 September the family told the doctors that they thought this was the condition from which she was suffering. If a thoracic CT scan had been performed when requested, it is possible that it may have shown the medical problem developing and she may well have survived.

It is worth noting that at the same time that the family was asking for a thoracic CT scan, a CT scan on the brain was being carried out. I do not take a lot of time attacking doctors. I understand as well as anyone that medical treatment is no guarantee of an absolute success, but I am unsettled by this course of events. The family tried very hard to get across their concerns and they were not granted the regard they should have been granted. Mrs Searle has tried to pursue that matter. I ask that the Minister for Health have a proper look at this issue to see if he can provide any succour.

[*Private members' statements interrupted.*]

MINISTER FOR REGIONAL DEVELOPMENT, AND MINISTER FOR RURAL AFFAIRS

Personal Explanation

Mr WOODS, by leave: I wish to explain that during the debate on the censure motion before the House earlier today I mistakenly named the honourable member for Murrumbidgee as the member for Hume. As we all well know, the member for Hume is Alby Schultz.

[*Private members' statements resumed.*]

NOWRA FIRE STATION STAFFING

Mr ELLIS (South Coast) [6.21 p.m.]: Yesterday, in response to a question in the House. the Minister for Emergency Services announced the appointment of 73 salaried fire officers to regional stations. One of the stations to which those officers would be attached is Nowra. Nowra is presently serviced totally by retained staff with a long and exemplary record of service to the community. All members are well regarded, proficient, work as a close-knit team and have demonstrated time and again a high level of professionalism. The Minister stated that permanent officers would improve firefighting resources in rural and regional New South Wales. In attaching four salaried members on a day shift roster the Minister has failed to explain how additional staff will improve an already efficient firefighting unit.

This action can be viewed as a rebuff to the present staff and an expression of lack of confidence in their expertise by the Minister. I assure the Minister that this news will not be well received and if any negative consequences flow from this he must accept total responsibility. I say this confidently, because for the past three years the firefighters union has mounted a concerted campaign to install salaried staff. The Minister would be well advised to heed the fact that their attempts have been forcibly repudiated by the community of Nowra. The argument proposed by the Minister that this would add to the job space in the area ignores the fact that

the community will be picking up the wages bill for these people.

The lion's share will be absorbed through increased household fire insurance levies and council rates. The 14 per cent share that the Government pays comes out of general revenue which is paid by the taxpayer. Why should the people of Nowra pay for something that they do not need at this time? No case has been made for more staff in Nowra nor has any indication been given that the service provided was wanting in anything other than equipment. In other words, there is no justification for this latest step. That was made apparent prior to the Minister's announcement. When the community asked for a much needed dialysis service they were told that no money was available and that funds would have to be raised by the community.

The community raised funds to build the Culburra ambulance station and offered it to the Government, but once again no recurrent funding has been forthcoming to staff this much needed service. How is it that the Government can find money for something that the community has not asked for, yet the things it wants and needs have been denied on the basis of a supposed lack of funding? It has been put to me that this arrangement has been brought about as a result of a deal struck with the firefighters union. It has been alleged that 73 country positions are a trade-off to allow tankers to be managed by retained staff. I suspect that these four salaried staff will only be the first instalment and that the real agenda is eventual full-time manning of country stations by salaried staff, as signalled by the union campaign.

It concerns me that there has been no community consultation on this matter, despite the clear expression against such a move previously. Indeed, to make these appointments by ministerial decree not only is a snub to retained firefighters in the Nowra station but also to the people of Nowra. The Minister must demonstrate his bona fides that these appointments are warranted on significant operational grounds and not as a political argument. Unless this can be convincingly demonstrated the suspicion of political opportunism will undermine the cohesion of a successfully performing unit. The Minister must also explain the justification for adding the costs to the ratepayer when it is patently not warranted, nor has it been called for.

The Minister must explain what circumstances exist now that did not exist in 1995 to warrant such a decision being made. The only change that is obvious to me is the State election in four months time. The team of 18 retained firefighters at the Nowra fire station are very efficient. When they compete against other stations throughout the State in competitions to hone their skills, they do very well and they regularly come in the top three in many different activities performed at these events. It is a very sad day when their ability has been questioned. There has been no call for this to take place in the area and I would ask the Minister to reconsider the situation.

MORISSET HEALTH AND COMMUNITY CENTRE

Mr HUNTER (Lake Macquarie) [6.26 p.m.]: Tonight I bring to the attention of the House the continuing community effort to establish a Morisset health and community centre. I raised this issue previously on 4 June and 21 October and I refer honourable members to the statements I made then. On 21 October I said to the House:

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

I pointed out that despite council's opposition to what the local community wanted, I and the community had continued to push for this facility to be located at Morisset. With the assistance of the Hunter Area Health Service, an overview document called the "Morisset Multipurpose Centre Community Partnership Project" was put together in consultation with the groups I mentioned. It proposed that a $1.5 million centre be located in the Morisset township. The area health service said it was prepared to make a capital contribution towards the cost of the building commensurate with the floorspace required for the health service to provide improved health services in the area. We would have brought together under one roof community health, local doctors providing an after-hours medical service, the carers, respite service, our local neighbourhood centre and senior citizens, serving the local community at a central point in the south Lake Macquarie area. In my concluding remarks I went on to say:

> Tonight I call on the council to support all those local community groups in the Southlakes area to reassess their decision to base the multipurpose centre on the Morisset peninsula, to support the local community and to ensure that the centre is built in the Morisset township.

That speech was reported in the local media. On 28 October in the *Lake Macquarie News* a story appeared headed, "Listen to community—MP", and it outlined the contents of my speech. That call seems to have received a positive response from Lake Macquarie City Council, because a consultation on the proposed multipurpose centre was scheduled. Invitations were sent to numerous community groups by way of a letter from Lake Macquarie City Council which stated:

> Council plans to construct a multi purpose centre in the Southlakes area which will provide a venue for community group activities and facilities for some community services.
>
> Whilst Council has identified a site for the centre on the corner of Fishery Point Road and Mather Street, Bonnells Bay, a number of organisations have indicated a preference for a site in Morisset. A review of both the site and the needs of community groups for office and activity space in the proposed centre is currently under way. This review will include consultations with potential user groups.
>
> Your organisation is invited to send one representative to a consultation to be held.
>
> Date: Tuesday, 17 November
> Time: 10:30 am to 12 noon
> Venue: Morisset Memorial Hall
> Dora Street, Morisset
>
> The issues identified during the consultations will be included in a report to council along with other relevant information. Council will then determine both the site and the types of facilities the centre will provide.

That meeting, at which I was represented, was held yesterday. My representative informed me that it was a positive meeting and all community groups were able to put their views. It is now up to the council to decide the fate of the centre. Unfortunately, one persistent misleading piece of information was again raised at the meeting, unfortunately by a council officer. The claim that the preferred site, Bernie Goodwin Oval, is under native title and/or land claim is incorrect. The Minister for Land and Water Conservation has confirmed that there are no such claims. I want to put that matter to bed. Finally, I thank Elizabeth Delaney, newly-appointed community planning manager of Lake Macquarie City Council, who seems to have brought a breath of fresh air to the issue. She is reassessing the council's position by consulting the community and service providers.

GYMEA TAFE TRADE COURSE RELOCATION

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [6.31 p.m.]: In January a new carpentry trade course in housing was implemented throughout the TAFE system in New South Wales. This nationally-accredited course prescribes the construction of full-sized projects, instead of the traditional teaching aid of working on smaller scale models of two-storey houses in Sydney TAFE colleges. To accommodate this new course the southern Sydney TAFE institute spent $1 million to construct a building barn at Chullora. To justify the expenditure and to ensure proper utilisation of the new building barn, the carpentry trade courses are being restructured. The results of the restructuring will mean a disruption to the lives of teachers and students, who will now be forced to travel from various parts of southern Sydney to Chullora to undertake part of their trades course.

To further facilitate the use of the building barn, the carpentry section at St George TAFE college is to be totally closed from January 1999 and students will be forced to travel to Gymea, Chullora or Randwick to undertake their trade courses. Students from Gymea TAFE college will now be forced to travel to Chullora to complete 30 per cent of their three-year course so that they can work on full-sized models in an enclosed building called a building barn. This will very much impact on the trades education of 200 to 300 students undertaking trades courses in that part of Sydney. Students, parents and teachers are less than happy with these changes. I have received and presented to Parliament petitions from more than 230 locals in the Sutherland shire alone who are impacted by this change.

Gymea TAFE has been training carpentry tradesmen for nearly 40 years. It has developed an enviable reputation throughout Sydney of developing skilled tradesmen for the industry. As part of the previous course apprentices practised on scaled buildings. Interestingly, that appears to have had little or no detrimental impact on their skills. I am unaware of any complaint from tradesmen in my electorate about their apprentices not being properly trained because they are working on scaled-down buildings rather than on full-sized buildings. I have received no complaints from students that they are getting inadequate training.

The students in my electorate feel so strongly about this matter that they are prepared to build an awning at Gymea to accommodate a two-storey structure. They and other trades apprentices are happy to do this as part of their on-the-job training. However, they are being forced to construct two-storey buildings inside a cosy, indoor building, at unnecessary expense and disadvantage to them. The main concern is that this is the start of the rot to progressively undermine the course and to move it in its entirety to Chullora. That is what happened at Bankstown TAFE.

Fitting and machining, arts, fashion, mechanics and panel beating have now all gone from Gymea TAFE, and this looks like another course that will hit the dust. Rumours already abound about plans to get rid of the plumbing course from Gymea TAFE. Residents of the Sutherland shire will not stand for these changes. I have received assurances from the Director of the Sutherland college that there is no intention to downgrade the course. But I want that assurance from the Minister for Education and Training and a guarantee to stop downgrading Gymea TAFE. [*Time expired.*]

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [6.36 p.m.]: The Deputy Leader of the Opposition stated that he has received an assurance from the Director of Sutherland TAFE. I draw the honourable member's attention to what Dr Kemp is doing to our education system and to what he and Peter Reith are doing to our educational standards and accepted accredited schemes. The honourable member should take that into account when he raises these matters purely for political purposes. The honourable member's concerns reflect the views of a few people. He should work constructively with the TAFE authorities to ensure they receive the best value for their money. I am sure that the Minister for Education and Training will take into account the requirements of the people of that area and ensure that those young people receive the very best education.

WOLLONGONG CRISIS CENTRE

Mr SULLIVAN (Wollongong) [6.37 p.m.]: The Wollongong Crisis Centre is located in the Wollongong suburb of Berkley. It was established in 1977 by Dr Alex Leech and Yvonne Benjamin, drug and alcohol workers, who recognised the need for a detoxification and rehabilitation centre in the area. They gathered together a few concerned citizens, formed a committee, raised some funds and acquired a residence, which is the old Dorahy farmhouse at Berkley Hills.

The Wollongong Crisis Centre is the only residential detoxification and rehabilitation service between Sutherland and the Victorian border and as far west as Goulburn. For the past 20 years the centre has provided a 24-hour service and admitted in excess of 3,000 people for treatment. The unit of 10 beds primarily targets the detoxification and rehabilitation of users of illicit drugs, such as heroin, speed and cocaine. As well, it has priority programs for women, Kooris and youth, and in the last few years has established a Shoalhaven area program to assist people in that area.

The centre has achieved this with only 10 beds, which is no mean feat. On average the centre receives more than 165 requests for admission per month and is able to admit 15. The management and staff of the Wollongong Crisis Centre are appreciative of this Government's support, particularly the support of the Minister for Health, and the recognition it has been shown during the past two years. The increase in funding has enabled the centre to employ a drug and alcohol youth worker to cover the Shoalhaven area and to continue to provide and improve its first-class service. On Saturday night the centre will host its twentieth anniversary dinner.

The centre is proud to report that as a result of the support it has received from the Health Department and the level of service it has just become the only residential detoxification and rehabilitation centre in Australia to achieve quality accreditation through the community health accreditation and standards program [CHASP], the same organisation that accredits public hospitals. That is a great achievement. The crisis centre has been functioning for 20 years. It now has an objective measure. The centre is the best at what it does. It does not cater only for the so-called street junkie—doctors, police officers, nurses, mothers and grandmothers have undertaken the program. The centre has reported that the abuse and misuse of drugs is increasing in all sections of our community.

I shall cite some statistics for the period 1 July 1997 to 30 June 1998: initial contacts completed for admission, 624; requests for detoxification, 484; requests for programs, 491; requests by juveniles, 156; Shoalhaven juveniles, 45; out-of-area juveniles, 23; total admissions, 211; discharges, 199; completing detoxification, 101; completing program, 60; bed occupancy, 78 per cent; 74 per cent male and 26 per cent female. The centre received 7,768 telephone calls from 1 July 1997 to 30 June 1998. The number includes clients, initial contacts, admission contacts, Wollongong City Council service inquiries, family residential clients, DNA inquiries, legal inquiries, medical inquiries and referrals to other services. I pay tribute to this excellent service. I will certainly join the centre on Saturday night and celebrate its twentieth anniversary. [*Time expired.*]

Private members' statements noted.

[*Mr Acting-Speaker (Mr Clough) left the chair at 6.42 p.m. The House resumed at 7.30 p.m.*].

MACEDONIAN ORTHODOX CHURCH PROPERTY TRUST BILL

Suspension of standing orders agreed to.

Bill introduced and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [7.34 p.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to constitute a statutory corporation to hold property on behalf of the Macedonian Orthodox Church; to specify the functions of that statutory corporation; and to vest in the statutory corporation property held in trust for the benefit of the church. The corporation created by this bill will be called the Macedonian Orthodox Church Property Trust. It is longstanding government policy to assist churches to organise their financial and property affairs by sponsoring a bill such as this establishing property trusts to manage their present and future holdings. This aids the church by providing an appropriate structure to support its religious and charitable activities.

The Macedonian Orthodox Church is a self-governing body and its history dates back to the founding of Christian churches in Macedonian cities by St Paul the Apostle. The head of the church is the Archbishop of Ohrid and Macedonia. The church in Australia is administered under a constitution brought down by the Archbishop and Lay Council of the church on 31 October 1994. That constitution recognised that the church in Australia and New Zealand is now a diocese and is administered by its own bishop, known as the Metropolitan. The first Macedonian Orthodox congregation in Australia was founded in Queanbeyan in 1967. The church has significant property holdings in Australia, primarily in New South Wales and Victoria. In Sydney the church is regularly attended by approximately 30,000 people—a relatively young community and, with the continuing turmoil in the former Yugoslavia, a growing one.

The church engages in significant religious, charitable and educational activities. It operates child-care centres, youth groups and an aged-care home at Bonnyrigg, and has provided funds for the support of orphans and for other charitable activities. The solicitors for the church advise that church property is presently held by individual companies. Each parish generally has its own company and the companies have similar constitutions under which the property is held for the benefit of the church. The Metropolitan, His Grace Bishop Petar, has advised the Government that the proposal to establish the property trust was explained and discussed at the annual diocesan assemblies in 1996, 1997 and 1998. Each parish sent two representatives to the assembly, one clerical and one lay member. His Grace advised that the proposal has the support of the diocesan assemblies.

The bill is similar in content to other church property trust legislation passed by Australian parliaments. This bill follows the same structure as the Methodist Church of Samoa in Australia Property Trust Act passed by this Parliament earlier this session. For the benefit of honourable members I will outline the major provisions of the bill. Clause 4 provides for the establishment of the property trust as a statutory corporation. The trust is to comprise a board of trustees comprising the Metropolitan, who is to be President of the Board, a Vice-President, Secretary, and Treasurer who are current members of the Diocesan Ruling Committee of the Macedonian Orthodox Diocese for Australia and New Zealand, and three lay persons who are also current members of the Diocesan Ruling Committee, appointed by the Metropolitan.

Clause 5 specifies the functions of the trust. These include the purchase, holding, leasing, exchange and sale of church property; acquiring property by gift, devise or bequest; and borrowing money for church purposes. The usual provisions to enable the trust to make relevant by-laws, such as the procedures by which the board of trustees will conduct the business of the trust, and delegation of functions are made in clauses 6, 7 and 8. Clause 9 provides for the trust to invest any funds in accordance with the Trustee Act 1925 or any other terms of trust to which that property is subject. Clause 10 of the bill will enable the trust to make advances from trust funds. This will allow the trust to provide for the establishment of new parishes as the church continues to grow.

The bill also enables the trust to make arrangements with the church of another denomination concerning use of trust property, an important feature, given the increasing co-operation among denominations these days, particularly for charitable and community work. The trust will also be able to act as the executor or administrator of an estate in which the church has a beneficial interest and to accept appointment as a trustee of property held for the church's benefit. Clause 15 of the bill will vest property currently held in trust for the church in the new Property Trust Corporation. This vesting will take effect from the date of

commencement of the Act without the need for separate conveyance of the individual parcels. The bill provides, in clause 15, that the vesting does not affect any existing mortgage, lien, lease or other encumbrance that affected the property before that vesting occurred.

Clause 16 of the bill provides for the vesting in the trust of property given to or otherwise receivable by the church in the future. The bill will have a positive impact on the operations of the church and its capacity to manage its financial and property affairs. This will have a specific benefit to the Australian Macedonian community and their families by assisting their religion to grow in Australia. The bill is part of a tradition of assistance by a long line of State governments to assist such institutions. I commend the bill to the House. I note that the Opposition has indicated its support for the bill. I say to members of the Macedonian church community who are present that their local member, George Thompson, has done great work in having this bill brought before the Parliament.

Mr ACTING-SPEAKER (Mr Mills): Order! I welcome to the gallery the clergy and members of the Macedonian Orthodox Church, representing Bishop Petar, who is presently in Macedonia.

Mr HARTCHER (Gosford) [7.40 p.m.]: On behalf of the coalition I welcome representatives from the Macedonian Orthodox Church and pledge to them our continued support for their work in New South Wales and Australia. The Macedonian Orthodox Church, one of the great family of orthodox churches, was founded on the day of Pentecost when the Holy Spirit descended upon apostles in a small upstairs room in Jerusalem. When St Paul was travelling on his great evangelical work throughout Macedonia and Greece he wrote in his epistles those famous words to Silas and to the church in Jerusalem, "Come over into Macedonia and help us." Macedonia has always been at the heart of the development of the Christian faith. It is a great occasion that those representatives are present tonight and that this Parliament has an opportunity to pass a bill which will regulate the property affairs of their church.

The spiritual affairs of the Macedonian Orthodox Church are its concern and responsibility. No parliament has any right to interfere in those affairs. However, the Parliament can assist the church in its property affairs. We are glad that we have such an opportunity. The Orthodox Church in Macedonia fulfilled an extraordinary role in maintaining the heritage, culture and linguistic identity of Macedonian people throughout hundreds of years of Turkish, Bulgarian and Greek occupation and throughout years of Communist oppression by Yugoslavia. The church has preserved the identity of Macedonian people. We acknowledge the role of the church and the role of each of the representatives present in the gallery.

The great nation which gave to the world such sons as Alexander the Great has, for the first time in hundreds of years, achieved its own independence as a separate nation among the family of nations. The Macedonian Orthodox Church has kept that independence alive. We salute each of the representatives of that church. We acknowledge the role of Bishop Petar who, unfortunately, is not with us tonight, and the role of those pioneers who established the church in Australia as part of the post-war emigration to Australia in the 1950s and 1960s. The Minister for Police, who represents the Attorney General in this House, said earlier that the church is attended by 30,000 people. That young and vibrant church fulfils a social role and keeps the community together in a unique way.

The importance of the church cannot be overstated. It cannot be seen simply as a religious body as it fulfils so many other roles in society. I am pleased that the Minister acknowledged the charitable work done by the church and recognised the role of the diocesan assembly. Opposition members believe that the bill has been introduced with the full consent of the church; therefore, it has our full support. On behalf of the Leader of the Opposition and my colleagues in the coalition, I support the legislation and place on the record our praise and respect for the great Macedonian Orthodox Church.

Mr WHELAN (Ashfield—Minister for Police) [7.44 p.m.], in reply: I thank the honourable member for his contribution and I congratulate the church.

Motion agreed to.

Bill read a second time and passed through remaining stages.

TEACHING STANDARDS BILL

Second Reading

Debate resumed from 11 November.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [7.45 p.m.]: In accordance with Standing Order 71(1) I seek pre-audience. Following consultation with a range of

educational groups since the tabling of the bill the Government intends to move a number of amendments in Committee. Those amendments will have the effect of refining certain aspects in the bill. The amendments will provide greater certainty in the relationship between this bill and employer-employee relationships; refine the composition of the board in certain respects; and specify the responsibilities for ensuring compliance with professional teaching standards, the capacity to delegate certain responsibilities, the relationship between the Minister and the board, and certain other relatively minor aspects.

The relationship between the Minister and the board will be adjusted so that the board may undertake such duties as may be requested by the Minister. The membership of the board will be improved to ensure that there is an appropriate balance between government and non-government sectors and to ensure an appropriate number of teachers. It is also important to ensure that primary and secondary teachers are adequately represented. To do this there will be an additional nominee of the New South Wales Teachers Federation, which reflects a parallel structure to that of the Board of Studies, previously accepted by the former Government. Clause 26, which has caused debate among some groups and which is not essential to the operation of the bill, will be deleted. Clause 15(2) is to be deleted so that there is no longer any link, real or perceived, between employment rights and the role of the board.

A further amendment will make clear that the power to appoint deputies for directors still involves seeking the nominees of the relevant nominating bodies. In relation to section 21, the Government's proposed amendment will better qualify the meaning of "disciplinary action". I wish to make it clear that the bill does not prevent a teacher who meets the standards from being registered even if he or she does not hold a particular qualification. For example, a person with a PhD in history, who does not hold teaching qualifications, would be eligible to be registered if the board determined that that person met the standards. In this sense the Act is standards driven, not qualifications driven. For the benefit of honourable members, I table the schedule of amendments I propose to move in Committee.

Mr O'DOHERTY (Ku-ring-gai) [7.48 p.m.]: In the 6½ years that I have been a member of this Parliament I have never witnessed a Minister, a few days after making his second reading speech, apologising to the House for doing a shoddy job and indicating that significant, gutsy amendments have to be made because the Government did a bad job the first time around. That indicates just how flawed this bill was when it was introduced. The bill has important aims which are supported by the Opposition. However, the Opposition does not support the exposition of those aims in this form. The Government did not discuss the bill with the Opposition before or after its introduction—it did not discuss the bill with many groups—nor did it discuss any amendments that it seeks to move in Committee. The Opposition will agree to some of the amendments to be moved in Committee as they go to the heart of some of the matters that will be raised during debate, but it will oppose the bill as a whole.

The Opposition opposes the bill because it is fundamentally flawed. Despite the amendments that the Minister has foreshadowed, the bill still will not deal with the uneasy marriage and the mishmash of objectives. Two important aims are mixed together in one bill in an exposition that does neither well. For that reason a number of groups have asked the Opposition to oppose the bill outright. I make it clear to the Government that the Opposition will vote against the bill on the second reading, presuming it goes into Committee because of the Government's numbers.

The Opposition will accept some amendments that go some way towards resolving some of its concerns but will oppose the bill. Prior to the bill reaching the Legislative Council the Opposition will consult again in the same way that it has consulted widely with many education groups to find out whether their fundamental objections remain. However, I can indicate that the Opposition will continue to oppose the bill in the upper House. The bill has attracted significant criticism from every key group in education. Though they support its general aims, many have asked the Opposition specifically to vote against it with a view to improving the model by discussion. I will come to the specific objections in a moment.

It is not too late for the Government to withdraw the bill voluntarily to allow further discussion to take place. I request the Minister to do that tonight. The Government can avoid some of the problems it will have in amending this bill, trying to fix up the bad job it did in the first place, if it withdraws the bill for discussion and brings to the table all the groups that the Opposition has spoken to over the last five days that have profound concern about the process and the result of the programs.

The Government wants to deal with the bill in this House tonight and get it through the upper House quickly next week because it is anxious to

get out of the Parliament to avoid facing the scrutiny of the electorate in the run-up to the State election. That is a poor reason for such haste. A measure that has such a profound impact on education ought to be debated widely by the community. But wide debate will be prevented by the Government's need to get bills through before leaving as quickly as possible. That is shabby and shoddy. The Opposition asks the Government to withdraw the bill, have further discussions, bring it back if necessary, and reconvene the House in February. There is no reason not to sit in February to discuss this matter and this matter alone so that the bill can achieve the two important aims that it does not meet.

Despite the rhetoric, the bill does not lift the status of teachers because it is preoccupied with deregistration rather than registration. The whole model is about the deregistration of teachers, not about registration or lifting standards. Its first and foremost function is to ensure that teachers can be deregistered and to allow the Government to talk tough about having done so. It is preoccupied with the dismissal question, preoccupied with providing an alternative mechanism for dealing with inefficient teachers beyond the mechanisms that already exist.

The Opposition agrees that the mechanisms require great improvement but the new mechanism in the bill came as a complete surprise to all the groups that had been discussing the issue seriously with the Government for many months. Those groups include the New South Wales Teachers Federation, the Joint Council of Professional Teacher Associations, the Association of Independent Schools and the New South Wales Parents Council, all of whom are represented in the gallery tonight. The federation was close to agreement with the department over a new set of procedures for dealing with inefficient teachers. The agreement included new resources and a shortening of the time frame within which to deal with an improvement program. That agreement has been jeopardised by this shoddy process.

It is ironic and a mark of how appalling the Government's process has been that the very process that was about to be agreed to by the New South Wales Teachers Federation to provide a better mechanism to deal with inefficient teachers or to improve teacher efficiency is now jeopardised. The bill was introduced in a great rush and seemed to have been drafted following a speech that the Premier made that enraged the teaching profession by casting all teachers as bad and inefficient. The whole model is, as I say, a deregistration and dismissal model rather than a model to lift the status of the teaching profession. It is ironic that that has now jeopardised an agreement that would have improved departmental procedure.

Unions and employees alike have reacted strongly to the way that the bill will cut across existing employer-employee obligations. The procedures leave employers and employee relationships subject to outside intervention. Despite all the denials in the Minister's second reading speech and even in the bill itself, the bill clearly is about industrial relations matters. There are no two ways about it. Some of the amendments that the Minister has foreshadowed try to deal with that issue but do not do so expertly.

Already tonight the Catholic Education Commission has indicated to the Opposition that the Government's foreshadowed amendments are still not sufficient. The Opposition will continue to urge the Parliament to ensure that the bill provides for the separation of employment and registration requirements and treats government and non-government schools equally in respect of sanctions resulting from a teacher's non-compliance with the requirements of the bill. It remains unsuitable to the Catholic Education Commission. The Association of Independent Schools has responded similarly. The Catholic Education Commission said:

> More time and a more deliberative process will be required to provide detailed and substantive advice on the amendments that the Government has foreshadowed.

That is why the Opposition asks the Government to withdraw the bill now, to have some discussions and, if necessary, to come back in February. At the end of my contribution I will spell out some of the alternatives that the New South Wales Opposition will implement in government, but at this stage I indicate that the Opposition supports a process involving voluntary professional accreditation rather than registration. The Opposition's model would be voluntary but would contain big incentives for teachers. Under a coalition Government only accredited teachers would be employed by government schools. A trainee teacher about to enter the profession would have a major incentive in career prospects to become an accredited teacher because 70 or 80 per cent of the jobs will be provided by a body that employs only accredited teachers.

The Opposition's system is voluntary, based on incentive and on lifting standards; the Government's system is top-down, is compulsory, restricts schools from employing people outside the square, and is all about control rather than incentive. Those are the

clear differences. It should provide an incentive for further education for teachers and the recognition of excellent practice; it should not be linked to, although it is associated consequentially with, of course, efficiency improvement procedures and the dismissal of teachers if necessary, but that is the primary responsibility of employers. That is what the Government has got wrong in this bill.

The coalition will strengthen the role of employers and provide resources and power to act more swiftly up to and including dismissal if necessary. It will also provide in each system a transparent process of accountability to parents in dealing with complaints they may have about the operation of schools. I want to turn to the remarks of the groups that the Opposition has consulted. I thank most sincerely the groups that have done such an earnest job in consulting with the Opposition under very difficult circumstances; difficult because, like us, none of them received any notice of this bill from the Government.

When the bill was tabled here last Wednesday, that was the first time that most people had seen it. Between then and now the Opposition has had extensive discussions and received many submissions from the following groups, to whom I am very grateful: the Joint Council of Professional Teacher Associations, the New South Wales Teachers Federation, the Independent Education Union, the New South Wales Parents Council, the Catholic Education Commission, and the Catholic Commission for Employment Relations, the Association of Independent Schools, the Public Schools Principals Forum, the Federation of Parents and Citizens Associations, the Primary Principals Association, the Federation of School Community Organisations, Christian Parent Controlled Schools, Christian Community Schools and the Association of Heads of Independent Schools.

The first objection of the groups is that the bill is, as I said earlier, fundamentally flawed in its present form. It contains serious internal contradictions and needs to be redrafted. The Association of Independent Schools has said:

> The association is not convinced that the current complex Bill can be appropriately redesigned sufficiently to avoid serious problems for the Independent sector.
>
> This is to confirm that the AIS finds the Bill, as currently drafted, unacceptable.
>
> The Minister has been clearly advised of the Independent Sector's support for raising standards but opposition to the proposition of mandatory teacher registration overriding the agreed mandatory school registration and our very serious concern about the impact on the existing industrial process.
>
> He has been advised of our opposition to this bill.

In a letter from the New South Wales Teachers Federation to the Opposition, the General Secretary said:

> The NSW Teachers Federation opposes the Bill in its current form.
>
> There was extensive consultation with the Federation and other parts of the Education Community about teacher registration prior to the matter going to the NSW cabinet. However the cabinet decision that led to this Bill has clearly significantly changed a number of significant details to the extent that the Federation cannot support it.
>
> The Bill was prepared in haste and the Government proposes to put it through the Parliament in haste.
>
> This is unacceptable to the Federation.

The Opposition appreciates that response from the federation. The Catholic Education Commission and the Catholic Commission for Employment Relations said:

> . . . are opposed to the Bill in its present form. The Bill has major and fundamental flaws which require significant amendment. The Catholic sector is not opposed to the objects of the Bill and a set of suggested initial amendments has been provided to both the Government and the Opposition. Our objective is clear and workable legislation, which this is not.

One could not get anything clearer than that. I note that representatives of the Catholic Education Commission are in the gallery tonight. The New South Wales Teachers Federation also said:

> Unless the Bill is significantly amended it will be opposed by teachers across NSW.

That is a powerful argument in favour of the proposition that the process was flawed. That is the first objection of the interest groups to whom the Opposition has spoken. The bill is fundamentally flawed and it has serious internal contradictions. Let us withdraw the bill and redraft it. The second objection is that there has been no discussion about the bill and that the bill does not reflect the consultation that took place over some time. The Minister's second reading speech referred to the white paper and so on. The Joint Council of Professional Teacher Associations said:

> It was disappointing to find consultation with professional teachers' associations on the final legislation did not take place prior to it being tabled in the parliament on 11th November, particularly in light of the ongoing consultations & negotiations which had occurred prior to this. We believe had this occurred we would not now be in the position of having to propose amendments to the legislation.

In a letter to the Premier, the Association of Heads of Independent Schools [AHISA] said:

> AHISA (NSW) is disappointed by your announcement. There has been very little consultation since the Discussion Paper in August 1997, responses to which were submitted in October of that year. Why was there a major shift from the position adopted in the Ministerial Discussion Paper which stated . . .

I ask the Minister whether the so-called education Premier decided that he would get good headlines if he stood up at the conference on 26 October and bashed teachers over the head. Has the Government decided that the politics of teacher bashing is more important than the politics of getting it right and lifting standards in the profession? The New South Wales Teachers Federation said:

> The Government's handling of the teacher registration matter and the major flaws in the legislation now prejudice the Federation Council's consideration of the proposed agreement.

That is an agreement, to which I referred to earlier, that the federation was ready to discuss at its State council meeting next Saturday, a meeting that will be attended by me and, I understand, the Minister. The federation told the Opposition that because of the flawed bill and the bodgie process undertaken by the Government, a process that would have achieved one of the two important aims of the bill has been jeopardised. The Public Schools Principals Forum is concerned that:

> . . . the government appears to have ignored much of the advice it received throughout much of the consultation process. The Minister has also abused the democratic process by denying you, as Shadow Minister, adequate access to the draft bill.

I am grateful for that. The third objection is that there was no evidence that the bill would streamline the process for dealing with inefficient teachers. It may actually jeopardise the process of improving departmental procedures. I have already mentioned that the Teachers Federation said it was close to an agreement with the department. The bill will jeopardise that. The Christian Parent Community School said the bill:

> . . . will interfere with our schools' teacher review processes and perhaps prevent us from or restrict us from dismissing a teacher who does not mention our Christian criteria.

That group of schools is doing precisely what the bill wants it to do, but the bill may make it impossible for them, as independent schools, to continue. The bill may not achieve the objectives laid out by the Government. The Public Schools Principals Foundation said:

> There is no evidence to support the minister's claim that the establishment of a Teaching Standards Board (T.S.B.) will in fact streamline the process of excluding inefficient teachers. This process seems to include similar appeal procedures to those that exist presently. Critical to this is the procedure, not referred to in the Bill, that will not operate between the school/principal and the T.S.B. Will D.E.T. bureaucrats continue to stand in way of the procedure?

As is said there are profound concerns that the bill will not achieve its objectives. The next concern is that the bill will interfere with existing employee-employer relationships in relation to teacher improvement. I have already mentioned the objection of Christian schools on that issue. The Association of Independent Schools said:

> . . . the process being established to assist state schools to dismiss incompetent teachers has the significant potential to impact on the management of individual independent schools.

There is no criticism in the Minister's statement of the process taking place in non-government schools. If he has a criticism he should inform the House. The implication, says the AIS, is that teachers dismissed for unsatisfactory performance should be recommended for deregistration whereas not all poor performances warrant banishment from the profession for life, a tension not adequately dealt with by the Government and which is created by the bill. The association said:

> The employment and industrial relations practices at independent schools are within the terms of the Industrial Relations Act and should not be impinged on by the processes of a Teaching Standards Board.

The Opposition agrees. The Catholic Education Commission [CEC] said that it had major concerns about the entanglement of employment and registration that could only be satisfactorily accommodated by deleting or amending the relevant clauses. The Government's amendments do not deal with that. Hence the statement of the CEC that the amendments will not resolve its major concerns. It wants clauses 27(1) and 27(2) clarified. In fact, it said clause 27 was totally unnecessary:

> . . . in so far as present processes for investigating issues of competency are deemed to be satisfactory. Its introduction would unnecessarily complicate, and potentially elongate, the present processes for dealing with teacher performance. It could make it more, not less, difficult to dismiss a teacher for incompetence.

One could have no clearer statement that the bill will not meet its objectives because of the way it has been introduced by the Government. The next set of objections was that the bill creates a conflict between the aims of disciplining and improving teachers and deregistering teachers. The Catholic Education Commission said:

> . . . the connection between de-registration and dismissal should only be retrospective, that is having been dismissed as a result of due process the Board can than determine whether or not the grounds for dismissal also constitute grounds for deregistration.

The New South Wales Opposition agrees. The CEC said:

> Provisions and processes leading to dismissal cannot be seen as anything other than industrial.

That is despite the fact that the Minister assured the House that the bill was not about industrial relations. Why is it that every group concerned with the employment of teachers or their industrial rights has said the bill is clearly about industrial relations? That is one of the major issues the Government has have been trying to resolve furiously in the past few hours upstairs in a locked room. It has been trying desperately to fix up a bodgie job. That is one of the reasons we had the unprecedented post second reading speech statement by the Minister. Another objection is that the bill will create problems regarding the responsibilities of employers in non-government schools and will impose control by an outside party on independent schools. The Catholic Education Commission said:

> . . . generally speaking, any penalties deriving from being a deregistered teacher should be the responsibility of the teacher and not the teacher's employer.

That matter will probably come up in the Committee stage. The Primary Principals Association represents people whose objection was that the bill fails to clearly state the responsibility of principals in non-government schools. The association said:

> Compliance with standards—it is up to the principal to enforce standards in government schools, but the proprietor in non-government schools.

That view, which was also shared by other groups, needs clarification. Other groups raised with the Opposition the fact that the bill threatens the independence of non-government schools. That is a very important objective that I will deal with for a few minutes. The Opposition believes in a voluntary process. I will refer later to the reasons for that. The Association of Heads of Independent Schools said:

> It is even more distressing that this criterion for registration would deny independent schools the right to employ, as teachers, people who offer specialist expertise of a very high order (musicians, artists, sports coaches, specialists in outdoor education, or those outstanding in their academic specialism). This has long been a freedom which has enriched the educational culture of our schools. Narrow-minded thinking on what qualifies a teacher will stifle excellence and will be a loss to the enriching diversity of our educational opportunities.

If the bill is not about control then this tension has to be resolved. I do not believe the Government has fully resolved the tension by its foreshadowed amendment. Christian Parent Controlled Schools said that the bill reflects another level of interference in the affairs of independent schools. They refer especially to the fact that this is linked to the education format and the registration of schools. Christian Community Schools said that compulsory registration for Christian schools raises some significant problems.

Churches run many Christian schools and their pastors or ministers often undertake the religious training of students. Will this House deny the right of ministers of religion to teach religion in schools? If it did, it would be an extraordinary moment in the history of the New South Wales Parliament. The Macedonian Orthodox Church Property Trust Bill that the House has just passed preserves the independence of religious organisations, yet the Government was ham-fisted enough to threaten that very principle in relation to schools that are run by religious organisations, churches and so on. Christian Community Schools said:

> In our opinion the main problem in introducing a compulsory registration system is the loss of flexibility and freedom in employment policies for independent non-government schools and the introduction of unnecessary bureaucracy entailed in such an approach.

In relation to registration, AHISA said that it believes in accountability and that its schools are already governed by the requirements for registration and accreditation of schools. That process is exhaustive. This places those schools in double jeopardy. There is still a tension in logic between registering schools and registering teachers—that is to say, the requirement that non-government schools and teachers be registered and that a school can only be registered if it employs registered teachers. No similar jeopardy exists in government schools.

The entire viability or registration of a school is threatened by the employment of a non-registered teacher and that may occur, for example, by a teacher not paying the $25 registration fee or the school employing someone who is an expert in his or her field but who may not meet the standards or the qualifications of an outside body which is determining what those standards will be. In other words, the employment of a non-registered teacher threatens the entire viability of the school itself. That is the most serious manifestation of a Minister who was described to me today as one of the most interfering top down Ministers of education in this State in the modern era. Reference was made to the way the Government interferes, for example, in the independent processes of the Board of Studies.

In relation to registration, the Catholic Education Commission says that schedule 2.2 to the bill is unjust. It imposes a penalty on one party for an offence committed by another party. That is unfair, because a similar penalty could not be imposed on a government school for a similar offence by a government school teacher. That is what I described earlier as double jeopardy. It certainly is not an equitable situation. One could argue that if the Government wanted registered teachers employed by registered schools and the registration of the school was in jeopardy, why not also register government schools? I am sure that is not something that the Government would envisage. In logic one can argue that there ought to be parity. That is the point I am making. There is a logical problem in what the Government has proposed. The Catholic Education Commission said:

> By virtue of the interrelationship of Section 16(2) with schedule 2.2, failure of a non-government school to deal with one non-performing teacher, independent of industrial processes, may result in the deregistration/closure of the school.

That is a powerful provision in this flawed bill. The bill provides that whether or not non-government schools are already dealing with a teacher who may need improvement or who may be going through a difficult period or whose marriage might have broken up, for example, someone from outside can make a complaint and the board can act against the teacher irrespective of whether he or she is going through some process with the employer, a process that the employer may not know about initially. The entire registration of the school is at stake. If that is not overbearing, I do not know what is. The Association of Independent Schools said that the fundamental issues of concern are the entanglement of the legislation with the registration of schools provisions of the Education Act and the industrial relations practices of independent schools under the Industrial Relations Act.

I have logged about 22 separate objections that groups have made in discussions in the past five days, which is testimony to how poor the process has been. There is a question about the process for moving from provisional registration to full registration. Provisional registration presumably is the sop by which the Government would allow non-Government schools to employ someone who may not have formal teaching qualifications. But a number of groups, including the joint council, asked what the provision is for moving from provisional registration to full registration. Is there any time frame? Is it necessary at all? There is no provision in the bill, and that is something the Minister might address in his reply. The group asked—and this is something that has been discussed—about a comparison with other States. Other States have registration and the sky has not fallen. That may be the case, but the question is: Has the status of the teaching profession or professional standards been enhanced in those States that have compulsory registration?

The Christian Community School said that it supports the concept of an increase in standards of teaching in its State and is doing all it can to promote such increases. For example, it is encouraging its staff to undertake master's degrees as a normal part of professional development in a majority of cases. That is the kind of thing that is happening in schools voluntarily. AHISA said that there is no evidence to suggest that the status of the profession or the quality of teaching is higher in those States of the Commonwealth where teacher registration has existed than in those where it does not. It is important to note that two States have dismantled teacher registration. In Queensland registration has been in place for some two decades but there has been no deregistration on the grounds of incompetence.

Has the Queensland model, which is held up as an ideal model because no one objects to it, actually achieved any of the objectives that the New South Wales Government has set out in this bill? No. One of those objectives is to dismiss or deregister inefficient teachers, but no-one has been deregistered in Queensland. Registration alone will not lift standards. That was another objection raised by AHISA and a number of other groups. The group said that qualifications do not equal standards. I note from what the Minister said earlier that this provision will be amended later. It is an important difference between the approach taken by the Opposition and that taken by the Government.

A qualification system alone is not an effective system for lifting the status of the teaching profession. The Government's system, which says, "Get a qualification that is acceptable to the board, pay your $25 and you are in", is not aimed at, and will not have the impact of, raising the status of teachers. It has no bearing on teachers maintaining professional development as part of their normal code of practice. It says nothing about measuring classroom practice or one of the two important aims that the Government stated at the outset, that being to lift the status of the teaching profession. Qualifications do not equal standards. The Catholic Education Commission and AHISA were two groups that raised that matter with us.

A number of people, including a teacher I met in the corridor earlier this evening, complained not only about the cost of the bureaucracy but also the $25 fee for teachers. That is an interesting matter we can ponder at another time but the argument is certainly out there. The objection that registering every teacher creates problems and anomalies and does not guarantee standards was raised by a number of groups. There is concern about the process by which every teacher who is currently employed in a school would be registered. Again, this is the idea that teachers with an entry level qualification are in. That does nothing to measure standards. Christian Community Schools said:

> We are concerned that if this is extended to any teacher "who was at any time during the period of 12 months before the commencement of this section employed as a teacher on a casual basis in any school", it would allow someone to be given Registration who has undertaken as little as one day's teaching in the last twelve months.

How does that relate to professional standards? Again it is evidence that this bill is not really about professional standards at all. A number of groups raised that concern. The Government has been sensitive to that argument in the past few hours. It said that the independence of the standards board, that is, the independence of the body that is supposed to define the professional standards of teaching and to lift standards, is subject to ministerial control and interference. That is an important difference between the Government's approach and the Opposition's approach. Under our scheme a voluntary accreditation approach that is genuinely about maintaining and lifting the standards of the teaching profession through encouragement and incentive for self-improvement would be governed by the teaching profession.

If the bill is about the accreditation of a profession, let the profession determine the standards. The Government has sought to impose strict ministerial control because the Australian Labor Party is all about introducing control models. Everything it has done in education has been precisely aimed at that—control, top down, issue a memo, tell the press you have fixed the problem, make the teachers jump through hoops, brand students with the ALP brand, send report cards home courtesy of the Government so that parents think the Premier has been doing all the work in their schools, do not let principals talk to the local member, issue a directive from Terry Bourke saying "Do not bother us, do not bother the local member, do not embarrass the Government." That is the sort of model the Government wants.

Mr Richardson: The Government might have to actually do something for the schools.

Mr O'DOHERTY: The honourable member for The Hills says that the Government might have to do something for the schools. The ALP takes a politicised approach to education. That is undoubtedly why it wants strong ministerial control over what should be a body that is for the profession, by the profession and of the profession. The Joint Council of Professional Teacher Associations made particular mention of that. It has concerns regarding the clause about ministerial responsibility for nominating or appointing directors. It wants a better process for electing the people who will serve on the board. The joint council points out that under a democratic process that is open and transparent for selection of its nominee under subclause 2(g) of clause 7, it would expect the Minister to accept that person nominated by the organisation. Such a person would be of good standing within the profession.

Having observed the operation of the Joint Council of the Professional Teachers Associations I have no doubt that what it says is absolutely correct. It does a tremendous job. For the Government to veto what effectively is an appointment by the profession to a board that is about professional standards indicates that the Minister is a control freak. Many groups expressed concerns about the directors of the board and about the way the board is subject to ministerial direction. The Public Schools Principals Forum expressed concerns about principals. It asked: Who determines principals' efficiencies? It is a fair question because principals have been omitted.

There was an objection from the Federation of Parents and Citizens Associations of New South Wales, the Christian Community Schools and the Christian Parent Control Schools about the way the board would operate, which might be to restrict courses of study for teachers. The board determines the standards under the direction of the Minister, which may include overly restrictive alternative pathways to teaching. That is an important point. If there are recognised degrees in the process to establish university and other accreditation processes, that is another process that second-guesses the first. Other groups raise the point that it may not be prescriptive enough. An interesting tension is emerging between those two thoughts. For example, the Federation of Parents and Citizens Associations said:

> We are extremely concerned that the minimum qualification for registration is not to be a teaching qualification. We suggest that the Act should stipulate that the minimum criteria for registration must be a teaching qualification and that anyone currently teaching in schools without such a qualification should only be granted provisional registration and invited to undertake the necessary study, over a stipulated

> number of years, to acquire the necessary teaching qualification.

The Federation of Parents and Citizens Associations has in mind a much more prescriptive and tightly controlled approach which will force people into a type of qualification determined by the board. Other groups, particularly those from the non-Government school sector, suggested that this might prohibit the development of alternative pathways into teaching, such as accredited Christian education courses which are currently being developed by that sector. A significant concern was that there was no clear requirement for post-graduate study in this model. The Public Schools Principals Forum indicated its concern about the total absence of any reference to a requirement for practising teachers to undertake continual post-graduate training and development in curriculum, pedagogy or current classroom practice. That important problem was not addressed by the Government in the bill.

I have run through in brief summary many of the objections that have been raised with the Opposition, and with the Government by some of the groups. They underline the point I made earlier that this is a bodgie bill that was conceived in haste for unclear motives. The Government will try to fix some of the problems with amendments at the Committee stage, but it will still leave in place some of the fundamental contradictions in the bill. On 16 November under the headline "Overkill" the *Sydney Morning Herald* editorial stated:

> The NSW Teachers Federation and the Independent Education Union are right to resist the State Government's proposed scheme to register all teachers in NSW schools. The scheme has fundamental faults in it. The problem with the proposal is that the State Government has indulged itself with administrative overkill. It has tried to make the register do too much work. It is as if the State Government has not learned from its parallel experience of trying to do too much with another form of compulsory registration—its backdown on its attempt to force doctors, nurses and counsellors in the NSW public health service report people under 16 who admit they are having sex.

The Government is into control. It has been found out and the *Sydney Morning Herald* has issued its edict: "Overkill". I make it plain that the Opposition shares the Government's aims of lifting the professional status and efficiency of teachers and of providing additional accountability measures for teaching in our community. Those aims are high on our list of agenda items in education. But this bill is not the way to do it. I reassure the House that the Opposition envisages a time when New South Wales has a government that does not beat up on teachers. We will have a government that says one of its primary assets as a community is to value the teaching profession, to value what happens in schools and to value teachers as professionals.

The Opposition understands that only by maintaining a strong, well-supported teaching profession can society progress and achieve our aims for our young people. Those are some of the underpinning principles of our approach to education. The Opposition's approach is completely opposite to the top-down approach that is encapsulated in this bill. Our positive alternative to the flawed model proposed by the Government is voluntary professional accreditation for teachers. We will discuss our alternative proposal with interest groups during the next few months, and it will be worked into the program of the next government. After due consultation—not the sort of consultation undertaken by the Australian Labor Party, but real discussion—these are some of the points we will address: a professional teaching accreditation authority, voluntary accreditation and multiple levels of accreditation.

The aim of accreditation under a coalition government will be to act as an incentive for teachers to demonstrate classroom excellence and to achieve higher standards through professional development and further education. The Government would employ only accredited teachers in the Government system, and because the Government of New South Wales is the major employer of teachers in the country there is a powerful incentive for every teacher to want to become accredited under this system. By that means, we have a very powerful voluntary scheme which provides the exact incentive needed to allow teachers as professionals to self-improve; that is to say, to allow the profession to self-improve, which should be the aim.

Accreditation will be on the basis of professional standards, which will be agreed by the authority but will reflect demonstrated ability in teaching and appropriate qualifications and be linked with excellent practice. Accreditation standards may include educational qualifications, but should have provision for principles of recognised prior learning or demonstrated professional practice in lieu of formal qualifications. That important principle has been raised with me by many groups. There should be encouragement to move to higher levels of accreditation and entry to higher levels would be on the basis of demonstrated excellence of further education, higher degrees and so on.

Those are the types of principles that we would bring to the process. In my view—and this is a matter that needs to be discussed—accreditation seems to work well if it is renewable. The renewing

of the accreditation is on the basis of satisfactory practice, professional practice in accordance with the standards, and evidence that teachers have been professionally developed during the period of their accreditation. In that way those who are not committed to the professional standards of teaching will self-select themselves out of the profession. Again, it is a voluntary process but one that provides a very efficient way to maintain and lift standards within teaching.

We will need to discuss it with the groups, but in my view the authority would investigate referrals from principals and employers when teachers have been dealt with under the employer's obligations of efficiency improvement programs and if the employer felt that the teacher had not met the standards and was therefore not eligible for continued accreditation. Part B of our positive alternative refers to new measures for efficiency and accountability measures for teaching. The department must be made to live up to its responsibility to improve the efficiency of poorly performing teachers or, if improvement cannot be achieved in the allocated time, effect their termination. Principals, as the immediate supervisors of teachers, are responsible for the standards and the development of teachers at their schools. They are responsible to their school community and they are responsible to the Government through the various processes enacted by this Parliament. But principals must be given greater support in identifying and dealing with inefficient teachers.

One of the key problems in the system at the moment is that it can take up to two years to deal with inefficient teachers. That was recognised by the previous Government, and that is why we started the wheels turning on this issue in 1994, or earlier if I recall correctly. The time frame for dealing with the process must be shortened. Funding must be made available for the professional development of teachers whose efficiency needs improvement. I cannot think of a more self-defeating act than a Minister for education who voluntarily sacrifices the professional development of teachers in the name of efficiency improvement. So many teachers have raised with us the problem that all of the professional development funding in schools has effectively been withdrawn by the Government simply trying to save money.

In that context, if teachers have a problem and they need improvement, what is the first obligation of the employer? To work with the teachers to improve their standards. Nobody wants to see one complaint leading to a teacher leaving the profession forever. That kind of model could be adopted under the Teaching Standards Bill: one complaint and you are out; you never teach again. Is that the kind of model that the New South Wales Government seriously suggests is in the best interests of students, teachers and employers? Surely not. Teachers who are having difficulty need professional development assistance to improve, in the interests of students and in their own interests.

There must be release time to allow head teachers, leading teachers, deputy principals, assistant principals and principals time to work with the teachers who have been identified as in need of improvement. The Government is not doing that. Teachers in a government school who are facing difficulties with their work should have access to confidential advice about the steps they can take. There needs to be an effective employee assistance scheme. Principles of natural justice should apply when people are being dealt with under efficiency improvement programs. The aim of this process should be to improve the efficiency of teachers, having regard to the needs of the students and the professional needs of the teachers. When efficiency cannot be improved within the time specified and for serious proven breaches of professional standards dismissal should result.

In the most serious cases employers may recommend to the accreditation authority under our model that teachers who have seriously breached professional standards or are unable to reach a basic level of competence should have their accreditation withdrawn. I have already spoken briefly about that process. Those are the two key aims of our positive alternatives to the mish-mash that the New South Wales Government has brought to the Parliament. A third element with which I will deal briefly is the need for a new procedure to deal with parent grievances. It would be in the interests of everybody to improve the procedure for dealing with parent or student grievances. The process needs to be improved and made more transparent and accountable.

The emphasis should be on mediating complaints with the aim of satisfying the complainant that appropriate action has been taken. But there may need to be a transparent process of accountability so that if parents are concerned that they have raised a matter that has not been adequately dealt with, an independent person, like an ombudsman, would be able to review the process that had been followed. That person could tell the parents that the department or employer had followed the correct process, apologise if they are still unhappy but advise them that their complaints were taken seriously and the appropriate action was taken, or recommend that the process begin again.

In non-government schools a procedure that currently exists in an informal setting may need to be formalised whereby once again there is some transparency for parents who may have complained at their own school level but do not feel that their complaint was dealt with adequately. We will talk to the education groups about that. Finally, the Government patted itself on the back for introducing this bill last week, but there is a real feeling in the education community that under a Labor Party Government schooling is losing its way; that it has become, as I said earlier, a case of politicisation so that the so-called education Premier can have something to put in the brochure he hands out in March.

That is the worst possible way to make policy in education in this State. This bill is just one example of many failures that have been brought about because the Government is thinking about its own political interests before the interests of students and teachers. That situation must be reversed. When we are elected to government in March 1999 we will aim to reverse the onus so that education comes first, second and last in our concerns. That has to be the primary occupation of the Government and the Parliament of New South Wales. I thank the House for its indulgence and I thank those groups who spoke with us over the last few days. I thank Tracey Flanagan, who did a tremendous job in compiling this information at short notice and under difficult circumstances.

I again indicate to the House that while the Government plans to move amendments, the primary aim of the Opposition is to have the bill withdrawn for proper consultation so that the two competing elements can be pulled apart, analysed and then brought back to this House in a manner that actually works to achieve the aims. At the Committee stage we will take each of the amendments on its merits. Because of the numbers, it will go through to the Committee stage. We will not stand in the way if the Government is going to move in the direction that we want to take. We will not be churlish or silly about it. If the Opposition moves amendments it will move them in another place. But our primary objective is to have the bill, which contains fundamental flaws, withdrawn, discussed and if necessary brought back before the House before the next election.

Mr STEWART (Lakemba) [8.40 p.m.]: I speak in strong support of the Teaching Standards Bill. In doing so I take the opportunity to clear up some of the misconceptions that have been fostered and spread by the honourable member for Ku-ring-gai and fed into the media in the past week or so. He has presented a confused analysis of the Government policy relating to the bill, not because he is seeking to improve the bill but because he wants to create maximum confusion in the education system, and teachers will bear the brunt of that confusion. This week several teachers have come into my office to applaud the bill. They said that it is about time a government had the guts to take this issue on and do it properly. It takes extensive consultation to get a bill to this stage. It is incorrect to say that it has happened overnight. It is a misconception of the whole procedure.

The Government's agenda is first about enhancing the professionalism of teachers through their registration against established and agreed professional standards. The proposed board's primary purpose is to raise the status of teachers and to provide the community with greater assurance of the quality of teaching in schools. In this respect the principles of the bill are supported by all professional bodies representing teachers. There has been a lot of consultation and discussion about the principles. The bill is not a simplistic response to the Wood royal commission's recommendations that the names of teachers who are unfit to work in schools be maintained on a central register. It is really about recognising the professionalism of teachers and establishing a register of teachers who meet the approved professional standards.

I strongly point out that the bill is not a response to the media's fixation—and the fixation of the honourable member for Ku-ring-gai—on weeding out underperforming or unethical teachers. There are other mechanisms for this and, rightly, they will continue to be lodged within the industrial arena. It is unfortunate that in the last week or so the honourable member for Ku-ring-gai has pursued his fixation with the media, education groups and teachers basically to beat up on teachers. The first negative comments about the bill involved the honourable member for Ku-ring-gai stating that it did not go far enough. He wants more punitive actions. He wants teachers to be punished for unprofessional standards or unprofessional approaches.

Mr O'Doherty: That is not true. Read the quote.

Mr STEWART: That is what he told the media and that is what he said on radio. People heard him. They have told me and other members about the honourable member's approach to this whole area of great need, the professional status and standards of teachers. Tonight the honourable member put his head in the sand and hid from that

need. That is testament to his inability to come to grips with professional standards for teaching. He has approached the matter in an ad hoc way. Tonight he spoke nebulously about coming to grips with the concerns expressed to him. But where is his plan? His approach tonight was invented on the trot. He had no idea. There was no map for the future. What is his real policy?

We remember the famous O'Doherty report that still floats around in some circles. People laugh about it. That report does not deal with professional standards; it deals only with punitive actions. The coalition is fixated about the issue. There is no plan. The coalition is full of rhetoric. It cares nothing about professional teaching standards. Teachers deserve to have professional standards that for some time they have not been afforded, for a number of reasons. The bill is coherently moving toward that focus. The Government came into office with a pre-election commitment to discuss openly with teachers ways of enhancing their status. The Government's chief advisory body in this area, the ministerial advisory council on the quality of teaching, on which all major interest groups are represented strongly, supported the introduction of a system of teacher registration.

There was no opposition to this focus. The bill reflects that result. Following the work by the council a discussion paper on teaching standards was widely circulated throughout New South Wales. More than 150 responses to the paper were received. Some 90 per cent supported the principle of teacher registration. A strong message of support for the registration of all teachers also flowed from the council's conference last year. It clearly said that registration was the way to go: we need to do it effectively and to implement it as soon as possible. There will always be objections to a bill dealing with these sorts of issues. Those objections are welcomed because that is part of the consultation process that makes a bill such as this informative, tangible and workable.

We do not ignore the objections; they are part of the balanced response to the bill's formation. The bill is a balance of the views put forward. There are concerns but by and large the bill deals with them. The result is very constructive and positive. Government and non-government employers, unions and parent bodies as well as professional teaching associations all have a key stake in ensuring the integrity of teaching standards and the processes of registration. The bill as amended represents the outcome of consultations with major stakeholders. The Government is confident that the bill meets the needs of stakeholders and addresses their major concerns and focuses.

Registration according to professional standards must apply to all teachers, not just those working for a particular employer. It is ridiculous for the Opposition to state a policy of sorts—if it can be called that—that will have a bit of both. It is not sure which way to go, whether there should be a voluntary structure or how to get it going. Other States have not really come to grips with the issue. The approach being put forward tonight by the Opposition is that the car is in the mud so we will hit the accelerator and stay bogged. If registration is to make a difference it cannot be voluntary. If it is to work it must be in a regulated framework. It should not be ad hoc and left to the forces of evolution in the hope that it will come together eventually.

A professional body that is workable will not result from that formula. Registration has to be the licence for a teacher to teach, otherwise it will have functions that are little different from membership of existing professional bodies—a club, if you like. It is true that the ministerial discussion paper proposed that only teachers in government schools would be compulsorily registered and that registration for non-government school teachers would be voluntary. This view was resoundingly opposed by almost all groups, including the Catholic Education Commission, the Teachers Federation, the Independent Education Union, the Joint Council of Professional Teachers Associations, the Teacher Education Council, the Federation of Parents and Citizens Associations and the Federation of School Communication Organisations.

The board will have a role in maintaining professional standards. This role will bring a new dimension of independence and fairness to the processes of reviewing teachers' efficiency. The board will establish a panel of experts to provide this service. Employing authorities or, through delegation, the school principal may request the board to appoint a member as an independent expert to provide advice on whether there is a case for deregistration of a teacher on the grounds of not meeting the required professional standards. Employing authorities will benefit from having an independent review of a teacher's performance in relation to standards. Teachers will have greater assurance of the quality, fairness and independence of this advice. It is important to note that this advising role will be voluntary for school authorities. The bill will not impose the service, for example, on non-government schools.

I note that the honourable member for Ku-ring-gai was somewhat confused about the need to separate industrial and professional responsibilities. The bill draws a clear line between

the board's role in defining and maintaining professional standards and the industrial laws covering employment of teachers. Deregistration proceedings are separate from dismissal proceedings, and are treated as such. The board's functions do not extend to industrial matters nor do they extend to discipline or dismissal of teachers. It is also important to note that a teacher's right of appeal is protected. If a teacher is dismissed by an employer, this bill does not change that teacher's existing rights to appeal such a decision in the Industrial Relations Commission or through the Government and Related Employees Appeals Tribunal [GREAT].

Deregistration has significant implications for a teacher's future employment and livelihood. It is also an important safeguard for young people specifically and society more generally. The process of deregistration must therefore be open and fair and provide for procedural justice, and that is the case in this instance. The board itself cannot deregister a teacher. It must first advance a case to the Administrative Decisions Tribunal for a teacher's deregistration. If the tribunal confirms the case for deregistration, the teacher is then removed from the register. However, the teacher has the right to appeal this decision through the Administrative Decisions Tribunal. That right is firmly entrenched.

In summary, the bill fulfils the Government's 1995 pre-election commitment to introduce professional teaching standards and to assist the teaching profession to guarantee its quality. The bill emerges after a long period of consultation with the teaching profession and the education community. The bill establishes a 13-member Teaching Standards Board appointed by the Minister from nominees of government and non-government teachers, employers, unions, professional associations and parents. The Teaching Standards Board is heavily weighted with teacher input.

The bill requires the board to recommend professional teaching standards and ethics dealing with teacher quality, skills, experience and knowledge, criteria for continued registration, professional development, accreditation of teacher training programs, induction of new teachers, a code of ethics and related matters. It requires all schoolteachers to be registered and school principals and non-government authorities to ensure compliance with the standards. The bill provides for an independent advice service for schools on whether particular teachers have complied with professional teaching standards. It also automatically registers all existing teachers, other than those subject to a current disciplinary procedure.

The bill establishes a system of provisional registration to allow persons entering the teaching profession through a non-traditional pathway, such as in the vocational education system, to begin teaching subject to conditions recommended by the board. It requires non-government schools to employ only registered teachers as a condition of their registration as a school. I strongly support the bill. It enhances the quality of the teaching profession through a Teaching Standards Board that will set out professional teaching standards and ethics, and a system of registration for New South Wales teachers. The measure is long overdue and I commend the Minister for Education and Training for introducing the bill.

Mr RICHARDSON (The Hills) [8.53 p.m.]: I oppose the proposed legislation, which is one of the most ill-conceived bills to be introduced by the Minister over the past four years. The standard of the Teaching Standards Bill has been set by the fact that the Government will move no fewer than 14 amendments in Committee. Honourable members might remember the infamous Companion Animals Bill and the 30 amendments that the Minister for Local Government moved, as well as the extra 100 amendments that were moved in the upper House as a consequence. I suspect that this bill is for the Minister for Education and Training what the Companion Animals Bill was for the Minister for Local Government.

The foreshadowed amendments will not resolve the issues referred to by the honourable member for Ku-ring-gai despite the reference by the honourable member for Lakemba to the consultations between the Government and interested groups. Most of the concerns raised in genuine consultation with the Opposition over the past four to five days have not been resolved by these foreshadowed amendments. The Minister's rationale in introducing the bill is a sham. I suspect that members on both sides of the House clearly understand the need to improve teacher status. A Senate inquiry, a Federal Government report, innumerable articles in the media and discussions with teachers have all pointed to this need.

I am concerned that despite the Minister's rhetoric, this bill will not achieve that aim. It is clear from a detailed reading of the bill that there is a more sinister motive for its introduction, namely, a mechanism for circumventing the Government's own Industrial Relations Act, despite the protestations of the Minister and the honourable member for Lakemba that employment and registration are separate issues. Under this legislation they are not;

they are one and the same. The honourable member for Ku-ring-gai does not have a fixation, as the honourable member for Lakemba alleged, about this bill dealing with industrial relations matters. It is in black and white in the bill.

The proposed legislation will have the effect of placing further controls on non-government schools. The Opposition believes that is outrageous and unwarranted. The Opposition believes in choice in schooling and plurality in the education system. I attended a selective State school, the honourable member for Ku-ring-gai attended a comprehensive coeducational school, my daughter went to a comprehensive girls' school, the Minister went to a Catholic school and my son went to a boys' Anglican school. The Opposition believes the school should suit the child and that one model does not suit everyone.

Under this legislation there seems to be a desire to try to throttle back some of the independence of the private school sector. The Opposition has genuine concerns about that. The composition of the Teaching Standards Board under this bill gives little hope for sympathetic consideration for the plight of independent schools. One of the amendments foreshadowed by the Minister will increase the size of the Teaching Standards Board to 13, adding another member of the New South Wales Teachers Federation. However, that will not be much solace, I suspect, to the independent school sector. Not only will the Teaching Standards Board be able to decide who will teach in government and non-government schools; under clause 17 the board will be able to determine whether or not a private school should remain registered. Subclause 17(3) states:

> In the case of a non-government school, if a person who is not a registered teacher is employed as a teacher at the school, the employment of that person is a contravention of the registration requirements for the school under the *Education Act 1990*.

The Government does not propose amendments to that subclause. Regardless of what has been said by the Minister and the honourable member for Lakemba, it is clear what that means. If a private, independent or Christian school employs a teacher who does not meet the standards that have been determined by the Teaching Standards Board which, on the basis of my reading of the legislation, is a teaching degree, that school could be deregistered. That is an absurd and extremely draconian measure. All private schools already have to undergo a rigorous process of registration and must maintain standards to ensure that the Board of Studies renews their registration, so additional pressure is being placed on those schools. The Minister suggested that the mechanisms outlined in the bill benefited from a long process of consultation. In his second reading speech the Minister said:

> I specifically want to acknowledge the co-operation and frank advice of the New South Wales Teachers Federation, the Independent Education Union, the Joint Council of Professional Teachers Associations, the Catholic Education Commission, the Association of Independent Schools, principals organisations, and parents organisations.

Most of these groups have been forthright in their criticism if not outright condemnation of this legislation, which suggests that the long process of consultation was a sham and that it failed to reach its objectives. As the honourable member for Ku-ring-gai said earlier, on Monday this week the *Sydney Morning Herald* described this bill as overkill. In that editorial the paper stated:

> The scheme has fundamental faults in it. The problem with the proposal is that the State Government has indulged itself with administrative overkill . . . But the State Government has tried to extend the function of the register to make it an instrument for sacking unwanted teachers from the service.

Even the *Sydney Morning Herald* missed this most draconian provision of the bill, which relates to the potential deregistration of non-government schools. The question really has to be whether these schools would be deregistered because they selected a teacher on the basis of religious persuasion rather than the fact that he had a diploma of education, or would they—and I note that the Minister in his second reading speech said this would not be the case—also face deregistration for employing a PhD, for example, as a physics teacher who did not have a formal teaching qualification, did not have a diploma of education?

The Minister also acknowledged in his second reading speech that vocational education programs may mean that people who do not meet the minimum standards enter the teaching profession. Under the Government's compulsory model all teachers must be registered, and to be registered they must have a degree. If they do not, under subclause 21(3) and clause 22 of the bill they will have to accept provisional registration. I have read clause 22 with interest. Subclause 22(5) states:

> Provisional registration is effective until such time as the person is registered by the Board, or the Board decides to refuse to register the person as a teacher.

There is no indication in this bill of how someone who is provisionally registered ever becomes fully registered, so a teacher could theoretically spend 20 years or, indeed, all of his or her teaching career

with this sword of Damocles hanging over his or her head. The Opposition thinks that this is a ridiculous state of affairs and that it has nothing whatsoever to do with teaching standards. The real issue is that the Government and the Minister do not want to or do not know how to allow principals to get rid of inefficient or incompetent teachers. That has been recognised by the Teachers Federation. The Teachers Federation, to its credit, was working on a mechanism for dealing with incompetent teachers, which the Minister referred to in his second reading speech and which this legislation, on the basis of letters which the Opposition has received from the federation, appears to have killed, stone dead, even though in his second reading speech the Minister said:

> It is a condition of the passage of this bill that the agreement be finalised.

This bill is no substitute. On my reading of part 5 of the bill it will make the dismissal of incompetent teachers more difficult. The process provides additional appeals mechanisms. The way that it works is that a principal might seek independent advice as to a teacher's compliance with standards, and, once that has been concluded, he might then dismiss that teacher and notify the board of that dismissal. The board can then apply to the Administrative Decisions Tribunal for an order to suspend or cancel the teacher's registration, but it can only make an application for such an order if an appeal to the Government and Related Employees Appeal Tribunal has not been allowed or if that appeal has lapsed or been withdrawn. There is a very convoluted process to go through which, in my view, adds nothing, once again, to lifting teaching standards or the ability of principals or proprietors of independent schools to dismiss incompetent teachers.

I know that the Teachers Federation, which is working through the process with the Government, is supportive of the notion that teachers who do not measure up should leave the system. The bill will lift standards for everyone, which will have a knock-on effect: the status of teachers will be raised. Despite the fact that the Minister mentioned the issue in passing in his second reading speech, there is no emphasis on the rehabilitation of poor teachers. Under subclause 27(1) an employer of a teacher—and that in the case of government schools would be Ken Boston, the Director-General of School Education, and in the case of non-government schools, the proprietor of a school—can approach an expert panel set up by the board for advice as to whether a teacher is shaping up and the panel might provide advice of steps that could be taken to improve the teacher's performance.

The Minister went on to say—and this is very ominous for the teacher involved—that while dismissal does not require this process it is an option. I suspect that that will be a necessary prerequisite to deregistering a teacher. Indeed, the contribution of the honourable member for Lakemba seemed to suggest that what that really means is that neither the Administrative Decisions Tribunal nor the Government and Related Employees Appeal Tribunal will uphold an appeal. [*Extension of time agreed to.*]

The honourable member for Ku-ring-gai read from a list of submissions that the Opposition has obtained from a range of organisations relating to objections to this legislation. I will not go back through those, but I would like to touch on an issue raised by the honourable member for Lakemba: the compulsory registration of teachers. It may interest the House to know that not all professions have compulsory registration as a prerequisite for joining that profession. For example, the engineering profession began a system of voluntary registration two or three years ago. It has subdivisions based on categories—for example, electrical, mechanical, civil, and so on. Within each subdivision there are different grades.

The total of the grades of membership of the Institution of Engineers is student, associate, affiliate, graduate, companion, member, senior member, fellow and honorary fellow. The honourable member for Ku-ring-gai was speaking about the Opposition's preferred model for teacher registration. The Opposition believes that a graded system, though obviously not identical to that applying to engineers, is the way to go. That would allow for provisional entry of students and for those who do not have a full degree qualification. It would give them something to aim for in the future. That would have a very beneficial effect on raising teaching standards so that a teacher who has a master's degree, for example, could be elevated to the category of a member in the Opposition's preferred registration system, which would give that teacher a substantial additional chance of gaining a promotion.

The Opposition believes a modification of the system that has worked for the engineering profession with grades of membership could apply to the teaching profession with benefit. It is possible to have a system that raises the status of teachers, that raises teaching standards, that is not compulsory but does not include the dismissal of incompetent teachers as its primary aim and certainly does not relate to the deregistration of independent schools, which is something that should be so remote from the ambit of this bill as to be non-existent.

Mr WATKINS (Gladesville) [9.10 p.m.]: The past year has been difficult for teachers in New South Wales. Many have been hurt by the falling public status of teachers that seems to have occurred over a number of years, the unfair focus on teachers arising from the police royal commission, a raft of legislation that has impacted on them—such as the children's commission—the huge range of educational and social roles they are expected to play in our schools and continuing attacks on the profession by the media, and, unfortunately, some politicians. That has all occurred on top of the day-in, day-out struggle teachers have with syllabus changes and the challenge of teaching the children in their classes.

All the teachers I know are aware of the importance of their profession and they love it. They value their role. Most of them love the children in their care. They wonder why their job is not seen in more positive terms and why the job they took up, maybe 10, 20 or 30 years ago with such enthusiasm, seems to have turned sour. At the same time they know that education and training are valued more highly with every passing year, and they know their responsibility to the future of their students. They know that much of what they will do will be critical to the lives of the young people in their classrooms, their future happiness as individuals, their careers and their future studies.

They hear the trumpeting of better standards, increased literary results and improved educational outcomes, and they know that they are largely responsible for those improvements. Many find it difficult to understand this dual vision of teaching: on the one hand they are praised for improvements yet on the other they seem to be caught in a group that has lost status over the years. In this environment practising teachers have viewed the proposed legislation with some concern. I hope that the bill with amendments, that were justly brought and will be debated tonight, will eventually allay the concerns of teachers and will become a means by which their profession is improved.

I am pleased that the parties involved in the discussion have continued to consult to get the legislation right. I do not regard it as a weakness that after a bill has been tabled discussions continue and amendments are brought forward. The bill will work only if it has the support of teachers. The consultation that has led to this point must be continued. I am especially thankful for the efforts of the Teachers Federation and the Independent Education Union in the past few days that have worked to achieve an acceptable outcome for all parties. Those discussions have led to a welcome change in the make up of the board. The change in the selection process is welcomed as is the extra federation member, which brings the Government and non-government sectors into balance.

I understand that discussions have also made clear the need for practising classroom teachers to be on the board, which is only sensible and should be supported. Concern has been expressed about deregistration, which was explored tonight by a couple of speakers. I understand it is clear that deregistration will apply only after dismissal and after all avenues of appeal under industrial law have been exercised. It is important that the board does not diminish the industrial rights of teachers, and they should not be diminished. If the proposed legislation is to be successful it will obviously need to win the confidence of teachers.

The establishment of teaching standards will be critical in achieving that confidence. The process of establishing those standards may be lengthy. But it should not be forced and must involve widespread consultation with interested parties, but in particular teachers who work in the classroom. I am happy to urge the Minister to ensure that the process is as widespread as possible in its consultation. Teaching is a complex and demanding occupation. The establishment of a Teaching Standards Board will provide status to and recognition of the quality and commitment of teachers to young people and their development. I hope the Teaching Standards Board will symbolise the quality of teachers in New South Wales as professionals who constantly strive to uphold and improve the quality of teaching.

Those of us who value the teaching profession have always understood the talent and commitment of people in the New South Wales teaching service. The proposed legislation will officially recognise teachers in the community as members of a profession that upholds high standards of practice and embraces high ethical standards. For school systems, professional standards should support professional development of teachers. For teacher educators, explicit professional standards should provide a guide for program development and review. For young people thinking about teaching as a profession, it is hoped that professional standards will provide a guide to expectations of teachers' work and roles and encourage them to think about choosing a career as a teacher.

For the wider community, professional standards should provide greater assurance of the quality and capability of teachers in our schools. Those of us who have been in the profession have often been hurt by the unfair criticism of teachers by

members of the wider community; often, unfortunately, by politicians. Such criticism has been based on ignorance. I hope the board will go some way towards stopping such unfair criticism. The standard presented will be statements of the knowledge, skills, understanding and professional values expected of teachers. The bill provides that the board may develop standards specifying requirements for quality teaching; the skills, experience and knowledge required for teachers; conditions and criteria for continuing registration, including updating skills; accreditation of teacher education programs; induction guidelines for beginning teachers; and other matters relating to teaching standards.

The board will also develop a code of ethics for all teachers. The board will ensure that the process of establishing professional teaching standards is grounded in the work of exemplary professional practitioners. It will involve significant input from teachers, and it must. To do otherwise would be foolish. Teachers will embrace the working of the board only if it wins their confidence, which will require sensitivity and adequate consultation. Registration of teachers is designed to ensure that teachers meet the required standards for teaching in our schools. All teachers will be required to be registered. This means that all teachers will be capable of demonstrating that they have the requisite knowledge, skills, understanding and professional values expected of members of the profession.

This should assist in their developing status and give them a status that is transferable to other teaching jurisdictions. Any person employed in a school that teaches the curriculum for schools required under the Education Act 1990 will need to be registered, but that does not mean schools will not be able to employ specialists such as band masters or football coaches without the need for them to be registered. Other people, such as those who provide religious education, will continue to be able to provide such instruction. The regulations will also allow people such as curriculum advisers or advisers holding teaching qualifications to be registered.

New entrants to the profession will be required to comply with the requirements for registration. It is expected that prior to their seeking registration the majority of new teachers will have obtained a formal teaching qualification. I entered the profession without formal teaching qualifications, but I achieved a diploma of education after two years of part-time study. It was the most valuable and useful study I ever completed. It taught me so much more about teaching. Obviously, our aim is to have our best qualified teachers in our classrooms.

The board will ensure that pathways to registration are based on a demonstration of skills and knowledge, experiences and the full range of qualifications a person may hold. Schools should be able to continue to employ people who hold high academic qualifications, such as PhDs, but who may not have completed formal teacher qualifications. Such people will be able to be registered. The board will have the power to provisionally register people so that they can commence work prior to full registration.

In the schools that I taught in for 15 years before becoming a member of Parliament and in the many schools I have been involved with since becoming a member of Parliament I have witnessed the finest people acting professionally in their vocation of teaching, often in trying conditions. It is rare to see teachers in our schools failing to live up to high standards. In my view this bill is for all those thousands of fine men and women teaching so professionally in our schools, to assist and support them in developing and maintaining the highest level of quality in the teaching profession.

Mr RIXON (Lismore) [9.20 p.m.]: The overview of the Teaching Standards Bill reads:

> The objects of this Bill are as follows:
>
> (a) to recognise formally the professional status of teachers,
>
> (b) to establish professional teaching standards,
>
> (c) to require teachers to comply with the professional teaching standards,
>
> (d) to establish a system of registration for teachers,
>
> (e) to provide that teachers employed in schools must be registered,
>
> (f) to provide for the deregistration of teachers who fail to comply with the professional teaching standards.

To recognise formally the professional status of teachers is a positive ideal indeed, but how do we do that? One great way that I as a teacher would have appreciated, as would most teachers, is to pay them more. That is a great way to recognise that they are professionals. If that is not possible, the Government could pass a law to improve the status of teachers. Will the Government make a list of the names of teachers? Will that improve their status as teachers? The Government could hang a medal around teachers' necks or give them a certificate to hang on their wall. None of those things would really change their professional status as teachers in

the community. So, while it is a great idea, how can the Government achieve it?

What do the aims of establishing professional teaching standards and requiring teachers to comply with professional teaching standards really mean? Measures that go to producing a good professional teacher include a wide range of things, including dress, academic qualifications, knowledge of the use of teaching and technology, preparation of programs, preparation of lesson material, presentation of lessons, record keeping, their involvement in the community, their skill as teachers, their attitude to teaching, their attitude to students and parents, and their contribution to the life of the school outside the classroom.

Clause 12 provides that the Minister may approve professional teaching standards. Does that mean he will draw up a list of standards? Will he decide what a teacher may or may not wear to school? Will he draw up a list of things that people can wear in the classroom, perhaps for physical education, swimming or field excursions, because they are all pertinent issues for the presentation of a teacher? In our schools we have two-year, three-year, four-year and even some five-year trained teachers with a range of qualifications. One of the most academically qualified teachers that I ever knew was a teacher who taught me at university. He was the worst teacher I have ever met. Some of the best teachers have also had high university degrees. Some of them have merely trained for two years and obtained their teaching certificate.

We once had a system—and I thought it was still around—whereby teachers gained a degree or some other qualification, completed a two-year college or TAFE course, taught for two, three, or five years, depending on various circumstances, and after a period were inspected perhaps once or twice. Because it was seen by their peers that they were quality teachers, they were given a teachers certificate. That was largely based on the skills of teaching. So it is not just academic qualifications that we must look at. It will be interesting to see what standard of academic qualification will be required once this bill is passed.

These days teachers worthy of being in the classroom had better know how to use teaching aid technology. Will that also be on the list of requirements? They had better know how to use a computer, an overhead projector, a tape recorder and a host of sound and like equipment, as well as how to prepare a program for a variety of classes, how to prepare a lesson and how to prepare a variety of lessons for different standards of classes. Then they need to know how to present those lessons. It is all very well for teachers to dress well, have a university degree, know how to use the technology of the day, prepare a great program and prepare a great lesson, but they need also to be able to present those lessons. They need to keep a host of records. Will teachers be required to keep records of a certain standard?

If they are to be fully professional teachers they need to be involved in the community in a whole host of ways—perhaps as the local sporting coach or as a member of various social and service organisations. Professional teachers are usually involved in a range of things, depending on their community and the needs of that community. In some communities that involvement is minimal; in others it can be quite extreme. Will that be listed on this professional teaching standard list? Then, of course, we must consider the plain skills of a teacher, which involves a fair degree of acting ability to get the attention of students, motivate them, keep their interest and get the message through to them.

They should have an aptitude for the profession and a good attitude towards their students. In fact, teachers have to like children. If they do not like children they cannot be teachers. Will that be on the list? Teachers have to be able to get along with the parents. Will that also be on the list? It is not just in the classroom that teachers need to make a contribution; they must make a contribution throughout the whole of the school. So when we talk about professional teaching standards and the requirements for quality teaching, will we list all those things or will the Government try to pluck something from the air? The bill states that the board is to ensure that professional teaching standards are made available to all teachers and the general public, so we do have to quantify them. We do have to write down exactly what it means. That will make some pretty interesting reading.

Paragraph (d) of the overview of the bill states, "To establish a system of registration for teachers", which is interesting. If a person is not previously employed as a teacher, he or she must pay $20 to get on the list, and then $30 a year thereafter. To pluck a figure from the air, there are about 70,000 teachers in New South Wales, give or take a few casuals. At $30 each the Government will collect $2.1 million, plus an unknown amount of $20 for each new teacher. What will that money be used for? Clause 10(3) of the bill provides that the board may employ any such staff whose services the board may use in accordance with subclause (2). It appears as though the board will employ staff. Will

the money be used to employ staff or is it just another tax on teachers? Teachers are already paying income tax and union dues. Quite often they contribute out of their own pockets to pay for activities in their classrooms. It seems as though this is just another tax on teachers.

Clause 23 states that a person is not entitled to be registered as a teacher unless any such fee is paid. The fee of $20 or $30 is not a voluntary payment. A person will not be registered or employed unless the fee is paid. Paragraph (e) of the overview of the bill states, "To provide that teachers employed in schools must be registered". Throughout my teaching career of 28 years I have taught in a one-teacher school, in staff schools and in a school for children with learning difficulties. I also taught mathematics in high school. Next year I will retire on 27 March and I might return to the teaching profession. How could I, and others like me, become registered under this system?

Paragraph (f) of the objects of the bill states, "to provide for the deregistration of teachers who fail to comply with the professional teaching standards." That simply means that an inspection system will have to be put in place. Will we return to the inspection system of a few years ago? Principals will probably inspect their staff. There are a number of one-teacher schools in this State. That means that principals of one-teacher schools can give themselves a big tick, which some Government members like to see, and say they are doing very well. It will be interesting to see how teachers will qualify each year. What will teachers get for that $30 annual registration fee? Will the proposed inspection system be any better than the previous system when teachers received a teacher's certificate and were classed as satisfying the requirements of the position they held? The bill raises many questions. I cannot help wondering whether this is really a teaching standards bill or whether it is a poorly camouflaged exercise to try to gain greater control over private schools. I would be interested to hear the Minister's answers.

Mr KERR (Cronulla) [9.34 p.m.]: It is interesting that this bill has been brought before the House. Let me relate to the House the tale of two Labors: how old Labor and new Labour approach education reform. In Britain the Labour Government has embarked on a reform of the education system. This autumn it will publish a green paper for consultation which will cover all aspects of the profession: pay, performance, support, training and leadership. In contrast, with whom does old Labor in New South Wales consult? It consults with no-one. Who has written to the Opposition setting out its objections?

Mr Hazzard: The Teachers Federation, teachers, the community, the parents and citizens association—everyone.

Mr KERR: Yes.

Mr McManus: Who is making this speech?

Mr KERR: The honourable member for Bulli just displayed his lack of education.

Mr ACTING-SPEAKER (Mr Gaudry): Order! The honourable member for Cronulla will address his remarks through the Chair.

Mr KERR: I have always been careful to obtain the consent of the Chair before I speak. It is like being in class. Mr Speaker represents the teacher and members have to stay in their seats until the teacher allows them to speak. Consultation is a matter of fundamental importance. When an honourable member attends a local school, it is not the buildings or the condition of the school that distinguishes it as a good school; it is the leadership provided by the principal. The teaching profession has been downgraded in this country.

Mr McBride: By you.

Mr KERR: Not by the Opposition, because it consults with the teachers. Most of the reforms introduced by the previous coalition Government are now supported by the teaching profession. However, in the western world the teaching profession does not enjoy the significance it is entitled to. The future of any nation depends on its teaching profession. The quality of every profession and every trade in society is dependent on the teaching profession. That is understood by Britain's new Labour and it is understood by the Opposition in this State.

Principals know what it takes to succeed: setting demanding standards for pupils and teachers, promoting the right ethos, working with parents, appointing and appraising staff, ensuring that the school lectures all its pupils and spots problems early on, acting as community leader, managing budgets, and taking the 101 tough decisions day in and day out. That is the difference between a school with a good reputation and one that is coasting or failing. When I visit schools in my electorate I see inspiring examples of leadership. As a result of the previous coalition Government introducing selective schools, there is a selective sports school, Endeavour High School, in my electorate. The Minister attended that school and named it.

Mr Aquilina: The Opposition did not do it.

Mr KERR: We promised to introduce selective schools during the 1995 election, but that occurred much later. Caringbah High School, which is in my electorate, is an academic selective school. Cronulla High School and Woolooware High School, which are excellent schools, are also located in my electorate.

Mr O'Doherty: Which is the one that is falling apart?

Mr KERR: Caringbah High School.

Mr Aquilina: It is getting a new library.

Mr KERR: It is getting a new library. The Minister should look at the maintenance problems of the school and the conditions in which teachers are required to work day in and day out. Cronulla and Woolooware high schools, two comprehensive and excellent high schools, are aware that talent can be nurtured in Caringbah and Woolooware as well as Vaucluse and Killara. This bill is an appalling betrayal of the teaching profession. Everyone will accept the ends that it is designed to achieve. The bill, which is well-intentioned, is about raising standards in the teaching profession, but it will do so without the means. Once again the Government is willing to achieve an end without the means. Other speakers have referred to the fact that a number of clauses in the bill fail miserably in their objectives. I wonder whether honourable members are aware of the origin of this statement:

> Our goals are clear: a new culture of achievement; freeing teachers to teach; helping them to teach better and equipping them to take advantage of all that the new information and communications technology has to offer; promoting heads as the key leaders and managers of their schools and providing greater rewards for success, but less tolerance of failure. Head teachers who turn their school around or lead already good schools to great achievements deserve better recognition and better salaries and we are not afraid to say so, nor will we or should we be afraid to say that those who are not up to the challenge ought not to be in the job. Better support and training are crucial to our reforms.

Terry Metherell or David Kemp did not make that statement; it was made by Tony Blair. In the rest of the western world there is a renewed recognition of the importance of the teaching profession.

Ms Moore: Absolutely.

Mr KERR: The honourable member for Bligh agrees with that statement. This bill will not achieve those goals. What is required of schools these days? We are seeing a break-up of the family, yet our community is looking at teachers and schools to reinforce values that are often not taught at home. In the last 20 years we have demanded more of our teachers. We have saddled principals and teachers with enormous amounts of paperwork. That has not simplified their task—it has made it much harder. Tony Blair said:

> Top businesses invest heavily in training their high-fliers and senior managers. So does the army, the police and other parts of the public sector. But when it comes to head teachers whose jobs are at least as demanding, we do far less.

We continue to do far less in upholding the teaching profession. The Opposition has confidence in the teaching profession. We want to raise standards, but we will not go down the compulsory registration track. We have enough confidence in teachers. Given an opportunity they will want to advance their own careers and standards. This Government does not understand the teaching profession. It is about time Government members visited primary and secondary schools and established how difficult it is to administer them. High schools responsible for 1,100 human beings would have more impact on their lifestyles and their responsibilities than an average office or factory.

It would be amazing if a managing director of a big company said to a chief executive, "You are responsible for at least 1,000 people. Go and manage them and get the best out of them. And when you go out drop $25 in the tray to pay for your own staff training." What an insult! The Government should find funding to provide teachers. It should not ask teachers to kick the can. If the Government wants to embark on education reform it should look at what is happening in Victoria. Recently I and the shadow minister for education visited a college in Victoria at which principals can undergo leadership training. That is a big advance in education reform. We place people in schools and expect them to suddenly acquire leadership skills.

Mr Hazzard: That is what happened to me when I was a teacher.

Mr KERR: That is what happened to the honourable member for Wakehurst when he was a teacher. He learned on the job. It is unfortunate that that sort of thing happens. Victoria recognises that formal training is required. We must make full use of all available training facilities. Members of the Teachers Federation and Government members should look at what is being done in other States. As we are approaching the next millennium we cannot adopt a "them and us" attitude. The Government, through this bill, is saying from on high, "We will register teachers. They will pay for that registration and we will determine who judges their standards."

This Government, like this Opposition, must work with teachers, principals and parents and establish what is going on. The wellbeing of our society is dependent on the teaching profession. Have honourable members seen Robert Bolt's play, *A Man For All Seasons*? Robert Bolt advised his son-in-law to take up the teaching profession—probably the most noble profession to be undertaken by anyone. Teachers can see the impact of their teaching on other human beings. Many honourable members would have seen the movie *Goodbye, Mr. Chips* which portrays the impact that a dedicated teacher has on generations of English schoolboys.

Mr Fraser: What about *Mr Holland's Opus*?

Mr KERR: The honourable member for Coffs Harbour mentioned *Mr Holland's Opus*, another movie screened recently on television. I am glad that the shadow minister for education is in the House. No doubt he, as a musician, enjoyed that film which portrayed the human potential in a universal language like music. If Mr Holland had had a teaching degree he would not have been registered under this Government, a movie would not have been made and we would have been poorer as a result. This bill is no opus. However, the movie title *Mr Holland's Opus* is appropriate. A movie could be made about the Carr Government. It is flat like Holland and it has no opus.

Ms MOORE (Bligh) [9.49 p.m.]: Despite the rhetoric about raising the status of teachers, the bill will do nothing to address most of the real problems. Recently data was made available by the Australian Council of Deans of Education which pointed to a dramatic shortage of teachers by the year 2002, when only 76 per cent of teaching positions would be filled. The figure is expected to worsen to 70 per cent by the year 2004. This represents a crisis in education. Yet there is no more worthy career for a talented, competent and, most important, inspiring graduate than teaching. But, as the data points out, our talented, competent young graduates are not going into teaching because of poor working conditions and low wages. I would add the very demanding workload, regular negative media coverage and the increasing expectation that teachers will do everything from child care to social work.

The bill implies that there is a problem of professional standards amongst teachers. But there is no evidence that this is a significant problem. There has been unnecessary haste, and consultation has been short-circuited on this very important bill. Despite months of negotiations the bill was prepared in haste and introduced without key stakeholders seeing the exposure draft. The number and nature of the Government's amendments prove the haste with which they were developed and the extent to which the bill was not in line with stakeholders' expectations. Jennifer Leete of the Teachers Federation expressed concern that staff had been operating on little instruction from the council as it does not meet until Saturday and has not been able to discuss the bill because of the short time since its introduction.

There is also concern about ministerial control. The board is open to political manipulation and ministerial control. This will create a conflict of interest between the Minister's oversight of the education department and the independence of a registration board as New South Wales' largest employer of teachers. Clause 6(4) states—this is after the Government amendment foreshadowed a couple of hours ago—that the board "must undertake such duties as may be requested by the Minister from time to time so long as those duties are consistent with the objects of this Act". Some ministerial control is also reduced by the removal of clause 12(2). The amendments will provide more limits on ministerial direction, I am pleased to see, but ministerial direction remains.

The bill does not fulfil commitments. The Teachers Federation has significant concerns that the three teacher representatives will be chosen by the Minister, despite longstanding commitments given to teacher representatives that the board members would be democratically elected by registered teachers. The problems with industrial matters have been removed by Government amendments foreshadowed a couple of hours ago. Notwithstanding that, the New South Wales Teachers Federation, the Catholic Education Commission and the Association of Independent Schools state that the bill is fundamentally flawed and needs considerable work.

Other major stakeholders have also identified key problems. The Government amendments foreshadowed tonight improve the bill in line with the concerns that I and other members have mentioned. Many show clear evidence of input from the Teachers Federation. But not all go far enough. A number of amendments make minor changes to bring the bill more into line with the terminology and structure of the education sector. The Teachers Federation has recommended amendments which have not yet been addressed, for example, the changes to clause 7(2)(f) to provide for teacher representatives to be elected by registered teachers.

As well, new problems are raised by the foreshadowed amendments. While the Government amendments would remove the exclusive industrial relations issues, the question of whether a teacher can be removed by the board is almost guaranteed to be fought out in a court case. Teachers who at the time of the Act coming into force are subject to disciplinary action as determined by the board will be treated in the same way as teachers without formal training: that is, they will become probationary teachers. This also would have a negative impact on teacher morale, even though it is not a core issue. Some of the other matters I have raised are core issues. Because of the concerns that have been raised here tonight, because of the speed with which the bill has been dealt by the Chamber, because of the concerns expressed by educational stakeholders, and because of the clear need for further consultation, I give notice that at the appropriate time I will move that the bill be referred to a legislation committee.

Mr HAZZARD (Wakehurst) [9.55 p.m.]: The Teaching Standards Bill is a cause for great concern to the coalition and a number of educational and community groups—basically because of the way in which the Government has introduced the bill. The Government has undertaken a consultative process but at some point it has simply abandoned consultation—I gather that it was a few months ago—and has then gone into shutdown mode, which it is particularly good at, and has sought to ram the bill through in the dying days of the Parliament. That type of procedure was seen in a number of areas such as the environment and police in the life of the Government. We were hoping that the Government might have put this type of behaviour behind it but it has not.

I have great concerns about the bill. My first profession was as a teacher. I obtained a diploma of education and taught at a number of schools including North Sydney high. Whilst the teaching profession is now many years behind me I still remember the level of commitment required by teachers. A government should be expected to consult teachers on any bill that will so profoundly affect their teaching. The Government has walked away from its responsibility. I am happy to admit that I was a member of the New South Wales Teachers Federation when I was a teacher. I recognise that the federation from time to time may have views different from those of the current Government. But it is the teachers' representative body and it deserves to be properly consulted.

The correspondence that has been read onto *Hansard* by others shows that the New South Wales Teachers Federation feels that it has not been properly consulted by the Government. The Association of Independent Schools, the New South Wales Parents Council, the Catholic Education Commission and the Association of Independent Schools have all expressed concern about the bill—not just the substance but the indecent haste with which the bill has been cobbled together and introduced to the Parliament. The extensive amendments to the bill show the Government's simplistic approach to it. It is a profound piece of proposed legislation and it should be of profound concern if the Government cannot get it right.

Clearly, the Government has not got it right. When I was studying to be a teacher I learned a lot about the courses that I would be expected to teach—basically maths and science—but towards the latter part of the teaching course it became obvious to me that many other qualities would need to be developed. The honourable member for Cronulla referred to the different qualities needed to be an effective teacher. I still have quite a bit to do with teachers in my electorate. I visit local schools regularly. Apart from my professional relationship with teachers in the electorate, I have two young children at a local primary school. I have regular contact with teachers there when I go to the school and take year 2 for reading. I have been a teacher helper.

I liaise and discuss issues with teachers as a parent, apart from my role as a member of Parliament. The level of skills of teachers never ceases to amaze me. During one day a teacher may have to be a counsellor, a psychologist, a carer and an imparter of knowledge. In this day and age of multiculturalism a teacher must also have a sound understanding of multicultural issues. Dee Why Public School in my electorate has children of 30 different nationalities in one class. Teachers have to have an understanding of children's special needs and be capable of recognising individual needs in the classroom. To some degree they must be imparters of values, particularly as family breakdown is so prevalent.

With after-hours activities teachers become coaches for sport, guides for development of dance and theatre skills, music teachers and debating teachers. Basically teachers are expected to have a range of skills intermingled with a caring and often loving personality. The teachers with whom I deal in my area—and certainly at the local school that my children attend—impart those skills. They do not need what the Government is proposing in the Teaching Standards Bill because they already have those skills. I am sure some teachers do not have

those skills but, unfortunately, the bill will not address the complex problem of how to remove those teachers from the system. I have many friends who are still in the teaching profession.

Most are excellent teachers: some have been teachers a short time, others for 20 to 25 years. They do not want teachers in the system who are not contributing or are not prepared to be the masters of the skills necessary to be effective teachers. Principals are crying out for the power to remove teachers who are not up to the job. It is neither fair to the administration of a school nor to teaching colleagues if incapable teachers are left within the teaching environment, and it is not at all fair to the children. However, the proposed legislation does not address that issue. It is a crazy, mixed-up bill which seeks to intermingle teaching standards with employment and industrial issues and at the end of the day does not achieve any of the outcomes that it should be achieving.

I constantly visit local schools in my area. I have a few problems at present because the Minister has sent out a directive that teachers cannot talk to their local members of Parliament. However, I acknowledge Mr Tony Tierney, Principal of Wheeler Heights Public School; Trish Cavanagh, Principal of Curl Curl North, Trish Petterson, Principal of Narraweena Public School; Susan Baresic, Principal of Fisher Road Special School—a school catering for children with many disabilities; and Terry Buggy, Principal of Manly Selective High School. That school was mentioned earlier because considerable pressure has been placed on teachers in the past few years as the selective high school system was developed.

I acknowledge also Brian Leonard, Principal of Beacon Hill Technology High School; Wayne Stevenson, Principal of Beacon Hill Public School; Marilyn Birmingham, Principal of Collaroy Plateau Public School; Steve Pickering, Cromer High School and Tim Dodd, Principal of Allambie Heights Public School, which will be in my electorate next March. Mr Dodd is providing excellent stewardship of the school. I commend also Richard Morgan and Robert Parsons from one of the local independent schools, Pittwater House; John Scott, the excellent Principal of St Luke's Grammar School; John O'Brien, a teacher of 30 years and Principal of St Augustine's College; and Tom Bradford, Principal of Dee Why Public School.

Dee Why Public School is an interesting school. It expects its teachers to have all those skills I mentioned before and possibly more. Mr Bradford is an excellent principal who has done amazing things for the school over the past seven or eight years. It is opportune that I mention him tonight because he retires on Friday and I shall be attending that function. It is with sadness that I farewell Tom Bradford. He has had a long and distinguished teaching career and his retirement will be a sad loss to the school and local community. He is a credit to his profession. It is teachers like Tom Bradford and the other principals I have mentioned who give a sense of direction and commitment for our students and our schools. None of those people would benefit from this bill.

The Opposition certainly would be happy to look at a voluntary system of accreditation, not a compulsory system of accreditation where teachers are effectively taxed $25 a year—and who knows what it will be if this Government gets its fingers on the money! Teachers already give so much of themselves and are already in an environment that is not conducive to encouraging young graduates because the working conditions and money are not great. Why should they have to effectively pay a tax under a compulsory system requiring them to be registered? Teachers have only one person to thank for the Teaching Standards Bill, and that is the Minister for Education and Training. If this bill is not blocked they will have the Carr Government to thank.

The Government should have a clear understanding of the needs of teachers, schools and students but it is so removed from reality that it is a great disappointment to the whole community. As a former teacher and someone who still has a strong affinity for teachers and the job they do, I am disappointed that the Minister, who, after all, was formerly a teacher, rushes into this House with a bill that clearly has not involved consultation with the various stakeholders. It is a sad day for the New South Wales Parliament when the Carr Government is so arrogant and so far removed from what is needed in schools that it believes this bill will somehow be an improvement. One suspects that the Government is trying to look like it is doing something before it meets its Ides of March, before it reaches the next election and before it goes into history. If the bill is passed, I am sure those who will be subject to it will be delighted to see the Government returned to the Opposition benches.

Mr KINROSS (Gordon) [10.08 p.m.]: Given the hour, I will speak only briefly on this bill. The Opposition's critical comments of the proposed legislation are justified. Honourable members may be surprised to learn that from 1978 to 1983, even though I was not a parent for educational freedom, I served as the treasurer of the parents council,

including the shadow minister. That body stood for a number of principles, but compulsory certification was not one of them. In the council's philosophy it was far better—and I believe the Minister acknowledges this as he addressed a couple of their forums—for a system to be in place that allowed choice, not compulsion.

The effective method of learning and teaching generally is through an appropriate management system, for example, empowering principals and schools, via school councils and the like, to be able to hire and fire. Honourable members spoke about Monday's editorial in the *Sydney Morning Herald*. An article appeared in today's *Sydney Morning Herald* entitled "School principals get power". One might ask what power. Is it that of the expelled student or the teacher? I would have thought that the principal of any school with an effective management system of education would be able to recognise the inefficiencies and incompetencies of the teaching profession.

The standards of the profession have improved generally over the years, but it is by no means certain that a licensing system is necessary. The objects of the bill are sufficiently set out and I will not repeat them, but there is no way to set professional teaching standards by giving them some quasi-licence or ticket and requiring the payment of a fee that goes some way towards reducing the State's Bankcard debt, thereby assuming that everything is hunky-dory and that people therefore have some qualification. I will not mention all the comments that have been made about the hiatus between provisional registration and full certification.

We have all been members of professional associations, in my case through the law and also chartered accounting, both of which professions have a system that recognises continuing education or, indeed, voluntary accreditation. They recognise that no simple ticket or licence is enough. The amendments, as the shadow minister has capably demonstrated, have highlighted another problem in the system, and that is a failure to consult. Here we are at the witching hour and bills on which the Government has failed to consult are still being introduced at the last minute. The same thing happened with legislation introduced the other day, and no doubt the guillotine will be applied to other bills. Labor has done it before. Since coming to office the Labor Party Government has broken 485 promises—almost one broken promise every two days.

It is important that appropriate mechanisms for teacher incentives are put in place to improve morale. Judging from the feedback the Opposition has received, I do not believe this bill goes any way towards improving the situation. The bill is full of rhetoric. It will not lift the status, let alone the pay, of the teachers, who do a good deal of work. The teaching profession generally is underrated. The bill is an attack on the non-government sector, for which the Parents Council for Educational Freedom speaks volubly. It is important to get the system right by giving teeth to school principals to empower them to deal with the growing problem of teacher accreditation and performance.

The staff and the community must work together so that they understand that teachers have to perform like so many others in the community and that when they do not they will be thrown out—but not because of some licence provision. The bill is a shadow; it will not cure any of the problems. The Teachers Federation made the interesting comment that if registration was not compulsory there would no need for the bill at all, which is ironic in the extreme. There has been an enormous amount of comment from the Public Schools Principals Forum, not to mention consultation with other bodies. However, generally speaking, for the reasons I have outlined and because the Minister has flagged that a number of the amendments of the Opposition will not be accepted, the Opposition must oppose the bill outright.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [10.13 p.m.], in reply: I will get to the substantial issues raised by the honourable member for Ku-ring-gai in a moment. First I should like to deal with a number of the matters dealt with by other members. I extend my thanks to the honourable member for Lakemba and the honourable member for Gladesville for supporting the legislation, and particularly for the authoritative, knowledgable and understanding way in which they spoke about it. They indicated by their contributions that they are very much aware of precisely what is involved. They had thought through the processes and the issues and spoke with authority because they are very much aware of what is happening in schools and among teachers and of the need that exists to improve the status of the teaching profession and the status of teachers within the profession.

Like many other members who spoke in the debate, both the honourable member for Lakemba and the honourable member for Gladesville are former teachers. Like me, they are practitioners who have had experience in the classroom and have seen on a day-to-day basis in a classroom and school

setting precisely what happens when people of a high professional calibre from time to time have to teach alongside those who should not be in the system. They have been able to observe, for example, how an incompetent teacher or one dud teacher, which may happen in a small number of cases, can sour the whole relationship within a school. Those teachers can be a great blot on that school, be a great indictment of the profession, cause great anxiety to colleagues and, indeed, a great degree of disharmony among the school pupils and upset parents. These situations are rare. Nonetheless, they exist.

I thank the honourable member for Gladesville and the honourable member for Lakemba for the thoughtful and knowledgeable contributions they made with great sensitivity and great understanding because of their practical experience. I should like to touch briefly on the comments of the honourable member for Gordon. He raised the issue of voluntary accreditation, as did a number of other members, and I will deal with that in some detail when I come to the comments made by the honourable member for Ku-ring-gai. I will explain why the honourable member for Gordon was wrong, as were the other members.

The honourable member for Wakehurst spent much of his time on a thoughtful contribution and eulogised the outstanding work of the many teachers that he knows. I join with him in extending congratulations to those teachers on the outstanding work that they do. There is clear evidence of that outstanding work day in and day out in more than 3,000 schools in this State and in tens of thousands of classrooms. It is a great testimony to the teachers who are doing great work in the classrooms that there are principals, head teachers, administrators, welfare officers and counsellors in the school system who can be held up as great examples of the great profession of teaching. It is precisely for that reason that the Government has introduced this legislation.

The Government wants to make sure through the establishment of the Teaching Standards Board that there is a public perception of the professionalism of teachers. We have opportunities only on rare occasions, as the honourable member for Wakehurst did in this debate, to praise teachers. On every public occasion that I have the opportunity to address people I try to make a specific point about the qualities of teachers and to say why they should be thanked and what a noble profession teaching is. It is sometimes tough because the community does not always rate the profession highly.

Mr Hazzard: It is a mistake.

Mr AQUILINA: I agree with the honourable member for Wakehurst. It is a mistake. He makes a thoughtful interjection. But that mistake will not be corrected merely by saying so. That misperception can be corrected only by making sure that we take appropriate measures to identify the teaching profession as a cohesive professional body and by doing all we can to continue to promote the profession and using it as a vehicle to promote individual teachers within the profession.

He stated that the $25 registration fee would be some sort of additional tax. Admittedly, a charge of any kind does not come lightly, but an annual fee of $25 for the privilege of belonging to one of the oldest and best professions in the world is not too high. I know from experience what other professions charge for registration. The risk may be that the general community will not regard the $25 fee as indicative of an important profession. Are we seriously suggesting that professionals who value their profession will baulk at an annual fee of $25 to ensure that they register in a professional organisation that puts them among the most elite professions in the world? That is nonsense!

Obviously, a number of members had not considered this provision in the bill. The honourable member for Lismore referred to a $30 fee. I presume he is already making allowances for the goods and services tax. He also raised a number of issues about standards that would be expected of teachers and what it means to be a teacher. He spoke of his personal experience as a maths teacher. He indicated that he will retire from this place in March of next year. I interjected, kindly, to suggest that he will have every opportunity to continue maths teaching somewhere around Lismore. He responded positively and I was pleased to hear it. The proposed legislation will allow him to obtain provisional accreditation, which will enable him to demonstrate his great teaching skills. I know a number of people who have retired from this place and from other professions to return to their former professional lives as teachers.

Mr Richardson: *Goodbye, Mr. Chips.*

Mr AQUILINA: Very much so. What is wrong with that? Mr Chips was a noble model for many teachers. He taught for a long time. I am sure that those of us who are English teachers and who try to provide teaching role models for the young people in our charge make many references to *Goodbye, Mr. Chips*. The honourable member for

Cronulla referred to old Labor and new Labor. He referred to the Blair Government in the United Kingdom highlighting and promoting teaching as a profession by introducing a green paper in April this year. Perhaps the honourable member for Cronulla was not aware of all of the facts. I introduced a green paper in August last year to promote the consultation process. The green paper was launched at a conference attended by some 400 people, including major educators from around the State as well as interstate.

The honourable member, having made an erroneous comparison between what happens in New South Wales and the United Kingdom—and I venture to say that I know a deal more about the United Kingdom system of education than the honourable member for Cronulla—then tried to compare what is happening in New South Wales to what is happening in Victoria. I remind the honourable member for Cronulla that in Victoria the Kennett Government closed 360 schools, sacked 8,000 teachers and lowered funding per student, which is in stark contrast to what has happened in New South Wales.

If the honourable member for Cronulla or any member on the other side wants to make comparisons between New South Wales and Victoria I will pleased to receive them. The honourable member also mentioned professional development. The Government has supposedly cut back on funding for professional development. When members opposite raise these issues they conveniently forget about the specific funding for professional development within the Department of School Education. Because it is current expenditure the non-government system also benefits. Some $12.2 million was provided for professional development and curriculum support in relation to the higher school certificate. Nobody mentions that. Principals are spending more than ever before from government-provided global budgets.

Mr O'Doherty: What about the money you took out?

Mr AQUILINA: The honourable member for Ku-ring-gai is always selective and blinkered when he talks about funding. He is no doubt referring to the $55 million back-to-school allowance.

Mr O'Doherty: No, the 2 per cent productivity cuts.

Mr AQUILINA: Very well. There is also no doubt that the money referred to by the honourable member in relation to productivity gains was put into the teachers' salary allowance, but he never mentions the increase in global budgets. Clearly, the honourable member for Ku-ring-gai needs to look at all the facts, which he has not done. Some $15 million has been spent on computer training and support. If that is not professional development, I do not know what is. If we are talking about what is happening in education, we have to look at the whole system, not only part of it.

The honourable member for Bligh spoke with some authority, and I listened closely to what she said about the issues she raised. She was extremely passionate, and rightly so, about the possible shortage of teachers in the not-too-distant future. The Government is aware that a great number of teachers are facing retirement. They will leave the system, but we will be required to replace them. The honourable member for Bligh referred to a national report. One needs to consider what is happening in other States and around the margins. Even after a detailed audit and a select culling of some 26,000 teachers, New South Wales still has at least 12,000 teachers waiting to be employed.

When I visit various parts of this State, fully qualified teachers ask me to do something about getting them full-time teaching jobs. It is a matter of great concern. It is incredible where and under what circumstances one comes across such people. It is a matter of regret, particularly in relation to keen young teachers who are just out of college. In the years of waiting we lose a lot of enthusiastic young people. Perhaps some of the best of our young teachers give up waiting and enter other professions. That serious matter needs to be addressed. I am hopeful that the Teaching Standards Board will address that problem in some detail.

The honourable member for Ku-ring-gai went through a detailed list of so-called objections. His comments show that he is out of touch even with the consultation process and the bill. His sentiments are out of touch with those of the major education organisations and teachers. His contribution was contradictory. He spoke about a number of so-called objections made by various organisations, but he did not realise that the objections are mutually contradictory. He has not understood the foreshadowed amendments. He has put objections from groups who, in fact, have a number of objections to each other.

When there is such a diversity of educational groups with conflicting objectives, groups within non-government and government sectors will have all sorts of objectives. In many cases those objectives can be seen to be conflicting. Of course,

many will have similar objectives to those referred to by the honourable member for Ku-ring-gai. One needs to look not so much at the objectives but at whether it is possible to introduce a system that can create a balance to harness the ideals and objectives of all those bodies in the best interests of the profession as a whole and the teachers. Clearly that is what this legislation is attempting to do.

I do not say that the legislation will please everyone. Nothing that relates to education ever pleases everybody, but all education Ministers and governments must make the effort to ensure that they come up with the right formula that will promote the profession, the teachers and the students. I honestly believe that this bill will do that. It will not meet every objective. If it does it is useless, because by trying to meet every objective it will be watered down so much that it will end up not serving the purpose that it aims to serve. We need a balance, and I believe we have achieved such a balance to both enhance the status of the profession and garner a significant level of support from across the education community, even though not every organisation supports all clauses of the bill.

The reality is that almost all groups support the broad thrust of the bill and all groups support the concept of improving the status of teachers. That is what this bill aims to do. The bill has been introduced following more than 12 months of exhaustive and thorough consultation. A number of speakers, including the honourable member for Ku-ring-gai, said that the Government and the Minister cannot get it right, that they have introduced a bill with a number of amendments. That is not creating a precedent. At some stage every major bill introduced in this Parliament is amended either by the Government or the Opposition during the course of debate. That is what the process of democracy is all about. That is what happens when legislation is introduced and people have the benefit of the consultation process and debate and are able to oversee its introduction.

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr Aquilina agreed to:

That the sitting be extended beyond 10.30 p.m.

TEACHING STANDARDS BILL

Second Reading

[*Debate resumed.*]

Mr AQUILINA: I remember a certain education reform bill being introduced in this place—the honourable member for Ku-Ring-gai was not a member at the time—which was amended left, right and centre, by the Government and by the Opposition. At that time I was spokesperson for education. Many educational organisations introduced bits and pieces of that bill. I was unhappy about some aspects of the bill that were enacted and I acknowledged that others were to the benefit of education. Those who have known me for 10 years would attest that I have honoured and continued to promote that measure, both in my role as shadow minister and as Minister.

That is a normal process that happens all the time. Consultation can take place over many months and years, but the process will not be finalised until a bill is introduced that crystallises the thoughts, words, commas, full stops, innuendos and all that conveys in a legal and practical sense. We have consulted with the teacher community and the broader education community. We have worked tirelessly to introduce the bill this year because the profession as a whole strongly desires it. There was not a last mad effort to get this bill passed by using the guillotine. I do not remember the guillotine having been used during this whole session.

The legislation is being introduced at this time because the Government wanted to make the maximum use of the consultative time available and to comply with the standing orders of this place to introduce legislation within an appropriate time to enable it to be adequately discussed in this Chamber and in the other place without having to move suspension of standing orders, apply the gag and the like. Members opposite may put forward to the general public some blinkered or coloured view, but they know the procedures of this House and they know precisely why the bill has been introduced in this format and at this time.

The honourable member for Ku-ring-gai claimed that the bill confuses dismissal with deregistration. Again, the honourable member shows that he fails to understand the bill. Deregistration for failure to meet teaching standards will occur after an employer has taken dismissal action. That appears in black and white. The honourable member used the term "black and white", but he must have been

reading something other than the bill because it states that deregistration for failure to meet teaching standards will occur after an employer has taken dismissal action and employees have exercised their rights in the Industrial Relations Commission or in the Government and Related Employees Appeal Tribunal [GREAT]. Not only is the industrial process totally different from the deregistration process but also the industrial process is put into place, action is taken, a process of appeal in relation to the industrial process is fully utilised and then the deregistration process is invoked if necessary.

The foreshadowed amendments will delete clause 26 and clause 15(2) and therefore will remove the conflict seen in some quarters between the industrial and professional concerns. There was nothing Machiavellian about clause 26. It was not something I or any of my advisers insisted upon. We did provide a running brief to Parliamentary Counsel as is the wont of governments when preparing legislation. Parliamentary Counsel interpreted our running brief by inserting clause 26.

After consideration we could not see any legal requirement to have that clause in order to comply with the wishes of the Government. I have no concerns about the clause, despite what the honourable member for Ku-ring-gai might try to make of this situation. Another serious claim made by the honourable member, and one which is a matter of concern in terms of the public perception of this debate, was that the Premier was teacher bashing. It is easy to put forward that sort of label without backing it up or giving details of it. That claim is absolute rubbish.

[*Interruption*]

He was probably quoting some media outlet after giving it the line himself. The Premier and I attend many functions relating to education at which, like me, he wastes no opportunity to heap fulsome praise upon teachers to indicate the profound importance to the community of teaching and the high esteem in which we should all hold the profession. The Government has been working constructively with the whole profession to raise the status of teachers. That is what the last 12 months was all about.

We have raised teachers salaries to record levels and supported community awareness campaigns to promote the image of teaching. Will the honourable member for Ku-ring-gai acknowledge that only a very small number of teachers do not warrant being members of their profession; there are some who by their very presence taint the profession and impact adversely on the good reputation and status of others? I doubt that any level-headed or community-minded person would deny the Premier, me or the honourable member for Ku-ring-gai the right to make such a statement.

In fairness, however, the Teachers Federation and the Independent Education Union do not make such a claim either. No-one suggests that the public perception is that the level of incompetence among teachers is high. It needs to be said time and again that the level of incompetence is extremely low and we owe it to the profession to remove those who are incompetent.

The honourable member for Ku-ring-gai referred to the draconian measure of dismissing a teacher after one complaint. The honourable member has resorted to that old political trick of exaggerating a problem to invoke an overpowering solution. The reality is nothing of the sort. I accept that this may be a matter of concern for individual schools that are not members of the non-government school sector. Some rules and regulations of registration may cause problems for the principals of small schools that do not have a system to support them, to explain things to them and to give them assistance.

For example, theoretically, a school that has a leaking drain pipe could be deregistered for not complying as a non-government school with basic registration requirements. Does a team of inspectors go to such a school, inspect the drain pipes and say, "You have not fixed that, therefore we will close down the school"? Of course not. I suggest the Opposition has completely misunderstood and misrepresented the intention of the provision. Its arguments are nonsensical. They are based on a flawed understanding of clause 26, which in any case was found to be unnecessary and has been removed. This is a clear example of scaremongering on the part of the Opposition.

The honourable member for Ku-ring-gai claimed also that in this regard the Government is out of control. This bill is about giving the profession responsibility for determining its own standards. What is wrong with that? The honourable member for Lismore referred to what he did as a teacher and the standards he adopted. Who should determine those matters? The professionals will determine them. That is what the Teaching Standards Board is all about—letting the professionals determine the standards for the profession.

For the first time an independent expert teacher will help schools decide whether a teacher meets the professional teaching standards. The reverse of the honourable member's claim is true. We do not want other professionals sitting in judgment on the teaching professionals. Yet, ironically, the honourable member for Ku-ring-gai opposes the provision that gives teachers the most professional responsibility and control over their own status. The honourable member referred to the double jeopardy situation of non-government schools. The suggestion that the board could unilaterally deregister a teacher without the knowledge of his or her school for reasons of a marriage breakdown is absolutely ludicrous. That could not happen. I do not know where the honourable member got that idea from. The bill will not allow it; it specifically provides safeguards to prevent such a situation arising.

The Administrative Decisions Tribunal [ADT], not the board, will make the deregistration decisions. The honourable member's comments suggest no confidence in that independent body. The board, however, will make recommendations to the ADT. If there is a process of appeal, that process is to the ADT. We have introduced a number of measures to ensure that people are treated fairly, appropriately and adequately.

It was claimed also that the bill will stop schools employing talented people who do not have teaching qualifications. That assertion is also incorrect. Again the honourable member for Ku-ring-gai has misunderstood or deliberately misrepresented the situation. Section 19(2) provides that a teacher is not required to have particular qualifications so long as he or she meets a standard. That is spelt out. I do not know how it could be more explicit. This is a standards driven approach, not a qualifications approach. I said in my second reading speech that the bill clearly spells it out and I say it again now. It provides flexible pathways into the profession. It means providing a professional status for teachers to encourage highly qualified individuals to move into the teaching profession. They will be able to obtain provisional registration, and they will be in classrooms giving young people the benefit of their expertise.

Later in his contribution the honourable member for Ku-ring-gai quoted the so-called primary principals forum, but he was critical of the bill for not requiring teachers to have postgraduate qualifications. On the one hand he says that the bill will prevent people without qualifications from entering the teaching profession, yet on the other hand he says that there is nothing in the bill about teachers being required to undertake postgraduate qualifications. His entire contribution was contradictory. He looked at the objections and did not bother to see what was the theme of the objections, what objections married one another and what objections stood in total contradiction to one another.

The honourable member for Ku-ring-gai claimed further that there was no evidence in other States that teacher registration enhanced standards, and that the teaching profession believes that by adopting the models of the other States it will achieve the status it deserves. I advise the House that those other models do only part of what we are doing in New South Wales. We have taken the best aspects of the models of the other States and taken a step further. We believe that registration should apply to all teachers in government and non-government schools and that the same standards should apply to the whole of the profession. Clearly, the honourable member does not trust the profession to make that judgment.

Our model is better than that of any other State, although I acknowledge that we have used some of the best aspects of those other models. It was claimed also that the bill would make it even more difficult to get rid of bad teachers. That is another false claim. An employer's right to dismiss an unsatisfactory employee and an employee's right to appeal such a decision are not affected by the provisions of this bill. More contradictory statements from the honourable member for Ku-ring-gai! Early in his contribution he said that it would now be very easy to get rid of teachers and that somehow this proposed legislation would impinge upon the industrial rights of teachers. Later he said that the bill will make it difficult to dismiss an unsatisfactory employee, that the process to rid the system of bad teachers will be even more complicated and that it will have an effect on an employee's rights to appeal such decisions.

Clearly, the honourable member does not know where he is going with all of this. His contribution was muddleheaded, illogical and incoherent. This proposed legislation will, for the first time, establish clear standards by which teachers' competency may be assessed. Those standards will be determined by the board, professionals and representatives of the profession. They will be a clear guide to the determination of a teacher's competency. A teacher's competency will be judged against those criteria, not against someone's expectations of what a teacher's qualifications and competency ought to be. One person's expectations may be inconsistent with or

different from those of someone in a different type of employment. The criteria are reasonable and fair for the employer and the employee and helps them achieve best practice, consistency and high standards.

Another out-of-touch claim is that the agreement between the Teachers Federation and the department on new teacher efficiency procedures is in jeopardy. Only today the executive of the Teachers Federation confirmed to me that, subject to certain relatively minor modifications to the new procedures, it will recommend the procedures to its council meeting on the weekend. I look forward to its contribution. The agreement is an historic achievement between the Teachers Federation and the department. Quite frankly, both bodies are to be congratulated on negotiating an agreement on what is certainly a difficult and sensitive issue—one which the previous Government was not able to achieve during seven years in office. I believe that the bill and a number of other initiatives herald a new relationship between the department and the federation. I congratulate the people who have been involved in that process on being so professional.

Finally, if the honourable member for Ku-ring-gai had done his homework and was in touch he would know that the new agreement makes provision for the very things that he says he wants to do. In fact, it almost sounds as if he plagiarised the agreement. The honourable member for Ku-ring-gai raised the matter of voluntary registration. During this debate the honourable member has shown that for the last year he has been completely out of touch with virtually the entire education community about teacher registration. The teaching community has overwhelmingly supported universal registration. Indeed, the call for one-in-all-in is almost universal. The honourable member for Ku-ring-gai hopes that the very best teachers will volunteer for accreditation and that the dud teachers will be kept out—but they will continue to teach because there will be no sanction imposed on their activities.

Clearly, the honourable member does not want to lift the standards or raise the status of the teaching profession, or to promote teaching as a profession. He wants teachers to volunteer to be accredited because they know they are competent, but he is prepared to allow others who do not wish to seek accreditation to continue to teach even though their qualifications to teach may be questionable. That issue alone unites the Teachers Federation, the Independent Teachers Union, the Parents and Citizens Associations, the primary and secondary principals councils, the Joint Council of Professional Teacher Associations, the Teacher Education Council, the Catholic Education Commission and representatives on the Ministerial Advisory Council for the quality of teaching.

If voluntary accreditation is part of the Opposition's policy it is wrong. It is not the answer and the Opposition is on the wrong track. That is a recipe for mediocrity where eager professionals will agree to be accredited but the application of standards will be avoided. Indeed, voluntary registration attacks the purpose of raising the status of teaching, part of which depends on putting teaching on the same footing as other professions such as medicine, dentistry, law, architecture, nursing, and veterinary science, which make registration compulsory. It would be ridiculous to submit oneself to a doctor who did not voluntarily agree to be registered or accredited. Yet the Opposition says that it is okay for our school children to submit themselves to teachers who do not have the confidence to submit themselves to be accredited. Voluntary registration provides no assurance of quality. The Government wants to improve the quality, consistency and standards of teaching and to increase the status of the profession. That is why the Government has introduced this bill.

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

The House divided.

Ayes, 48

Ms Allan	Ms Meagher
Mr Amery	Mr Mills
Mr Anderson	Ms Moore
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
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Mr Harrison	Mr Scully
Ms Harrison	Mr Shedden
Mr Hunter	Mr Stewart
Mr Iemma	Mr Sullivan
Mr Knowles	Mr Tripodi
Mr Langton	Mr Watkins
Mrs Lo Po'	Mr Whelan
Mr Lynch	Mr Woods
Dr Macdonald	Mr Yeadon
Mr McBride	
Mr McManus	*Tellers*,
Mr Markham	Mr Beckroge
Mr Martin	Mr Thompson

Noes, 40

Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cruickshank	Mr Rixon
Mr Debnam	Mr Rozzoli
Mr Ellis	Mr Schipp
Ms Ficarra	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Small
Mr Humpherson	Mr Souris
Mr Jeffery	Mrs Stone
Dr Kernohan	Mr Tink
Mr Kerr	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Mr Merton	
Mr Oakeshott	*Tellers,*
Mr O'Doherty	Mr Fraser
Mr O'Farrell	Mr Smith

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Collins
Mr Knight	Mr Peacocke

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Legislation Committee

Ms MOORE (Bligh) [11.02 p.m.]: I move:

That the bill be referred to a legislation committee.

I have moved the motion because of the concerns I raised in my contribution to the second reading debate, the speed with which the bill has been introduced and dealt with by this Chamber, the concerns expressed by the educational stakeholders about the bill and the need for further consultation.

Mr O'DOHERTY (Ku-ring-gai) [11.03 p.m.]: The Opposition supports the motion because this bill is still seriously flawed. The Government has done something extraordinary tonight. Imagine a government introducing a bill on Thursday of one week and then bringing it back to the House at the first available opportunity with 14 amendments, many of which will have a profound impact on the whole nature of the bill! An entire clause has been deleted. The Minister said that was due to a drafting error. He should explain why he did not read the bill when it came before the House. These are important matters which the Catholic Education Commission and the Association of Independent Schools of New South Wales have told the Opposition leave the bill flawed, sufficient to warrant further discussion. The Opposition supports the motion of the honourable member for Bligh because it will provide an opportunity for that discussion to take place. None of the groups consulted by the Opposition in fact saw the bill before it was introduced into this House.

Mr BECKROGE (Broken Hill) [11.05 p.m.]: I move:

That the question be now put.

The House divided.

Ayes, 46

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

Noes, 42

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

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Collins
Mr Knight	Mr Peacocke

Question so resolved in the affirmative.

Question—That the bill be referred to a Legislation Committee—put.

The House divided.

Ayes, 42

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

Noes, 46

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

Pairs

Mr Armstrong	Mr Carr
Mr Collins	Mr Clough
Mr Peacocke	Mr Knight

Question so resolved in the negative.

Motion negatived.

Committee Consideration

Mr WHELAN (Ashfield—Minister for Police) [11.15 p.m.]: I move:

That consideration of the bill in Committee of the Whole be set down as an order of the day for a later hour.

The House divided.

Ayes, 47

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

Noes, 41

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

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Collins
Mr Knight	Mr Peacocke

Question so resolved in the affirmative.

Motion agreed to.

STANDING ORDERS AND PROCEDURE COMMITTEE

Membership

Motion, by leave, by Mr Whelan agreed to:

That Andrew Raymond Gordon Fraser and Russell Harold Lester Smith be appointed to the Standing Orders and Procedure Committee in place of Bruce Leslie Jeffery and Malcolm John Kerr, discharged.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ELECTIONS) BILL

Message

Mr Speaker reported the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council has considered the Legislative Assembly's Message dated 29 October 1998 a.m., relating to the Local Government Legislation Amendment (Elections) Bill, and informs the Legislative Assembly that the Legislative Council does not insist on its amendment No. 2 disagreed to by the Assembly, and agrees to the Legislative Assembly's proposed further amendment in the Bill with the following amendments:

No. 1 Omit proposed Schedule 2 [10], relating to the insertion of proposed section 18A into the Principal Act. Insert instead:

[10] Section 18A

Insert after section 18:

18A Electoral Commissioner to prepare all electoral rolls

(1) For the purposes of any election for the City of Sydney the Electoral Commissioner (and not the general manager of the City of Sydney) is to prepare the non-residential roll and the roll of occupiers and ratepaying lessees, despite anything to the contrary in Division 2 of Part 6 of Chapter 10 of the Principal Act.

(2) References in that Division to the general manager are to be read as references to the Electoral Commissioner.

(3) The Electoral Commissioner must, at least 3 months before the closing date for an ordinary election, send to all the persons on each such roll a letter informing them that they are electors for elections for the City of Sydney.

(4) The costs of the Electoral Commissioner with respect to the preparation of rolls under this section are to be met by the Council of the City of Sydney and are recoverable from the Council as a debt owed to the Electoral Commissioner as the holder of that office. Any dispute as to the amount of those costs is to be determined by the Electoral Commissioner.

(5) In this section, **closing date** for an election has the same meaning as it has for an election under the Principal Act.

No. 2 Insert after proposed Schedule 2 [14]:

[15] Section 23A

Insert after section 23:

23A Lord Mayor must also be candidate for election as councillor

A person who is a candidate for election as the Lord Mayor of Sydney must also be a candidate for election as a councillor of the City of Sydney at the same time. Section 283 of the Principal Act applies accordingly.

No. 3 Omit proposed Schedule 2 [17], relating to the insertion of Part 9 into Schedule 3 to the Principal Act.

The Council requests the concurrence of the Legislative Assembly in the proposed further amendments.

Legislative Council VIRGINIA CHADWICK
18 November 1998 President

PRIVACY AND PERSONAL INFORMATION PROTECTION BILL

Second Reading

Debate resumed from an earlier hour.

Mr KINROSS (Gordon) [11.23 p.m.]: The Minister for Local Government, as a member of the left wing, would know the importance of privacy legislation in Australia. He would know the hypocrisy of the Government proposing an amendment to exclude from the bill the operations of State-owned corporations. As I said in relation to the song by Sting, Australians in the main value privacy very highly. A recent survey by Clemengers and BBDO last year ranked privacy in the top 30 considerations in the Australian community. Accordingly, I would have thought the Australian Labor Party would have honoured its privacy promise made prior to the March 1995 election.

The bill is a real mishmash of principles. It is inconsistent in excluding the operation of public sector agencies from privacy laws. Many public sector agencies—the Water Board, the Roads and

Traffic Authority and its various subsidiary records divisions—intertwine with governments and indeed sometimes are contracted by government to deal with government services. On 28 October a vote on an Opposition amendment was tied in the upper House but the amendment was agreed to, the Chairman having cast his vote in the affirmative. It is not surprising that the Government now seeks to negate the amendment. Concern was expressed about mediation proposals, how complaints can be resolved when there is a breach of privacy, and whether the agency that has prima facie breached the privacy law will be liable for damages.

Several different models have led to the bill. The Opposition having researched the question in some detail, it examined models from New Zealand and Hong Kong. Their flexible approach has not been picked up by the Government in the bill. A person who makes a complaint under the bill seems to be able to make an irreversible choice at a very early stage between mediation by the Privacy Commissioner with no enforcement powers and a fully litigated dispute before the Administrative Decisions Tribunal. That seems inconsistent and a denial of a fundamental right.

When the coalition was in government the central agencies or Treasury were worried about the changes the bill would bring about. I served on the committee examining the Protected Disclosures Bill, formerly known as the whistleblowers bill. The concern by central agencies then was that if recognition was given to whistleblowers and complaints about privacy it could stymie or wind down business. There should be healthy scepticism about such concerns expressed by central agencies in relation to privacy and outsourcing of government sector work.

As the Hon. John Hannaford said in another place, central agencies like to see themselves as an Attorney General de facto watchdog in their own right. The Opposition recognises that there should be national uniformity in legislation. Inconsistent treatment of corporations across different States is unhealthy. It would have been more appropriate in the upper House to have adopted and used as an incentive or lever the draft privacy legislation foreshadowed by the Hon. Alan Stockdale as Victorian Treasurer.

The bill is modelled on Federal privacy legislation but it also seeks to include many provisions that have not operated or have been the subject of exemptions. I refer to information about individuals in a document of a class prescribed by the regulations, that being exemption (j), which has not been resorted to under the Commonwealth Privacy Act for 10 years. The Opposition considers it totally inappropriate to have a blanket exclusion that states, as the bill does, that a person will never be allowed to get information that relates to his or her suitability for employment or appointment. Clearly, these are the types of matters that do flow between various agencies. The Government is now trying to bring forward amendments accepted in the upper House.

Many sections of industry have called for the adoption of privacy legislation. The private sector acknowledges that privacy legislation needs not only uniformity but also codes of conformity or behaviour. The industry has questioned whether we should follow the decisions of the European Union, which does not necessarily deal with businesses in countries that have not adopted legislation for the protection of personal information. The bill does not follow the approach adopted by Alan Stockdale, but seeks to adopt some information protection principles. Those principles are welcomed, but it is a mishmash.

Today the shadow treasurer took issue with the Minister for Energy about the extent to which a massive subsidy of $400 million was going to Delta Energy in the Australian Capital Territory, thereby denying New South Wales taxpayers that subsidy. That issue was used by the Attorney General, the Hon. Jeff Shaw, to oppose Opposition amendments in the upper House. Jeff Shaw used those amendments as a rationalisation for the extent to which the application of privacy principles in State-owned corporations would deny their competitiveness. What do we have here? We have a Labor Party, which does not have to compete, offering another distributor, Delta Energy, $400 million.

This makes a complete furphy of the Attorney General's attempt to say that we need these corporations to be on a level playing field with the private sector but that that means not have privacy principles applied to them. What a joke! We have that rationale and yet $400 million goes to subsidise a distributor in another Territory; it was denied to the New South Wales taxpayers. Corporations do not need that level playing field; already industry in New South Wales, under the Labor Government, treats Australia Capital Territory residents more favourably than it treats its own.

That is in addition to matters raised by the Leader of the Opposition about the cross-subsidy and some of the finance leasing deals in this State. I use that clear analogy in relation to the mishmash by

which this Government brought forward the legislation and why it is inconsistent to not have adopted the extension of this bill to State-owned corporations as the Opposition proposed. Whilst many principles of the bill have been accepted in the upper House, the Opposition maintains that they should be extended along the lines raised by the Opposition, led by John Hannaford, in that place.

Mr WHELAN (Ashfield—Minister for Police) [11.33 p.m.], in reply: A number of organisations have expressed concerns that the bill will hinder access to personal information that is necessary to undertake legitimate activities. For instance, I am aware that there is concern amongst the medical fraternity that the bill may interfere with health and medical research, which is vital to the community. Access to personal health information is also necessary for quality assurance and health care. These concerns are not warranted, because the bill seeks to establish general information protection principles which are to apply to the collection, storage and disclosure of personal information obtained by government bodies.

Having established the principles that should apply in general, the bill provides a range of exemptions and means by which to vary the application of the principles. The bill does not seek to list all the possible situations in which it may not be appropriate for the principles to apply, but it provides flexible mechanisms that allow for such situations to be accommodated. It is not the intention of the legislation to prevent public or private agencies from undertaking their legitimate business. To ensure that this does not occur the bill acknowledges the need for flexibility in the application of the information protection principles by providing exemptions in certain circumstances and for the development of privacy codes of practice. Privacy codes allow for the information protection principles to be modified or supplemented where necessary.

Access to personal information for health and medical research and quality assurance were previously raised by the Department of Health in the course of considering the legislation. It is understood that the department has already developed an information privacy code of practice in consultation with the Privacy Commission independently of the bill. In addition, the National Health and Medical Research Council issued guidelines for the protection of privacy in the conduct of medical research. These guidelines were issued with the approval of the Commonwealth Privacy Commissioner under section 95 of the Commonwealth Privacy Act 1988. No doubt these guidelines could form the basis for a suitable code under the Act.

All relevant scientific and professional organisations will be given the opportunity to have input into and comment upon such code of practice prior to its implementation. The Attorney has given an undertaking that the proposed legislation will not be enacted until the code is in place to assure ongoing access to the necessary information by medical researchers. The bill requires people to consider their information bases and how they access, use and disclose information and whether their current practices are adequate. It will not prevent legitimate research and use of material. I hope that satisfies the matters raised by honourable members.

Motion agreed to.

Bill read a second time.

In Committee

Clause 3

Mr WHELAN (Ashfield—Minister for Police) [11.37 p.m.]: I move Government amendment No. 1:

No. 1 Page 4, proposed section 3. Insert after line 16:

but does not include a State owned corporation.

The intent of this amendment is to reverse two of the amendments made to the bill by the Opposition in the Legislative Council. It has the effect of removing State-owned corporations from the definition of public sector agency. This exemption was provided on the basis that otherwise it would put State-owned corporations at a competitive disadvantage with the private sector. The Government has taken the view that State-owned corporations should only by covered by privacy legislation when the private sector is similarly covered.

Mr TINK (Eastwood) [11.38 p.m.]: The Opposition opposes the amendment and will divide on it. It indicates that the Government's commitment to privacy legislation is weak. This sort of privacy regime is accepted in private sector agencies worldwide. For State-owned corporations to not take a lead on this legislation is totally unacceptable. The Opposition supports effective privacy legislation, but the Government has indicated that it does not.

Mr KINROSS (Gordon) [11.39 p.m.]: I will not add to the reasons I gave in the second reading

debate, except to say that it is a furphy to talk about State-owned corporations not being included when most Australians know the extent to which agencies owned by a government are as much a part of government as are its entities. Accordingly, to deny the application privacy to State-owned corporations is inconsistent and certainly creates a lack of comprehension of the importance of privacy principles, as the shadow minister for police has said.

Mr Temporary-Chairman, in your capacity as Chairman of the Committee on the Office of the Ombudsman and the Police Integrity Commission, you would be aware of how that committee has examined this type of legislation in relation to whistleblowers, and the importance of outsourcing to the private sector and State-owned corporations work on behalf of government entities. The committee is examining how that overlap impacts on people's rights in relation to the whistleblower legislation. By analogy the same principle applies here. When a government agency deals with a State-owned corporation and the flow of information is between them, how is the public supposed to differentiate between whether privacy applies to an arm of government or whether it is not an arm of the government because it is only a State-owned corporation.

That inconsistency needs to be remedied and therefore the Opposition will call for a division on this amendment, which has already been considered by the Legislative Council and the crossbenchers. This does not provide a level playing field, as evidenced in question time today. The Government has already offered subsidies to the tune of hundreds of millions of dollars to other places without the need to refer to a level playing field. The Government has done that off its own bat, so it is ridiculous to suggest that this will put them at a distinct disadvantage.

In general one should not necessarily assume that privacy takes away the competitive edge or the commercial advantage of a State-owned corporation. It is healthy to have a sound and effective system that protects people's interests and ensures that the management and internal controls are in place to enable the public to have effective input and confidence that material pertinent to them will not inadvertently, let alone advertently, be divulged. I referred earlier to the extent to which the former Water Board misdirected many people's accounts. At that time the accounts of many people were inadvertently addressed to me at Wentworth Chambers. As a result I asked the Managing Director of the Water Board at that time, Paul Broad, about the release of that information but I received no answer. The public realises the hollow rhetoric and wants to ensure that privacy principles have some substance.

Bob Carr also raised—and this has been acknowledged by people in the survey—the importance of privacy. That is why the application of privacy in State-owned corporations should be strongly endorsed. It will be interesting to ascertain whether the Government will do any deals with crossbench members in the upper House if the amendment is accepted. I hope honourable members stick to their guns and that the Government is forced to deal carefully and considerately with privacy. Next Wednesday we will learn what the Legislative Council has done. I trust that the amendment will again be negatived in the upper House. This will force the Government into accepting a principle that already applies to many entities in other States of Australia and throughout the world. There is no competitive disadvantage; indeed, I would say that an organisation that gets its act together and has privacy principles at its heart should not regard itself as being at a commercial disadvantage.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 45

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

Noes, 42

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

Pairs

Mr Carr	Mr Armstrong
Mr Clough	Mr Collins
Mr Knight	Mr Peacocke

Question so resolved in the affirmative.

Amendment agreed to.

Clause as amended agreed to.

Clause 29

Mr WHELAN (Ashfield—Minister for Police) [11.54 p.m.]: I move Government amendment No. 2:

No. 2 Page 20, proposed section 29(7), lines 6 to 10. Omit all words on those lines.

Amendment No. 2 has the effect of removing the Privacy Commissioner's power to veto a code that seeks to exempt any public sector agency from compliance with an information principle. Proposed section 29(7)(b) provides that the Privacy Commissioner can veto any privacy code that exempts a public sector agency from compliance with an information principle if he or she is satisfied that the public interest in allowing the exemption outweighs the public interest in the agency complying with the principle. The power of veto is not appropriate. Whilst the Privacy Commissioner has a role in initiating the preparation of privacy codes and in advising the Minister when the Minister is considering making a privacy code, it is not for the Privacy Commissioner to veto a code. In the end it is for the Minister, properly advised, to determine whether a code should be made.

Mr TINK (Eastwood) [11.56 p.m.]: The Opposition opposes this amendment and calls into question again the commitment of the Government to effective privacy legislation. Amendment No. 2 seeks to omit the words:

> A code must not exempt any public sector agency from compliance with an information protection principle unless the Privacy Commissioner is satisfied that the public interest in allowing the exemption outweighs the public interest in the agency complying with the principle,

It is absolutely fundamental that those words remain if the legislation is to provide any basic comprehensive coverage of public sector agencies. Without this sort of provision this legislation is not worth the paper it is written on. I venture to prophesy that when this legislation in some form or another passes this Parliament it will never come into force under this Government. It is to come into force only on a date to be appointed by proclamation, and I predict that this Government will never proclaim the legislation. The Government misrepresents the proposition that it has come good on its election commitment in 1995 to introduce privacy and data protection legislation by virtue of the fact that this bill in a gutted form has passed through both Houses of the Parliament. It will never be proclaimed, and is not a privacy bill worthy of the name if ridiculous amendments like this get through.

Mr KINROSS (Gordon) [11.58 p.m.]: As the shadow minister stated, this amendment makes the code a toothless tiger. If a code is to be enforced, why is the Government worried about exempting or removing the exemption of a public sector agency from compliance with an information protection principle unless the Privacy Commissioner is satisfied? The answer is that the Government is not serious about privacy principles. The removal of this object will, in effect, enable a public sector agency to overcome the very principles that privacy protection is designed to achieve. When the Government learns next Wednesday that the Legislative Council has not accepted this amendment, I too prophesy that the bill will not be proclaimed. The Government will realise that privacy will be rendered at law. More to the point, it was a hollow promise. As it is a hollow promise based on a promise that Bob Carr made prior to 1995, it is clear that it is window-dressing. It is not only window-dressing; it is tantamount to proof that

the left-wing of the Australian Labor Party has no power to make the Labor Party adhere to the principle of allowing privacy in people's welfare.

Amendment agreed to.

Clause as amended agreed to.

Bill reported from committee with amendments and passed through remaining stages.

Message sent to the Legislative Council seeking its concurrence with the Legislative Assembly's amendments.

TEACHING STANDARDS BILL

Suspension of Standing and Sessional Orders

Motion, by leave, by Mr Whelan agreed to:

That standing and sessional orders be suspended to permit the circulated Government amendments to the bill to be moved in globo and for the Minister for Education and Training and the honourable member for Ku-ring-gai to be able to speak for unlimited periods in the Committee of the Whole on the bill.

In Committee

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [11.59 p.m.]: I move Government amendments Nos 1 to 15 in globo:

No. 1 Page 2, clause 3, line 10. After "formally", insert ", and to enhance,".

No. 2 Page 2, clause 4, line 24. Omit "under a contract for services". Insert instead "or appoint".

No. 3 Page 3, clause 4, line 10. After "the standards", insert "recommended by the Board and".

No. 4 Page 3, clause 4, line 21. Omit "curriculum education". Insert instead "the curriculum for primary and secondary schools".

No. 5 Page 4, clause 6, lines 20 and 21. Omit all words on those lines. Insert instead:

(4) The Board may undertake such duties as may be requested by the Minister from time to time so long as those duties are consistent with the objects of this Act.

No. 6 Page 4, clause 7, line 23. Omit "12". Insert instead "13".

No. 7 Page 4, clause 7, lines 29 and 30. Omit all words on those lines. Insert instead:

(b) one person who is nominated by the Catholic Education Commission of New South Wales and the Catholic Commission for Employment Relations,

No. 8 Page 5, clause 7, line 3. Omit "one nominee". Insert instead "two nominees".

No. 9 Page 8, clause 12, lines 6 and 7. Omit all words on those lines.

No. 10 Page 8, clause 13, line 18. Omit "training". Insert instead "education".

No. 11 Page 9, clause 15, lines 1 and 2. Omit all words on those lines.

No. 12 Page 9, clause 16, lines 4 to 7. Omit all words on those lines:

(1) The Director-General of the Department of Education and Training is to ensure that each teacher who is employed in a government school complies with the professional teaching standards to the extent that they relate to that teacher. The Director-General may delegate that function to the principal of the school concerned.

No. 13 Page 11, clause 21, lines 15 to 17. Omit "that has been commenced for the purposes of dismissing the person from his or her employment as a teacher". Insert instead "(as determined by the Board) that has been commenced in relation to the teacher. However, such a person is taken to be provisionally registered in accordance with section 22".

No. 14 Page 14, clause 26. Omit the clause..

No. 15 Page 19, Schedule 1, clause 3, line 15. After "appointment.", insert "A person who is appointed as such a deputy must be nominated by the relevant body or bodies in accordance with section 7."

Amendment No. 1 changes the objects of the Act, contained in clause 3, to ensure that the objects are not only to recognise but also to enhance the status of teachers. Amendment No. 2 makes clear that a teacher appointed to teach is considered to be employed for the purpose of the Act, even though the teacher is not employed under a contract. This covers, for example, the case of some people in religious orders who are appointed to teach at the school but are not paid by the school. This amendment relates specifically to a matter raised by the honourable member for Ku-ring-gai during the second reading debate. He made reference to pastors and ministers of religion coming into a school.

Amendment No. 3 confirms in the definition that the standards are to be both recommended by the board and approved by the Minister. Amendment No. 4 makes clear that a teacher is a person who delivers the curriculum in accordance with the provisions for primary and secondary education under the Education Act 1990. Amendment No. 5 amends the relationship between the Minister and

the board. It makes clear that the Minister may request the board to carry out certain duties, provided the duties are consistent with the objects of the Act. This means, for example, that the Minister could ask the board to develop standards in a particular field or area of expertise or to advise the Minister on matters relating to the status of teaching.

Amendment No. 6 provides that instead of 12 directors of the board there will be 13. I have already made reference to this in the notice of precedence that I gave earlier. It allows for an increase in the nominees of the Teachers Federation. Amendment No. 7 allows the director nominated by the Catholic sector to be jointly nominated by both the Catholic Education Commission, the educational body, and the Catholic Commission for Employment Relations, a body dealing with industrial relations issues across the whole of employment related to the Catholic Church. I move this amendment specifically at the request of those two bodies.

Amendment No. 8 allows an extra position on the board to be nominated by the New South Wales Teachers Federation. This will change the composition of the board to ensure a balance between the government and non-government sectors, broadly reflecting the relative proportion of each sector's enrolment share. It also brings about the likelihood of a majority of teachers on the board, reflecting the intention that the board reflect the professional views of teachers. Further, it is important to ensure that both primary and secondary teachers are adequately represented. This reflects a structure parallel to that of the Board of Studies, as passed by the previous Government.

Amendment No. 9 will delete subclause (2) of clause 12. The reason for the amendment is to make clear that the intention of the subclause was not somehow to override the intentions of the board. I am advised that the bill is quite workable without the subclause. Again this relates to a matter that I dealt with in my reply to the second reading debate. That concerned some clauses that had been included in the bill by Parliamentary Counsel to ensure compliance with the intentions of the Government. However, the Government is quite confident that the subclause is not warranted.

Amendment No. 10 changes the programs that are to be accredited from "teacher training programs" to "teacher education programs". While the change may appear to be somewhat cosmetic, it is intended to convey the fact that teachers should be involved in broad-based development of knowledge skills and understandings, rather than with the possibly more narrow notion conveyed by the word "training". Amendment No. 11 will omit subclause (2) of clause 15, which made compliance with standards a condition of a teacher's employment. While this subclause did not affect the powers of the board, and it would not have required the board to be involved in employer-employee issues, it is clear that the bill would be quite workable without going to the step of making professional teaching standards a condition of employment that could be subject to dispute in the industrial relations context.

The requirement in section 15(1) for a teacher to comply with the standards and the responsibility of employers to ensure compliance are considered sufficient tools to enforce the standards. I made adequate reference to this matter during the second reading debate. In that debate it was clearly spelt out why the Government is making this amendment. The moving of the amendment will help to make it clear that the emphasis is on teacher standards rather than on teacher qualifications. I draw the attention of honourable members to my comments made in reply to the second reading debate.

Amendment No. 12 provides that the Director-General of the Department of Education and Training has responsibility to enforce the standards in relation to government schools. The director-general is entitled to delegate that function, including delegation to the principals of the schools. It is not intended to change the relationship between principals and the director-general within the government schools system. The accountabilities under the Teaching Services Act remain. Principals already are required to ensure that teachers perform their job adequately. The fact that they may be called on to enforce standards would make their existing duties more explicit.

The main reason that the Government is moving the amendment is to clearly define the function of the principal. Some concern was expressed during the consultation process that perhaps that was putting too big an onus on the principal, that it was not explicit enough that the principal was acting under the delegated authority of the director-general, and that the employer and person with the right to dismiss was the director-general and not explicitly the principal in his or her own right. Any authority that the principal exercises in relation to such matters is exercised pursuant to the authority delegated to the principal by the director-general.

Amendment No. 13 changes the definition of "disciplinary action" so that it is no longer a subjective definition. The change makes clear that

the board will have the power to decide what counts as disciplinary action. This takes into account the fact that different school systems have different guidelines and procedures that may or may not be called disciplinary procedures and that may or may not be commenced with the intention of dismissing. The definition change also makes clear that such a person can be provisionally registered while such processes are being completed.

It is probable that in timing the commencement of various sections of the Act the commencement of this section would await the board coming to a set of determinations about what counted as disciplinary action. The reason for moving the amendment is to ensure that there is no question that the bill applies equally to schools in both the government and non-government sector and that there is broad consistency in relation to guidelines and procedures as they affect disciplinary procedures within the terms of the Act.

As I said when replying to the second reading debate, it is the intention of the Government to delete clause 26. Amendment No. 14 will delete the clause. Voting against it standing part of the bill is a technical way of deleting the section. Parliamentary Counsel advised, following further consultation with the Parliamentary Counsel, that the Government could simply dispense with the provision by voting against the clause. I give notice that the Government will vote against the clause in Committee. The reason that the Government will delete the clause is that it was felt by the Parliamentary Counsel, on riding instructions from the Government, that the clause would be required to enact the intention of the Government. Subsequent discussions have led the Government to believe that the clause is no longer required. Therefore I am quite happy for it to be deleted from the bill.

Finally, amendment No. 15 will ensure that if the Minister appoints a deputy that person is to be nominated by the nominating body. The amendment perhaps clarifies a vagueness in the provision of the bill. Clearly, there was the opportunity for a deputy of a director to be appointed, but it was not specifically spelt out that the director had to come from the same nominating body as the original director. The Government wants to make that more clearly understood. If one problem, which the Minister has recognised, is that there is an unambiguous tension in the bill between what is and what is not industrial, clause 21(2) probably still leaves the question begging. Even with the Government's amendment, the Opposition would vote against that clause.

Mr O'DOHERTY (Ku-ring-gai) [12.09 a.m.]: By agreement with the Leader of the House the Opposition has undertaken not to divide on these amendments, although I indicate that it will oppose some of the clauses in the bill. In general terms the Opposition accepts the Government's amendments. I said earlier in debate that although the Opposition called on the Government to withdraw this bill to enable proper consultation—it voted against the second reading of the bill—it does not want to be bloody-minded or silly about it. If the Government is moving amendments that are going in the right direction, obviously the Opposition will accept them.

It is our intention to pursue our opposition to this flawed bill in another place. Depending on the outcome of discussions with upper House members in the next week or so, it may be necessary for the Opposition to move further amendments in the upper House. We reserve our right to move further amendments to the bill, although at this stage we still oppose it and ask the Government to withdraw it to enable proper consultation. The amendments that have been moved in globo do not include an amendment to delete clause 26. The Minister said that the Government was advised by Parliamentary Counsel that it was necessary to vote against the clause only when the clauses were dealt with in Committee. The Committee is dealing with amendments in globo and there is no amendment to delete clause 26. It may be necessary to move a further amendment after we have dealt with the Government's amendments.

The TEMPORARY CHAIRMAN (Mr Gaudry): Order! It is the understanding of the Chair that amendment No. 14, if agreed to, will delete clause 26 from the bill.

Mr O'DOHERTY: Thank you for clarifying that issue. These cosmetic amendments emphasise what I said earlier, that the bill was drafted sloppily. I do not accept for a moment the Minister's statement that this happens all the time. Bills are introduced and are amended. This bill was presented hastily last week, given that every education group raised significant concerns about it. The Minister gilded the lily in the extreme when he tried to pretend that this bill was part of the normal democratic process. I was offended by the Minister's statement that the Opposition had not done its homework; that it should have known that the amendments deal with many of the objections raised. The Opposition did not know that as the Minister did not brief it on the bill.

Mr Aquilina: You did not ask for one.

Mr O'DOHERTY: We did not ask for a briefing. We tested the water by asking when the bill would be debated, but the Minister did not tell us when that would occur. When the Opposition asks for briefings on important matters the silence from the Minister's office is deafening. I refer the Minister to my formal requests for briefings concerning the restructure of the department and to his glib and insulting reply, "Look it up on the Internet". If that is what democracy is these days New South Wales is in a sorry state. I am offended because the Minister did not inform me of these foreshadowed amendments until I was about to commence my contribution in the second reading debate. I was not aware that the Government would be moving amendments.

I do not want to put too fine a point on it, but it was inaccurate of the Minister to state that we should do our homework. He has been making this up as he goes along. The Opposition was not informed about the amendments; therefore it had no opportunity to consider them. I completely reject the Minister's earlier statements. The inclusion of the word "insert" in amendment No. 1 or the change to the wording of amendment No. 2 are cosmetic changes. However, some of the Government's amendments go to the heart of the problem.

The bill deals in the main with teacher registration and professional standards. Groups to whom I have spoken suspect that this bill was introduced because the Premier wanted to make his grand announcement about getting rid of bad teachers—whatever spin he wanted to put on it at the time. No-one saw a copy of the bill until it was introduced in the Parliament. However, two people told me that they were urgently called into the Minister's office and that they then received a faxed copy of the bill an hour before it was presented. There is something severely wrong if the Minister believes that there has been adequate consultation on this bill.

The Minister spoke earlier about the long period of consultation and about the green paper. No-one heard from the Government for months. A bill was then presented which did not take into account the discussions that were held. A number of surprising provisions were included in the bill. The Government now has a political problem. Every interest group has asked the Opposition to move a significant number of amendments to the bill to try to salvage it. The Government's motives were confused and the Premier wanted to put a political spin on it. He thought that bashing up teachers would win him votes.

Because of discussions that the Opposition had with a number of interest groups and because of its philosophical position in relation to some of these matters, it decided to oppose the bill and to propose an alternative. The Government, which faces a real prospect of defeat in the upper House, even with these amendments, engaged in furious consultation over the last couple of days—much of it this afternoon—and it hastily drafted amendments. The Minister admitted that there were imperfections in the drafting process. Parliamentary Counsel clearly interpreted the Government's wishes and drafted clause 26 before the Minister realised its implications. The Minister said earlier that Parliamentary Counsel was overenthusiastic in this regard but that the Government would be happy to delete the clause. The Opposition does not believe the Minister's explanation.

All that does is highlight the fact that the Government tried to amalgamate two measures. That is why we have this microsurgery. The Government is trying to remove some of the more offensive parts of the bill. All the offensive parts have not been deleted and a philosophical problem remains. There are significant issues that the Opposition cannot accept. If the Committee were not dealing with this bill clause by clause, the Opposition would vote against amended clause 21(2). I have been advised by the Catholic Education Commission that the proposed amendment is unsatisfactory and it needs more work. A key problem is that disciplinary action and criteria are not defined in the employment processes which are subject to the determination of the board. The clause should be omitted because it involves the board in essentially industrial matters. If one problem, which the Minister has recognised, is that there is an unambiguous tension in the bill between what is and what is not industrial, clause 21(2) probably still leaves the question begging. Even with the Government's amendment, the Opposition would vote against that clause.

The Opposition would delete clause 24(6) to make it clear that the Board of Studies should consider a process of deregistration only for teachers who have been dismissed by their employer. That provision is another tension in the bill. If the Government believes that it is necessary to have an outside body to which the government system can refer matters, that points out weaknesses in the system which the Government should fix. If that is the case, should the process of deregistration apply to all educators across the board? On balance, the Opposition believes that clause 24(6) should be deleted.

The disproportionate penalty provided for non-government schools compared with government schools creates a series of problems. The Catholic Education Commission has suggested that new subsection (b1) of section 47 of the Education Act 1990 be deleted. It has suggested also that subclause 17(3) be deleted and that subclause 17(2) be amended by inserting the words "or non-government school". The Opposition would agree with such amendments. If the bill is read a second time in the upper House the Opposition will consider moving an amendment in Committee to delete subsection (b1) of section 47 of the Education Act. Essentially, the Opposition does not think that the employment of registered teachers should be linked to the registration of schools. If a school is registered it is accountable, firstly, to parents on behalf of the children and, secondly, to the people of New South Wales through Board of Studies registration processes. That is sufficient accountability.

Accountability is important and good. However, linking the registration of teachers, which is an accountability measure, to the registration of schools, which is another accountability measure, will provide a double-jeopardy process. In this bill is the Minister saying that he has no confidence in the registration procedures and practices of the Board of Studies? As part of the registration process the board must ensure that the curriculum will be taught properly and that an emphasis will be placed on teaching and learning. An accountability mechanism is provided. The proprietor of a school or his nominee is accountable, the principal is responsible for the teaching and learning practices and the school must comply with the curriculum. So when is a double-jeopardy process necessary, unless the only purpose of the bill is to meet an objective of the union movement, that is, to ensure that there is blanket cover of all teachers in school through some sort of body?

If that is the purpose of the bill, why has the Government granted a concession for provisional registration in the terms described earlier by the Minister? The bill is full of such tensions and contradictions. As I said, the Opposition will consider moving an amendment in the other place to delete new subsection (b1) of section 47 of the Education Act. Government amendments Nos 6 and 8 relate to increasing the size of the board to 13, including additional representation for the New South Wales Teachers Federation. The Opposition supports amendment No. 6, which is sensible. I simply ask the Minister why principals are not represented on the board. Why does the bill not provide for the various principals associations, such as the Principals Council, the Primary Principals Association and what the Minister called the PSPF to nominate a representative?

Brian Chartley will be impressed at the way the Minister in his second reading speech undermined the credibility of his organisation. The Opposition urges the Government to consider including representatives of principals. Notwithstanding that the Government has made it clear in amendment No. 12, the director-general of the department is effectively the employer and principals are acting under his or her delegated authority; the principal is the manager of the educational campus. Principals are not only line managers; they are educational leaders in the school community.

Principals have an extremely important role to play in the professional development of their staff and in the maintenance of the standards of their schools. On occasions I have heard the Minister say that principals are important as curriculum leaders. That is true. So why will principals not have a say in the professional standards for which their school communities will hold them responsible as curriculum leaders and leaders of pedagogy? Indeed, principals will be accountable for ensuring that their staff receive everything they need to develop properly and professionally. The Opposition urges the Government to consider the placement of at least one nominated principal on the Board of Studies.

Amendment No. 9 relates to ministerial control. The provisions in clause 12 betray the Government's original intention. When the bill was drafted it included top-down language such as "the Minister must approve" and set out what the Minister must tell the board as to standards, et cetera. The Government has moved an important amendment to clause 12, and the Opposition agrees with it, to make the Board of Studies more like the professional body we want it to be, rather than simply another control arm of the government of the day. Earlier today a group of people told me that this Government is the most interventionist government for some time in terms of independence of the profession and the Board of Studies, as it rams its agenda through tonight.

I acknowledge that the Leader of the House has courteously agreed not to gag debate on this bill, as he gagged another debate earlier today. The fact that the Government and the Opposition must make deals to enable honourable members to get home to their families at a reasonable hour shows what the Government is about. And the Government does the same thing with education! The Board of Studies had less than two of weeks to examine the scores of

changes to the higher school certificate. Although the board is due to expire at the end of the financial year the Minister is forcing changes through the board simply by using his numbers, the way he uses the numbers in this Chamber. That is not a good process.

I note that amendment No. 11 will delete clause 15(2). I simply ask why subclause (2) was included in the first place. Clause 15 provides that a requirement to comply with standards must be taken to be a condition of a teacher's employment. If this bill is not about industrial relations why was that provision included originally? Clause 15 will ensure that the debate about teaching standards is solely about industrial relations. Amendment No. 11 is an indication that the Government has been caught out doing something unacceptable to interest groups, or it has done a sloppy job. The Government cannot have it both ways. I have indicated that the Opposition will consider accepting amendment No. 13, which will delete clause 26, for the reasons given by the CEC. If that amendment is accepted the Opposition will vote against clause 26. Once again it shows that the Government had one thing in mind but was caught out and is now trying to do a deal to ensure that this bill is passed.

In the view of the Opposition the Government has not done enough. Is it the Minister's intention that the board and its disciplinary processes will stand apart from the department's processes? Is one of the purposes in setting up the board to provide an outside process that the department can access in recognition of the fact that its own procedures are not good enough? If that is so, what are the implications for negotiations between the department and the New South Wales Teachers Federation? As I mentioned earlier, it was the intention of the State council of the federation to deal with this matter on Saturday, and it may still do so. What does this say for the way the Government proposes to deal with teacher efficiency and improvement?

Will the matter be dealt with by the department or is the Minister's intention to subcontract all of that work to the Teaching Standards Board? I do not want to delay the House, so I will confine my comments unless something is raised by the Minister. It is not my intention to keep people here all night, but important questions have to be answered. The Opposition places on the record the fact that this has not been a good process. The Opposition says so and interest groups have said so. We hope that the Government will do things more openly in the future.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [12.31 a.m.]: At the beginning of his contribution at the Committee stage the honourable member for Ku-ring-gai repeated a fair amount of the material he referred to during the course of his contribution to the second reading debate, particularly the lack of consultation and the rushed process. I do not intend to answer those matters in detail, but I intend to correct a few things about how matters are dealt with in this place. I would have thought, considering the length of time that the honourable member has been in this place, that he would have got over his extreme sensitivity. Clearly, there is a process of consultation, a democratic process and a process called government and opposition. The three do not always work in the same way.

Perhaps at some future time if the honourable member becomes a Minister he will drag in the Opposition, everybody will be nice and happy, agree with each other and pat each other on the back. But that is not the real world, and he knows it. I was in Opposition for seven years and I do not recall a single instance of being called in and told that legislation was to be introduced and asked what sort of briefing I would like, how much detail I wanted, who I would like to consult with on the Minister's staff and in the department, or who I would like to get detailed advice from so that I could come into this House and bash the Minister over the head with it. It does not work that way.

The shadow minister consults with the people he wants to consult with and the Government consults with the people it deems fit and appropriate to consult with. It is not always the case that governments consult with opposition parties. I refute the fact that following the release of the green paper no-one heard from the Government for months. The Opposition consulted right throughout the process. The honourable member for Ku-ring-gai may not have heard that we were consulting, but perhaps that is an indication of a lack of activity on his part. I can assure the honourable member that there was thorough consultation with a wide range of individuals and appropriate bodies.

The honourable member for Ku-ring-gai said that amendment No 8 makes provision for an additional nominee from the Teachers Federation but contains no mention of an additional nominee from the ranks of principals. There are plenty of opportunities for principals to be appointed to the board. The honourable member is correct, there is no specific nominee from the principals' association, but, obviously, principals are eligible to register as teachers, which is a major provision of the Act. The majority of persons appointed to the board have to be eligible to register as teachers.

Any of the Minister's three appointees, the appointee of either of the unions or the appointee of the Joint Council of Professional Teachers Associations could be a principal. Any or all of them could be principals. I have no doubt that, as is currently case on the Board of Studies, there will be plenty of principals on the board. Recently I nominated my appointees for the Board of Studies, several of whom are principals representing various organisations and their own positions. I would like the honourable member for Ku-ring-gai to think seriously about clause 21(2). Would the honourable member for Ku-ring-gai be content to allow a teacher—who may be under investigation for a serious disciplinary measure, such as sexual offence—to be registered automatically?

Clause 21(2) provides for provisional, rather than automatic, registration. I do not want to do the honourable member an injustice, but I am sure he believes that the students of New South Wales deserve better. He may have misinterpreted the clause. The amendment to clause 21(2) provides for the provisional registration of a person under investigation for a serious disciplinary measure, rather than automatic registration. If the honourable member opposes the amendment it is possible that a person who may be under investigation for a serious sexual offence or any other serious disciplinary measure may be eligible for automatic registration. I will not go through all the details.

The honourable member for Ku-ring-gai has indicated his views in regard to the amendments. I am grateful that he has agreed to a number of them. I refute that any of the amendments were made for cosmetic reasons. They have substance in law and intent. The honourable member may oppose the amendments today or the coalition may have the opportunity to rethink its position in another place. I can assure the honourable member that these amendments were not introduced in a fit of pique. They were introduced following serious discussion, consultation and deliberation, and in the light of legal considerations.

Mr O'DOHERTY (Ku-ring-gai) [12.37 a.m.]: I assure the Government that the Opposition does not suggest that people who have been found guilty of serious sexual offences, or those who are suspected of committing such offences, should have any dealings with children in schools. We have a number of concerns about that aspect of the bill that we can raise at a later time. The question raised by the Catholic Education Commission in relation to clause 21(2) is that disciplinary action is not adequately defined. The commission thinks it is a mixture of industrial and registration proceedings, and it remains a key tension in the bill.

I do not buy the suggestion that principals can have a seat at the table if someone is beneficent enough to give them one. It is wonderful that the Minister allows principals to sit on the Board of Studies, but it would be better if they were recognised professionally in their own right. If the bill is about professional standards and if principals are an important part of not only maintaining but lifting standards at the coalface, they need to have a sense of ownership about the standards. Therefore, they need to have a seat on the board. It seems perfectly logical and reasonable to me.

There is no reason why the Government should not consider nominating principals in their own right. The Opposition does not propose to debate this issue all night. It is not the Opposition that says the Opposition did not consult but the interest groups. I produced the quotes. If the Minister wants to quibble with the interest groups, so be it. The only reason the Minister was locked up all day trying to negotiate amendments is that interest groups did not see the bill before it was introduced into Parliament.

I regret that the Minister considers he was badly treated by the previous Government. The former education Minister, who is now the President in another place, assures me that the present Minister, the honourable member for Riverstone, received all kinds of courtesies from the former Government. The Minister may not agree, but I believe Virginia Chadwick. Continuing this tit-for-tat behaviour, "You didn't do anything for us, therefore we won't do anything for you", will only reflect badly on us all. It is unprofessional to require democracy to take place in this vacuum of intellectual discussion. It is a bad standard to set.

The Minister complained in his reply to the second reading debate that I had put onto the record the objections of various interest groups to the bill. He complained that some groups disagreed with each other. That is the very democracy he has just been upholding. The Minister cannot have it both ways. If we talk to interest groups, place their objections on the record and try to have debate—which the Minister would not have—and share information with the Opposition about a bill, some objections might evaporate in the discussion process.

If the Minister wants to argue in this place, so be it. The Opposition can play that game. I hope that after the next election, if I am the Minister for Education and Training, which is certainly my plan, we will be a little more magnanimous in discussing matters with the Opposition before introducing bills. The principle of Westminster democracies is that there ought to be reasonable briefings on matters that are to be introduced. Does the bureaucracy work

for the people of New South Wales? Does the department work in the interests of the democracy broadly? Is the Opposition able to access advice from the bureaucracy from time to time or is the bureaucracy merely a political wing of the government of the day? Education has become more politicised than it was in the past. That is a gradual process and I have heard the comments of Ken Boston on this issue.

The bureaucracy implements government policy, so inevitably it is caught up in the political process. Nonetheless, there is a role for independent advice to be provided, especially when the matter will come before Parliament. If information were shared before the matter was brought to this place, the Minister would probably save time and the arguments would not become personal. I regret that I have had to become involved in arguments of that calibre.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [12.42 a.m.]: I shall not respond in detail, except to say that the interests of the people of New South Wales are in the hands of the Government and the Government is looking after them in good style.

Amendments agreed to.

Clauses and schedule as amended agreed to.

Bill reported from Committee with amendments and report adopted.

Third Reading

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [12.43 a.m.]: I move:

That this bill be now read a third time.

Mr O'DOHERTY (Ku-ring-gai) [12.43 a.m.]: I move:

That the motion be amended by leaving out the word "now" with a view to inserting instead "not before 1 February 1999".

Further discussion must take place so that we can get this bill right. There is no reason to rush the passage of this bill, because we have plenty of time. The Government can talk further about it and the House can resume to debate it properly. As previously stated, the Opposition's view is that this bill is an uneasy amalgam of competing ideas.

Amendment negatived.

Motion agreed to.

Bill read a third time.

BUSINESS OF THE HOUSE

Restriction on Divisions and Quorums

Motion, by leave, by Mr Whelan agreed to:

That standing and sessional orders be suspended to provide for no divisions or quorums to be called for the remainder of the sitting.

SYDNEY WATER CATCHMENT MANAGEMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [12.46 a.m.]: I move:

That this bill be now read a second time.

The Sydney Water Catchment Management Bill, when combined with the Water Legislation Amendment (Drinking Water and Corporate Structure) Bill, and other non-legislative measures, provides the underpinning for the future management of Sydney's drinking water supply. In turn, these bills are in accordance with the recommendations contained in the second and third reports of the McClellan inquiry. The two pieces of legislation will have the effect of transforming the Sydney Water Corporation.

In many ways it can be argued that the corporate governance model used to corporatise Sydney Water in 1994, that is, a company State-owned corporation, failed. By removing the responsibility for the management of the inner catchments from Sydney Water and reincorporating the remaining entity as a statutory State-owned corporation we are bringing the management and control of our water supply and wastewater systems closer to government. We have commenced the process of re-establishing links between the water utility and government that, as a result of the particular model of corporatisation, had, in my view, been stretched and in some instances broken.

Having said that, I formally place on record my appreciation of the men and women of Sydney Water who worked tirelessly and under enormous pressure to rectify the problems associated with the recent water contamination incidents. Despite the obvious negative impact that those incidents have had on Sydney Water, it has good and dedicated people who do not deserve to share in the odium that was levelled at the organisation. The message

these bills will deliver to those good and dedicated workers is that the Government wants to bring the organisation and its people back closer to the core functions of government than the company SOC model allowed.

Mr McClellan concluded in his third report that there were a number of significant problems in the catchment and that, for a variety of historic reasons, the catchment is seriously compromised. Mr McClellan recommended a strong and effective response to the problems of the catchment recognising that protecting the catchment provides the best long-term security for Sydney's drinking water. Mr McClellan recorded in his third report that the essential elements of effective catchment management include clear and enforceable water quality objectives for the catchment; strong planning controls over the outer catchments; a catchment manager with a concurrence power in relation to development; independent auditing of catchment health with the auditor reporting to Parliament; effective partnerships between local government and the catchment manager; and adequate resourcing to provide effective management of catchment lands and a capacity to enforce breaches of relevant statutes or regulations. This bill responds to Mr McClellan's recommendations.

Further, in order to accelerate changes to the management of our catchments the Government has also embraced Mr McClellan's recommendations to, as a first step, create a State environmental planning policy [SEPP] to control relevant development in the catchment. I advise the House that the preparation of the SEPP has already commenced in accordance with the provisions of the Environmental Planning and Assessment Act. The SEPP will provide for a concurrence role for the proposed Catchment Authority and the parameters for permissible development. At the same time, the Government will shortly begin to prepare a regional environmental plan [REP] that will build upon the work of the Healthy Rivers Commission, and will incorporate clear development controls and water quality targets.

The REP aims to give priority to drinking water quality and a binding action plan for all the regulatory bodies at the State and local level. However, as all members would be aware, the statutory requirements and time frames for the preparation of the REP necessitate the implementation of the SEPP as an interim measure to ensure a rapid response. It is intended that once the REP is in place, the SEPP will become redundant, as its provisions will be incorporated within the regional plan. Therefore, the combination of the SEPP as an interim measure, the regional plan and this bill provides a comprehensive response to Mr McClellan's recommendations regarding the catchment.

In simple terms, Mr McClellan's recommendations require the establishment of an organisation that will be responsible for our drinking water catchments. At present, as noted in the McClellan report, there are nine government agencies, at least eight local government authorities and any number of ancillary regulatory organisations, community interest groups, and private interests, each with a stake in the management of our drinking water catchments, but, as a consequence, there are fragmented responsibilities, potential overlaps and gaps. No one body is responsible for ensuring the catchment is managed to minimise contamination of the available waters.

Historic attempts to establish a more co-ordinated catchment management system or, as is proposed in this bill, a single catchment authority, have failed, usually because of the partisan and entrenched interests of many of the stakeholders. There have been any number of reviews, inquiries, and reports for more than a decade: the Paterson review, the Government Pricing Tribunal review, the parliamentary inquiry and the Healthy Rivers Commission inquiries, to name but a few. Given the intransigence of stakeholders over the years, I can only concur with Mr McClellan's conclusion, that it has only been the goodwill of agencies that has made the system work to the extent that it has.

Whilst Mr McClellan endorses recent government initiatives—including new legislation such as the Protection of the Environment Operations Act, the joint plans of management for the catchment areas, the sewerage management regulations and the Government's waterways package—there is clearly a need to do more. The establishment of a single catchment management authority empowered to oversee the health and wellbeing of our catchments represents a paradigm shift in governance. Ironically, it is a shift that would be unlikely to be achieved if it had not been for the recent water contamination incident. Nonetheless, it is a shift that all objective commentators have strongly endorsed.

I turn now to the detail of the bill. Part 1 provides for the Sydney Water Catchment Management Act 1998, its commencement and definitions. Part 2 constitutes the Sydney Catchment Authority as a statutory body representing the Crown. It provides for a chief executive and a board to determine the policies of the authority. It also provides that the authority is subject to the control and direction of the Minister. The authority must comply with any direction given to it by the Minister. By contrast with Sydney Water, which is currently a company State-owned corporation subject to minimal ministerial supervision, the authority will be closely supervised by the Minister. It will be clearly part of the Government.

Part 3 sets out the role, objectives and functions of the authority. They include: managing and protecting the catchment area and catchment infrastructure works; ensuring that water supplied by the authority complies with appropriate standards of quality; ensuring the catchment areas are managed to optimise water quality, protect the environment and minimise risk to public health; and supplying water to the Sydney Water Corporation and other water supply authorities. In addition, part 3 enables the authority to exercise a concurrence power over development in the catchment. This concurrence will be initially provided in a SEPP and then a more detailed REP. Part 3 also provides in proposed sections 18 and 19 that the authority may exercise concurrence and other roles in connection with the grant of licences under other legislation which affect the catchment areas, and exercise an inspection or enforcement role under other legislation in relation to activities carried out in the catchment area, if such a role is conferred on the authority by regulations.

The proposed sections allow regulations to be passed under the Act that empower the authority to enforce regulations made under other Acts, if that is necessary to protect the catchment areas. These powers are in accordance with McClellan's findings and recommendations that the catchment authority should have power to ensure compliance with existing laws and regulations.

The bill provides in proposed division 4 of part 3 that the authority will enter into arrangements with Sydney Water for the supply of water by the authority to Sydney Water Corporation. Proposed section 24 provides that the Independent Pricing and Regulatory Tribunal is given an oversight role in relation to these arrangements and must report to the Minister concerning the arrangements. Part 4 is about control and accountability of the authority. Proposed division 1 within part 4 provides that the Sydney Catchment Authority will have an operating licence and division 2 of part 4 provides that the licence regulator will be responsible for undertaking regular audits to monitor the compliance by the authority with the requirements of its operating licence.

Division 2 of part 4 also provides for the licence regulator to report on the operations of the authority and the activities of other regulators with respect to the proposed REP. This will ensure that the objectives and strategies outlined in the REP are complied with to protect water quality as recommended by Mr McClellan in his third report. In that report Mr McClellan advised that he would comment further in his final report in relation to general regulation and the role of the licence regulator in particular. Accordingly, division 2 of part 4 also provides for regulations that confer other functions on the licence regulator, including monitoring and reporting on the activities of agencies in and in relation to the catchment areas.

Division 4 of part 4 will ensure that the authority will enter into a memorandum of understanding with each of the Department of Health, the Water Administration Ministerial Corporation and the Environmental Protection Authority within six months of the authority being granted an operating licence. This division also enables the Minister to direct the authority to enter into memoranda of understanding with other regulatory agencies if required. Division 5 of part 4 ensures that the authority furnish reports to the Minister for presentation to Parliament on subjects and times outlined in the operating licence. This provision will ensure that the authority independently reports to Parliament on the health of the catchment as recommended by Mr McClellan in his third report.

Part 5 is concerned with identifying the catchment areas. Proposed section 40 provides that the Governor may declare that an area of land is part of the inner or outer catchment area of the authority. Part 6 is concerned with works. An important provision within part 6 is proposed section 58. The proposed section allows the Minister to approve the carrying out works in the area of operations of the authority if they are urgently required for the protection of water quality and in the interests of public health safety. If such an approval is given, the Environmental Planning and Assessment Act 1979 and Local Government Act 1993 do not apply in respect of the works that have been approved. Proposed section 58 will allow quick improvements to the infrastructure that is under the control of the authority, if those improvements are required urgently to protect water quality and to protect the interests of public health. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

SPECIAL ADJOURNMENT

Motion by Mr Knowles agreed to:

That this House at its rising today do adjourn until Wednesday, 25 November 1998, at 10.00 a.m.

House adjourned at 12.58 a.m., Thursday, until Wednesday, 25 November 1998, at 10.00 a.m.