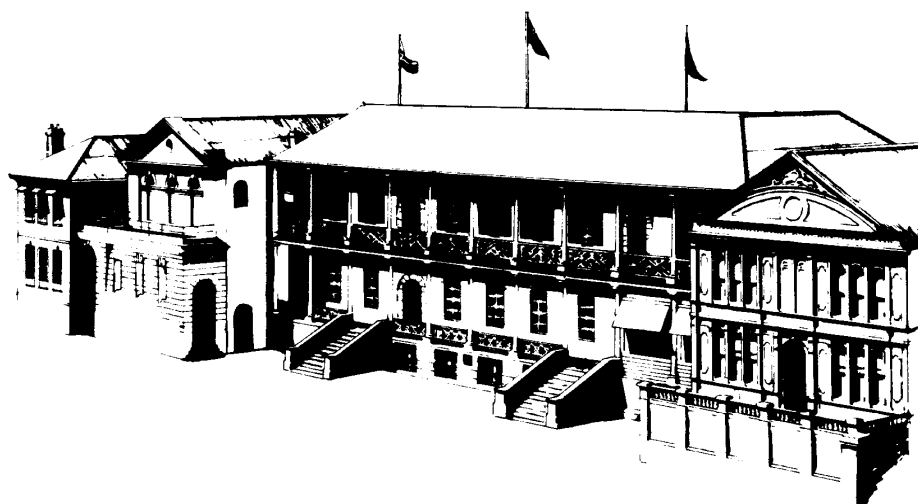




New South Wales



Legislative Assembly

PARLIAMENTARY DEBATES (HANSARD)

FIFTY-SECOND PARLIAMENT
FIRST SESSION

OFFICIAL HANSARD

WEDNESDAY 25 NOVEMBER 1998

Authorised by the
Parliament of New South Wales

LEGISLATIVE ASSEMBLY

Wednesday, 25 November 1998

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

Mr Speaker offered the Prayer.

RURAL LANDS PROTECTION BILL

Message

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

MR SPEAKER

The Legislative Council has considered the Legislative Assembly's Message dated 12 November 1998, relating to the Rural Lands Protection Bill, and informs the Legislative Assembly that the Legislative Council does not insist on its amendments Nos 1 to 11 disagreed to by the Assembly in the Bill, but proposes further amendments in the Bill as follows:

- No. 1 Page 5, clause 12, line 15. Omit "directions". Insert instead "requests".
- No. 2 Page 10, clause 24 (2) (c), lines 16-18. Omit all words on those lines. Insert instead:
 - (c) the provision of advice and assistance about, and the monitoring of the implementation by boards of, function management plans,
- No. 3 Page 11, heading to Division 3, line 19. Omit "**directions**". Insert instead "**requests**".
- No. 4 Page 11, clause 27 (1), line 21. Omit "direct". Insert instead "request".
- No. 5 Page 11, clause 27 (2), line 24. Omit "give such a direction". Insert instead "make such a request".
- No. 6 Page 12, clause 27 (2) (d), lines 3 and 4. Omit "give such a direction". Insert instead "make such a request".
- No. 7 Page 12, clause 27 (3), line 7. Omit "direction". Insert instead "request".
- No. 8 Page 12, clause 28, line 12. Omit "direction". Insert instead "request".
- No. 9 Page 12, clause 29 (1), line 18. Omit "direction it has given". Insert instead "request it has made".
- No. 10 Page 12, clause 29 (1) (a), line 20. Omit "direction". Insert instead "request".
- No. 11 Page 12, clause 29 (1) (b), lines 23-24. Omit "direction within a reasonable period after the

direction is given". Insert instead "request within a reasonable period after the request is made".

- No. 12 Page 12, clause 29 (2), line 26. Omit "direction". Insert instead "request".
- No. 13 Page 12, clause 29 (3), lines 27 and 28. Omit "direction given". Insert instead "request made".
- No. 14 Page 13, note to clause 29, line 5. Omit "direction". Insert instead "request".
- No. 15 Page 18, clause 44 (2), lines 23-27. Omit all words on those lines. Insert instead:
 - (2) A board must prepare a draft function management plan for any of its other functions if it is requested to do so by the State Council.
- No. 16 Page 19, clause 47 (1), line 33. Omit "for approval".
- No. 17 Page 20, clause 47 (3), lines 6 and 7. Omit "Before approving a draft function management plan for functions with respect to travelling stock reserves, the ". Insert instead "The".
- No. 18 Page 20, clause 47 (3), line 11. Insert "with respect to any draft function management plan for functions with respect to travelling stock reserves submitted to it" after "regulations".
- No. 19 Page 20, clause 47 (4), lines 12-14. Omit all words on those lines. Insert instead:
 - (4) The State Council may either agree to the implementation of a draft plan submitted to it without alteration or refer it back to the board for further consideration.
- No. 20 Page 20, clause 47 (5), lines 15-17. Omit all words on those lines. Insert instead:
 - (5) If the State Council agrees to the implementation of a draft function management plan for a function of a board, the draft is the function management plan for the board for the function concerned.
- No. 21 Page 20, clause 48 (1), line 19. Omit "direct". Insert instead "request".
- No. 22 Page 20, clause 48 (3), lines 28 and 29. Omit "may direct that sections 46 and 47 do not apply to the alteration". Insert instead "may authorise the board not to comply with sections 46 and 47 in respect of the amendment".
- No. 23 Page 21, clause 49 (2), lines 1 and 2. Omit all words on those lines. Insert instead:
 - (2) The exercise of that function is not invalid because of a contravention of any such plan.

However, this subsection does not prevent the State Council from exercising its powers under section 27 in respect of the function.

No. 24 Page 64, clause 143. Insert after line 9:

- (4) An order must not specify any method of eradication in relation to a pest that would constitute an act of cruelty committed upon an animal within the meaning of the *Prevention of Cruelty to Animals Act 1979*.

No. 25 Page 64, clause 144. Insert after line 26:

- (2) The Minister must consult with the Minister for the Environment before making a pest control order declaring any member of the animal kingdom that is a native species to be a pest.

No. 26 Page 75, clause 175 (4), line 23. Omit "is final and".

No. 27 Page 93, clause 218 (2) (b), line 30. Omit "direction". Insert instead "request".

No. 28 Page 93, clause 218 (2) (b), line 31. Omit "direct". Insert instead "request".

No. 29 Page 94, clause 219 (2)(a), line 32. Omit "direction". Insert instead "request".

The Council requests the concurrence of the Legislative Assembly in the proposed further amendments.

Legislative Council
23 November 1998

VIRGINIA CHADWICK
President

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Heritage Amendment Bill
Parliamentary Remuneration Further Amendment Bill

The following bills were returned from the Legislative Council with amendments:

Agricultural Livestock (Disease Control Funding) Bill
Commission for Children and Young People Bill (No 2)
Child Protection (Prohibited Employment) Bill (No 3)
Ombudsman Amendment (Child Protection and Community Services) Bill (No 3)
Residential Parks Bill
Water Legislation Amendment (Drinking Water and Corporate Structure) Bill

JUSTICES LEGISLATION AMENDMENT (APPEALS) BILL

MOTOR ACCIDENTS AMENDMENT BILL

CRIMES LEGISLATION AMENDMENT (CHILD SEXUAL OFFENCES) BILL

VICTIMS COMPENSATION AMENDMENT BILL

Bills received and read a first time.

AGRICULTURAL LIVESTOCK (DISEASE CONTROL FUNDING) BILL

In Committee

**Consideration of the Legislative Council's
amendments.**

*Schedule of the amendments referred to
in message of 23 November*

No. 1 Page 5. Insert after line 11:

7 Standing Disease Control Advisory Committee

- (1) The Minister is to establish a Standing Disease Control Advisory Committee.
- (2) The Committee is to consist of not fewer than 5 members, including:
 - (a) a person appointed by the Minister, who is to be the Chairperson of the Committee, and
 - (b) at least 2 members appointed by the Minister from a panel of at least 5 livestock producers nominated by the NSW Farmers' Association or another affiliated organisation chosen by the Minister that represents livestock producers, and
 - (c) at least one member appointed by the Minister from a panel of at least 3 persons nominated by the Rural Lands Protection Board Association, and
 - (d) a nominee of the Director-General.

A majority of the members of the Committee is to comprise members who are livestock producers.

- (3) The functions of the Committee are as follows:
 - (a) to advise the Minister on the establishment of disease control services that are to be funded under this Act,
 - (b) to advise the Minister on the disposal of any surplus amount in an industry fund after the provision of the relevant disease control service for which the fund was established.
- (4) Any such surplus amount may be disposed of by the Minister for the benefit of the livestock industry concerned having regard to the advice of the Committee.

No. 2 Page 5, clause 7 (3). Insert after line 19:

- (b) at least one member appointed by the Minister from a panel of at least 3 designated livestock producers nominated by the NSW Farmers' Association or another affiliated organisation chosen by the Minister that represents producers in the relevant livestock industry, and
- (c) at least one member appointed by the Minister from a panel of at least 3 persons nominated by the Rural Lands Protection Board Association, and

No. 3 Page 5, clause 7 (4) (a), lines 26-29. Omit all words on those lines. Insert instead:

- (a) to advise the Minister on the funding of the designated disease control service, including:
 - (i) the programs to be funded, and
 - (ii) the policies and priorities for expenditure from the industry funds established in respect of the designated disease control service,
 - (iii) any industry levy that may be imposed under this Act,

No. 4 Page 8, clause 12 (2), line 6. Insert ", having regard to the advice of the industry advisory committee concerned," after "if satisfied".

No. 5 Page 8, clause 12. Insert after line 16:

- (6) Sections 40 (Notice of statutory rules to be tabled) and 41 (Disallowance of statutory rules) of the *Interpretation Act 1987* apply to an order giving any such authorisation in the same way as they apply to a statutory rule.

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

Resolution reported from Committee and report adopted.

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

COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL (No 2)

CHILD PROTECTION (PROHIBITED EMPLOYMENT) BILL (No 3)

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

In Committee

Consideration of the Legislative Council's amendments.

Schedule of the amendments to the Commission for Children and Young People Bill (No 2) referred to in message of 19 November

No. 1 Page 4, clause 5 (3), line 19. Omit "4 years". Insert instead "5 years".

No. 2 Page 7, clause 10 (a), line 5. Omit all words on that line. Insert instead:

- (a) the safety, welfare and well-being of children are the paramount considerations,

No. 3 Page 7, clause 10 (c), line 8. Omit "the relationship". Insert instead "a co-operative relationship".

No. 4 Page 7, clause 10 (c), line 10. Omit "well-being". Insert instead "safety, welfare and well-being".

No. 5 Page 7, clause 11 (b), line 18. Insert "safety, welfare and" before "well-being".

No. 6 Page 8, clause 14 (1), lines 20-23. Omit all words on those lines. Insert instead:

- (1) The Commission and other government or non-government agencies that provide or deal with services or issues affecting children must work in co-operation in the exercise of their respective functions.

No. 7 Page 8, clause 14 (2), line 27. Insert "(or access to documents)" after "information".

No. 8 Page 8, clause 14. Insert after line 28:

- (3) A reference in this section to the provision of access to documents includes a reference to the provision of copies of documents.

No. 9 Page 9, clause 16. Insert after line 7:

- (2) The Commission may, despite subsection (1), provide children and their families, friends and advocates with information about and referral to government and non-government programs and services.

No. 10 Page 12, clause 22, line 29. Omit "Nothing in this Act". Insert instead "Nothing in Parts 3 and 4".

No. 11 Page 14, clause 23 (2). Insert after line 15:

- (d) a description of any request made by the Commission to conduct a special inquiry that was not approved by the Minister and a statement of the reasons given by the Minister for not approving of that request.

No. 12 Page 16, clause 28. Insert after line 31:

- (3) The Commission may, as soon as a practicable after a report of the Parliamentary Joint Committee has been tabled in a House of Parliament, make and furnish to the Presiding Officer of that House a report in response to the report of the Committee. Section 26 applies to such a report.

- No. 13 Page 17, clause 29 (1) (a), line 1. Omit "3". Insert instead "5".
- No. 14 Page 17, clause 29 (1) (b), line 3. Omit "8". Insert instead "6".
- No. 15 Page 18, clause 33 (1). Insert after line 28:
- employer-related body** means any body that supervises, represents or has other functions with respect to an employer.
- No. 16 Page 19, clause 33 (1), line 6. Insert at the end of the line:
- , or
- (e) performance of work as a minister of religion or other member of a religious organisation.
- No. 17 Page 19, clause 33 (1), lines 33 and 34. Omit all words on those lines. Insert instead:
- completed proceedings involving:
- (a) child abuse or sexual misconduct by the employee, or
- (b) acts of violence committed by the employee in the course of employment.
- No. 18 Page 20, clause 33. Insert after line 7:
- (3) For the avoidance of doubt, the performance of the duties of a foster carer engaged by the Department of Community Services or by any foster care agency constitutes employment for the purposes of this Part.
- No. 19 Page 20, clause 35 (1), line 30. Omit "may publish guidelines". Insert instead "must publish guidelines from time to time".
- No. 20 Page 20, clause 35 (2), line 32. Omit "may". Insert instead "must".
- No. 21 Page 21, clause 35 (3), line 10. Insert "The guidelines must also deal with access by employees or prospective employees to information that is or may be used in employment screening." after "application."
- No. 22 Page 21, clause 35. Insert after line 10:
- (4) The Minister must ensure that guidelines are published with effect on the commencement of this Part.
- (5) The Minister is to review the guidelines to determine whether they remain effective and appropriate having regard to the policy objectives of this Part (including relevant industrial and privacy issues). The review is to be undertaken within 2 years after the commencement of this Part.
- No. 23 Page 21, clause 36 (1) (b), line 19. Insert "(or employer-related bodies)" after "employers".
- No. 24 Page 21, clause 36 (1) (e), line 28. Insert "and advice" after "training".
- No. 25 Page 22, clause 37 (4), lines 17-19. Omit all words on those lines. Insert instead:
- (4) An employer may engage:
- (a) the Commission, or
- (b) an employer (or employer-related body) approved by the Minister, to carry out all or any of the relevant procedures of employment screening on its behalf.
- No. 26 Page 22, clause 37 (6). Insert after line 26:
- (b) child-related employment to which that Act applies by a minister of religion or other member of a religious organisation, or
- No. 27 Page 22, clause 38 (1), line 35. Insert "(or employer-related body)" after "employer".
- No. 28 Page 23, clause 38 (2), lines 1-5. Insert "(or employer-related body)" after "approved employer" wherever occurring.
- No. 29 Page 23, clause 39 (2), line 21. Insert "(or employer-related body)" after "another employer".
- No. 30 Page 23, clause 39 (2), line 23. Insert "(or body)" after "other employer".
- No. 31 Page 23, clause 39 (4), line 30. Insert "and consistent with the guidelines published under this Part" after "directs".
- No. 32 Page 24, clause 40. Insert after line 13:
- (4) It is the duty of an employer to notify a person whose application for child-related employment with the employer has been rejected primarily because of a risk assessment in employment screening that the person's application has been rejected for that reason.
- No. 33 Page 25, clause 43 (1). Insert after line 27:
- (2) Any provision of that Act relating to fees or charges payable by applicants does not apply to such an application for access.
- No. 34 Page 28, clause 53. Insert after line 26:
- (4) When carrying out the review, the Minister is required:
- (a) to consult with government and non-government agencies that provide or deal with services or issues affecting children, and
- (b) to consult, as far as practicable, with children, utilising the means of consultation developed by the Commission under section 13, and
- (c) to invite and consider public submissions relating to the review of the Act.

Schedule of the amendments to the Child Protection (Prohibited Employment) Bill (No 3) referred to in message of 19 November

Page 4, clause 3, line 7. Insert at the end of the line:

, or

- (e) performance of work as a minister of religion or other member of a religious organisation.

Schedule of the amendments to the Ombudsman Amendment (Child Protection and Community Services) Bill (No 3) referred to in message of 19 November

Page 7, clause 25F. Insert after line 35:

- (4) In subsection (3), **appropriate action** includes (without limitation) any penalty for the making of a child abuse allegation that is shown to be false and malicious.

Mr WHELAN (Ashfield—Minister for Police) [10.07 a.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

Progress reported and leave granted to sit again on motion by Ms Moore.

RESIDENTIAL PARKS BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of the amendments referred to in message of 19 November

- No. 1 Page 20, clause 24, line 11. Insert "and the common areas of the residential park" after "only").
- No. 2 Page 22, clause 27, lines 10-14. Omit all words on those lines.
- No. 3 Page 28, clause 34, line 32. Omit "an amount payable".
- Insert instead "those charges payable by a direct customer of a water supply authority".
- No. 4 Page 29, clause 36, lines 25-26. Omit "in accordance with the regulations by the relevant water supply authority".
- Insert instead "by the relevant water supply authority in accordance with the regulations".
- No. 5 Page 30, clause 37, line 5. Insert ", but not including installation costs" after "charges".
- No. 6 Page 31, clause 38, line 23. Insert "(other than excess water charges)" after "charges".
- No. 7 Page 41, clause 54, line 29. Omit ", if".
- No. 8 Page 41, clause 54, lines 30-36. Omit all words on those lines.

- No. 9 Page 42, clause 54, lines 1 and 2. Omit ", after having regard to all of the circumstances of the case, including whether the resident has suffered any detriment,".

- No. 10 Page 42, clause 54, lines 3 and 4. Omit "of that part of the increased rent that the Tribunal thinks appropriate".

- No. 11 Page 46, clause 63. Insert after line 32:

- (4) It is a term of every residential tenancy agreement that the park owner must not breach subsection (3).

- No. 12 Page 56, clause 78, lines 15-25. Omit all words on those lines.

Insert instead:

- (1) Individual mail facilities constructed or installed in accordance with this Part must be constructed in such a way as to permit the attachment of separate locking devices to each mail facility.

- (2) It is a term of every residential tenancy agreement that a resident may install a lock on any individual mail facilities available for use by the tenant.

- No. 13 Page 59, clause 83. Insert after line 13:

- (4) However, no commission is payable if the moveable dwelling is sold otherwise than as a result of the park owner acting as selling agent.

- No. 14 Page 64, clause 91, line 20. Omit "by order".

Insert instead "with the consent of the parties".

- No. 15 Page 64, clause 91, line 24. Omit "order". Insert instead "reference".

- No. 16 Page 64, clause 91. Insert after line 36:

- (3) Attendance at, and participation in, alternative dispute resolution sessions is voluntary. Any party to such proceedings may, at any time, withdraw from alternative dispute resolution and request that the matter be remitted to the Tribunal.

- No. 17 Page 79, clause 113, line 14. Insert ", if the circumstances of the case so justify," after "may".

- No. 18 Page 81, clause 117, line 5. Insert ", if the circumstances of the case so justify," after "may".

Mr WHELAN (Ashfield—Minister for Police) [10.10 a.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

Mr HARTCHER (Gosford) [10.10 a.m.]: I acknowledge the role of my colleagues in the Legislative Council and the determination of the

coalition parties to ensure a fair and just result for both home owners and landowners in respect of manufactured home villages. I again ask the Government to introduce separate legislation along the lines of the Retirement Villages Act for manufactured home parks. It is unsatisfactory that manufactured home parks are regarded as caravan parks, because that is not what they are. The Local Government Act and the proposed legislation need amendment to ensure that people who live in manufactured home villages are recognised as home owners and that park owners are recognised as landowners so that the two are regarded as a partnership rather than a potential conflict.

The coalition will continue to work towards that result. We deplore the way in which the bill was allocated not to a Minister but to a private member of Parliament, the honourable member for Wyong, to misuse and abuse for his electoral purposes. Residential parks and manufactured home villages deserve better than that. They should not be used as political footballs. The coalition has a strong interest in ensuring that the residents of residential parks pay fair rental, receive fair management and have input into the administration of the parks in which they have chosen to live. Many beautiful parks have been established as a result of the partnership between landowners and manufactured home owners.

It is important that the home owner is able to live in peace and quiet in pleasant and enjoyable surroundings, paying a fair rental specified in advance, and that the landowner receive a fair return and fair capital gain on his or her investment. Long-term leases, which have always been supported by the coalition parties, ensure that parties are aware of their rights and that they are not affected by subsequent changes. That is the way retirement villages operate. When one moves into a retirement village one has a licence agreement or title deed, if strata title was involved, and one knows exactly where one stands. For some time residents have been concerned about the vagaries and practices of the law. We hope that the proposed legislation and its fair application will ensure that the vagaries and uncertainties of the law are finally eliminated.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

RURAL LANDS PROTECTION BILL

In Committee

Consideration of the Legislative Council's message of 23 November.

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

Resolution reported from Committee and report adopted.

WATER LEGISLATION AMENDMENT (DRINKING WATER AND CORPORATE STRUCTURE) BILL

In Committee

Consideration of the Legislative Council's amendments.

Schedule of the amendments referred to in message of 23 November

- No. 1 Pages 17 and 18, Schedule 3[5], proposed clause 5A, line 27 on page 17 to line 16 on page 18. Omit all words on those lines. Insert instead:
 - (b) 9 directors appointed by the voting shareholders, who are to have appropriate expertise, to the intent that the board includes directors with separate expertise in at least the following areas:
 - (i) business management,
 - (ii) protection of the environment,
 - (iii) public health.
 - (2) The Minister is to advertise publicly for nominations for selection for the board.
- No. 2 Page 18, Schedule 3[5], proposed clause 5A, line 17. Omit "Subsections (1)-(3) have". Insert instead "Subsection (1) has".
- No. 3 Page 19, Schedule 3[8], line 26. Insert "company" before "State owned corporation".
- No. 4 Page 20, Schedule 3[10], proposed section 93A. Insert after line 12:
 - (3) The portfolio Minister is to publish in the Gazette (and is to make available on the Internet) any direction under section 20P of the *State Owned Corporations Act 1989*, and any notification under section 20O of that Act, given to the board of the Corporation as soon as practicable after it is given.
 - (4) Any such notification or direction is of no effect to the extent that it is inconsistent with the terms and conditions of the Corporation's operating licence.

- (5) However, subsection (4) does not apply in respect of a direction given as referred to in subsection (1).

No. 5 Page 20, Schedule 3[13], line 17. Insert "and consumer confidence reports" after "Annual reports".

No. 6 Page 20, Schedule 3. Insert after line 18:

[14] Section 101 (3)-(7)

Insert after section 101 (2):

- (3) In addition to producing an annual report, the Corporation must publish on the Internet at intervals of 3 months reports (*consumer confidence reports*) on the quality of the water it has available for supply to its customers.
- (4) The reports are also to be made available for inspection by the public free of charge at the Head Office of the Corporation during normal business hours.
- (5) A consumer confidence report must include, in summary form, the following:
- (a) details of the quality and quantity of water in the Corporation's catchment areas,
 - (b) an evaluation of the effectiveness of the Corporation's treatment of water from its catchment areas during the immediately preceding 3 months,
 - (c) a review of developments in the literature concerning issues relating to the quality of drinking water, being issues faced by authorities worldwide who are responsible for the quality of any drinking water,
 - (d) an overview of issues relating to catchment management that were current during the immediately preceding 3 months,
 - (e) such other matter as the regulations may prescribe.
- (6) Each account for the supply of water that the Corporation sends to its customers must contain a summary of the most recent consumer confidence report and must state that the full report is published on the Internet and is available for inspection by the public free of charge at the Head Office of the Corporation during normal business hours.
- (7) The first consumer confidence report must be published within 4 months after the commencement of this subsection.

No. 7 Page 29, Schedule 4[8], line 29. Insert "company" before "State owned corporation".

No. 8 Page 30, Schedule 4[9], proposed section 64A. Insert after line 12:

- (3) The portfolio Minister is to publish in the Gazette (and is to make available on the Internet) any direction under section 20P of the

State Owned Corporations Act 1989, and any notification under section 20O of that Act, given to the board of the Corporation as soon as practicable after it is given.

- (4) Any such notification or direction is of no effect to the extent that it is inconsistent with the terms and conditions of the Corporation's operating licence.

- (5) However, subsection (4) does not apply in respect of a direction given as referred to in subsection (1).

Mr WHELAN (Ashfield—Minister for Police)

[10.14 a.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

Mr HARTCHER (Gosford) [10.15 a.m.]: The proposed legislation has been improved by the amendments of the Legislative Council, one of which relates to the extreme situation that was forced on the coalition Government by the Labor Opposition in 1994 when Sydney Water was corporatised: that directors be nominated by the New South Wales Labor Council. Although the New South Wales Labor Council is a worthy body, there is no reason that it should have automatic representation on corporations such as Sydney Water, any more than any other organisation should have automatic representation on the board of Sydney Water.

I am pleased that the Legislative Council moved to omit this requirement and that the Government accepts that amendment. It should never have been inserted in the first place. It is an inappropriate mechanism. If people from the New South Wales Labor Council are thought to be worthy of appointment to the board, the Minister, exercising general appointment powers, may appoint them. The present Labor Council representative, Mr Michael Costa, is a person of excellent character who brings a great deal of ability to the board of Sydney Water.

This amendment will not affect his appointment to the board, and it is in no way a reflection on the quality of those who have been appointed, but rather a cleaning-up process to ensure that boards of bodies such as Sydney Water, EnergyAustralia and other major Government enterprises, reflect the best expertise in the fields in which they operate. The membership should not necessarily be appointed as a reward for any interest group to suit the purposes of the government of the day.

If one is aware of the close relationship between the present Government and the Labor Council, one realises that amendments such as those inserted in 1994 were not designed to achieve the wider purpose of community interest but to look after what might be loosely termed one's mates. The Opposition is pleased to support the amendments, which have been accepted with some reluctance by the Government.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee and report adopted.

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

**LOCAL GOVERNMENT AMENDMENT
(COMMUNITY LAND MANAGEMENT) BILL**

In Committee

Consideration of the Legislative Council's amendments.

*Schedule of the amendments referred to
in message of 17 November*

No. 1 Page 3, Schedule 1. Insert before line 3:

[2] Section 29 Public hearing into reclassification

Insert at the end of the section:

- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.

No. 2 Page 3, Schedule 1. Insert before line 3:

[3] Section 30 Reclassification of community land as operational

Omit "On the commencement of a local environmental plan that reclassifies community land as operational land" from section 30 (1).

Insert instead "A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan".

[4] Section 30 (1)

Omit "the land is".

Insert instead "that the land is by operation of the plan".

[5] Section 30 (2)

Omit section 30 (2). Insert instead:

- (2) A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

No. 3 Page 4, Schedule 1[4], lines 6 and 7. Omit all words on those lines.

No. 4 Page 13, Schedule 1[5]. Insert after line 21:

36E Core objectives for management of community land categorised as a natural area

The core objectives for management of community land categorised as a natural area are:

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.

36F Core objectives for management of community land categorised as a sportsground

The core objectives for management of community land categorised as a sportsground are:

- (a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- (b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.

36G Core objectives for management of community land categorised as a park

- (1) The core objectives for management of community land categorised as a park are:

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

36H Core objectives for management of community land categorised as an area of cultural significance

- (1) The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.
- (2) Those conservation methods may include any or all of the following methods:
 - (a) the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance,
 - (b) the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material,
 - (c) the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
 - (d) the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact),
 - (e) the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.

- (3) A reference in subsection (2) to land includes a reference to any buildings erected on the land.

36I Core objectives for management of community land categorised as general community use

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- (b) in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

36J Core objectives for management of community land categorised as bushland

The core objectives for management of community land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will

enable the existing plant and animal communities to survive in the long term, and

- (g) to protect bushland as a natural stabiliser of the soil surface.

36K Core objectives for management of community land categorised as wetland

The core objectives for management of community land categorised as wetland are:

- (a) to protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- (b) to restore and regenerate degraded wetlands, and
- (c) to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

36L Core objectives for management of community land categorised as an escarpment

The core objectives for management of community land categorised as an escarpment are:

- (a) to protect any important geological, geomorphological or scenic features of the escarpment, and
- (b) to facilitate safe community use and enjoyment of the escarpment.

36M Core objectives for management of community land categorised as a watercourse

The core objectives for management of community land categorised as a watercourse are:

- (a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian

vegetation and habitats and bank stability, and

- (c) to restore degraded watercourses, and
- (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

36N Core objectives for management of community land categorised as foreshore

The core objectives for management of community land categorised as foreshore are:

- (a) to maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshore's role as a transition area, and
- (b) to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

No. 5 Page 13, Schedule 1[6]. Insert after line 28:

- (3) The council may not, however, proceed to adopt the plan until a public hearing has been held in accordance with section 40A.

No. 6 Page 14, Schedule 1[7], lines 3-11. Omit all words on those lines. Insert instead:

40A Public hearing in relation to proposed plans of management

The council must hold a public hearing in respect of a proposed plan of management if the proposed plan would have the effect of categorising or recategorising community land under section 36 (4) or (5).

No. 7 Page 15, Schedule 1[10], lines 4-12. Omit all words on those lines. Insert instead:

the granting of the lease, licence or other estate:

- (i) for a purpose prescribed by subsection (4), or for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or
- (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
- (iii) for a short-term, causal purpose prescribed by the regulations, or
- (iv) for a residential purpose in relation to housing owned by the council, or

- (v) for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land,
- No. 8 Page 15, Schedule 1[10], lines 15-17. Omit "must not be granted for a purpose other than a purpose mentioned in subsection (1) (a) if its grant would defeat any of". Insert instead "may be granted for a purpose mentioned in subsection (1) (b) only if the purpose for which it is granted is consistent with".
- No. 9 Page 15, Schedule 1[10], lines 17-19. Omit ", as prescribed under section 36, of its categorisation in terms of that section".
- Insert instead ", as prescribed in this Part, of its categorisation".
- No. 10 Page 16, Schedule 1[10]. Insert after line 17:
- (3) A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part 3, unless it is granted to a non-profit organisation.
- No. 11 Page 17, Schedule 1[16] and [17], lines 9-13. Omit all words on those lines. Insert instead:
- Omit the subsection. Insert instead:
- (8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:
- (a) subsections (1), (2) and (6) have been complied with, and
- (b) such consent would not contravene section 46, and
- (c) in all the circumstances, it is desirable to grant consent,
- may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.
- (9) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).
- No. 12 Page 19, Schedule 1[19], line 6. Insert "this section or" before "the regulations".
- No. 13 Page 19, Schedule 1[19], lines 8 and 9. Insert "this section or" before "the regulations".
- No. 14 Page 19, Schedule 1[19]. Insert after line 15:
- (4) The following buildings and structures are prescribed for the purposes of subsection (1) (a):
- (a) walkways,
- (b) pathways,
- (c) bridges,
- (d) causeways,
- (e) observation platforms,
- (f) signs.
- (5) The following purposes are prescribed for the purposes of subsection (1) (b):
- (a) information kiosks,
- (b) refreshment kiosks (but not restaurants),
- (c) work sheds or storage sheds required in connection with the maintenance of the land,
- (d) toilets or rest rooms.
- No. 15 Page 21. Insert after line 36:
- [20] Section 47G**
- Insert before section 48:
- 47G Public hearings**
- (1) In this section, public hearing means any public hearing required to be arranged under this Part.
- (2) The person presiding at a public hearing must not be:
- (a) a councillor or employee of the council holding the public hearing, or
- (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.
- No. 16 Page 21. Insert after line 36:
- [20] Section 409 The consolidated fund**
- Insert after section 409 (3) (c):
- , and
- (d) money that has been received as rents, profits or other proceeds from a lease, licence or other estate granted in respect of community land must be expended on community land acquisition and community land management requirements, and may be

used for any other purpose only to the extent that such receipts are surplus to the outgoings necessary to meet those requirements.

consent, for a purpose for which development consent was, immediately before the commencement of Part 2, required by the relevant land use provision.

No. 17 Page 22. Insert before line 1:

[20] Section 734 Public hearings by a council

Omit "(section 29 excepted)". Insert instead "(section 29 (1) excepted)".

[21] Section 734 (2)

Insert "this Act and" before "the regulations".

No. 18 Page 22. Insert after line 10:

Transitional application of section 30

The amendments made to section 30 (1) and (2) by the Local Government Amendment (Community Land Management) Act 1998 do not apply in respect of a local environmental plan a draft of which was authorised for public exhibition by a certificate under section 65 of the Environmental Planning and Assessment Act 1979 issued before those amendments took effect.

No. 19 Page 24. Insert after line 30:

Effect of certain environmental planning instruments on permissible uses

(1) This clause applies where an environmental planning instrument contains a provision (the relevant land use provision), in force for the time being, that, immediately before the commencement of Part 2:

- (a) applied in relation to an area that has subsequently become (whether by a provision of Schedule 7 or otherwise) classified as community land, and
- (b) permitted the carrying out of development on the land (whether with or without development consent) for the purposes (or a specified class of the purposes) specified in Division 2 or 3 of Part 13 of the Local Government Act 1919.

(2) Despite clause 4 of Schedule 7 and any other provision of this Act, and until the relevant land use provision is amended, by an environmental planning instrument, so as to remove the reference to the provisions of the Local Government Act 1919 referred to in subclause (1) (b), nothing in a plan of management under Part 2 operates to permit:

- (a) the carrying out of development on the land concerned, whether with or without development consent, for a purpose for which development was, immediately before the commencement of Part 2, prohibited by the relevant land use provision, or
- (b) the carrying out of development on any such land, without development

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

Resolution reported from Committee and report adopted.

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

**LOCAL GOVERNMENT LEGISLATION
AMENDMENT (ELECTIONS) BILL**

In Committee

Consideration of Legislative Council's message of 18 November.

Mr E. T. PAGE (Coogee—Minister for Local Government) [10.20 a.m.]: I move:

That the Committee agree to the Legislative Council's further amendments.

Mr HARTCHER (Gosford) [10.20 a.m.]: The Opposition does not support this motion. It is clear that the ultimate gerrymander has been perpetrated by the Minister for Local Government in league with his mate Lord Mayor Frank Sartor, who is a Labor stooge if ever there was one. The sad history of Sydney City Council bears repetition. Each time the Labor Party is elected to government in New South Wales it tries to manipulate the voting process for Sydney City Council to make sure that the views of those who pay 98 per cent of the rates imposed to run Sydney city—those who use Sydney city, those who have made Sydney one of the world's most beautiful cities—are trampled on and ignored. Labor is constantly trying to manipulate the system.

Previously the Australian Labor Party was able to run Sydney City Council. That was in the days when South Sydney was included in the council area; when the old councils of Waterloo, Zetland and Redfern were abolished for that purpose. The Labor Party now knows that it can never control the city of Sydney, so it seeks to change the system to make sure that people such as Frank Sartor can. Frank Sartor is no friend of the Labor Party and I do not call him a stooge in the sense of saying that he is a Labor Party ally—I call him a stooge in the sense that he is used by the Labor Party for its purposes. The Labor Party is determined to make sure that the views of the great majority of ratepayers are ignored. The Minister for Local Government has experience in the Randwick and Coogee areas of Waverley Council.

Mr E. T. Page: Randwick is not in the Waverley area.

Mr HARTCHER: I am happy to be corrected on that point. The Minister has experience in the Coogee and Waverley areas.

Mr E. T. Page: Coogee is not in the Waverley area, either.

Mr HARTCHER: No, Waverley is in the Waverley area. With this Minister, one learns that it is important to have perfect diction and grammar and to have one's facts right. He would make a perfect teacher. Given the Minister's background, one would expect him to acknowledge the rights of ratepayers, those who make the money. The Minister should acknowledge that the city of Sydney is a special case in that most ratepayers do not live in the city but work here. It is those who work in Sydney city and pay the rates who should be making the decisions about the city's future. That is what has been at stake in debate on this bill. Tragically, that principle has not been upheld by the Legislative Council.

Legislative Council crossbench members, for reasons best known to themselves, saw fit to support the Government in rejecting amendments relating to partnerships—ensuring that large organisations with many partners are reduced to the same level as that of a firm that has one partner—in excluding the barristers' vote and in trying to ensure that the gerrymandered system that the Labor Party seeks to have imposed on the city of Sydney is introduced and made applicable for the September 1999 elections. This bill is deplorable. When the coalition achieves government after the March 1999 election it will seek to reverse this legislation and, accordingly, the measures will not stand. The Minister knows that this is a gerrymander bill, and he should be ashamed to bring it before the House.

Mr E. T. PAGE (Coogee—Minister for Local Government) [10.25 a.m.], in reply: It is strange that the Opposition is opposing these amendments. Opposition members in the upper House sought an independent inquiry into Sydney City Council procedures. The Hon. D. J. Gay drafted the terms of reference, which I accepted. This bill complies with the commissioner's recommendations. The suggestion that the Government is gerrymandering is twaddle. Both the honourable member for Gosford and I have been somewhat out of order in what we have said. The Committee is considering only amendments from the upper House. There are three such amendments: two are substantive, the other is consequential.

The Government in the upper House opposed all three amendments, but if acceptance of the amendments is the wish of the upper House then I am broad-minded enough to believe that the lower House should accept the provisions. One substantive

amendment, moved by the Hon. R. S. L. Jones on the basis of a motion proposed by the Hon. D. J. Gay, provides that the Electoral Commissioner shall prepare all electoral rolls for the city. That amendment was supported by the Opposition but opposed by the Government in the upper House.

The second major amendment provides that the lord mayor must be a candidate for election as a councillor. That amendment was proposed by the Hon. D. J. Gay and opposed by the Government in the upper House. It is strange that the amendments from the upper House, which were supported by the Opposition but not by the Government, are now being rubbished by the honourable member for Gosford on behalf of the Opposition. I am not sure that the honourable member for Gosford knows what he is doing or whether he is trying to mislead the House. I am prepared to accept the amendments.

Motion agreed to.

Legislative Council's further amendments agreed to.

Resolution reported from Committee and report adopted.

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

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No 2)

Second Reading

Debate resumed from 12 November.

Mr WHELAN (Ashfield—Minister for Police) [10.28 a.m.], in reply: I thank the Opposition for its support of the bill, which in line with tradition deals with miscellaneous matters.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SYDNEY WATER CATCHMENT MANAGEMENT BILL

Second Reading

Debate resumed from 18 November.

Mr HARTCHER (Gosford) [10.30 a.m.]: I lead for the Opposition in the debate on the Sydney Water Catchment Management Bill. The contamination scare that affected Sydney Water in July and August this year was an extraordinary

event in the history of our city. The McClellan inquiry has been established to report to the Government in respect of that scare. The Opposition commented earlier about the McClellan inquiry and its progress. We support the appointment of Mr Peter McClellan, a man of ability and integrity. However, the Opposition believes that his inquiry should have a statutory basis. We believe that he has not been given the powers of a royal commission that he should have been given. We made some comments when he was given royal commission powers in respect of one matter and one matter only. The Opposition regards that as the Government simply playing politics on this issue.

The proposed legislation was introduced in partial response to the third report of Mr McClellan. He recommended that an independent testing laboratory be established, that water quality should be the primary consideration in decision-making, that the Healthy Rivers Commission undertake an expedited inquiry to identify water quality objectives and the formulation of a regional environmental plan for inner and outer catchments. He recommended also the establishment of a Catchment Commission to conduct a full assessment of the present state of the catchment with a statutorily defined set of objectives to protect drinking water quality and manage the health of the catchment; to oversight the implementation of the new, strong and strategic regional environmental plan for the whole catchment; to exercise concurrence powers over development in the whole catchment where local government is the consent authority and to be consulted on proposed development where the Minister is the consent authority; to independently report to Parliament on a regular basis on its assessment of the health of the catchment; to be responsible for the inner catchment with enhanced regulatory and enforcement powers in both inner and outer catchments; and to own and maintain the relevant infrastructure.

Mr McClellan recommended the establishment of a position of independent auditor to critically review and report on the performance of all parties in meeting water quality objectives and strategies contained in the proposed regional environmental plan. He also recommended that the process of resourcing and funding the commission and of identifying the costs and pricing structure be referred to the Independent Pricing and Regulatory Tribunal [IPART] for inquiry. It is clear that the legislation meets some of those objectives, but a number of points need to be made. It may well be more appropriate to consider the legislative implementation of future changes to the structure of Sydney Water when Mr McClellan's final report is brought down. The Government is anxious to finalise this session of Parliament and wants this legislation passed before that occurs. The Opposition

would prefer for this bill to be deferred until the final report is brought down.

The bill fails to implement many of Mr McClellan's recommendations. The Minister might claim that the matter will be dealt with at a later stage. We do not know whether that will occur as the Minister did not say so in his second reading speech. The bill does not provide for a complete audit of the state of the catchment. I acknowledge that that would be a major undertaking, but the time has come for that process to proceed so that everyone in Sydney knows about the state of the catchment. State of the environment reports are prepared by the Government and by councils, but we need a completely updated report on the state of the catchment. That was the substance of the recommendation, but no announcement has been made as to how it is to be implemented, if at all. There is no proviso in the bill requiring the Catchment Commission to report regularly to Parliament on the state of the catchment. I would have thought that that would have been vital to public knowledge.

The Water Legislation Amendment (Drinking Water and Corporate Structure) Bill was amended in the Legislative Council to ensure that greater information is available to the public and that accounts sent out to the public contain certain information in summarised form. If the people of New South Wales are to know what is happening in the catchment, Parliament and the public must receive regular reports on the health of the catchment. The Opposition will have more to say later about that aspect of this bill. The bill fails to establish an independent audit body to critically review and report on the performance of all parties. The bill does not provide for an IPART inquiry into the funding, resources, costs and pricing structure of the commission. Clearly, the legislation does not necessarily have to contain those provisions, but the Minister has not referred the matter to IPART. We do not know whether the Minister is preparing the terms of reference for IPART.

The point the Opposition seeks to make is that this bill and the Minister's statement are only a partial response to the third report of Mr McClellan. Unless the Government is prepared to indicate its intentions the Parliament may well adjourn with the third report only partly implemented. The Government will then be unable to explain or to justify to the people of this State why it has responded only in part to the report. The bill does not address another major recommendation made by Mr McClellan, that is, that water quality standards be defined by statute. There is some argument about whether that is an appropriate mechanism to ensure that water quality standards are publicly known,

because testing systems vary and technology changes. But the Opposition supports the concept that the people of New South Wales at least have a statutory minimum standard of water quality. Indeed, the Opposition has introduced a private member's bill to ensure that that is so.

That should be reflected in this bill, if the bill is to be implemented as a result of the third McClellan report, or a clear statement should be made about the Government's intentions. Once again, the proposed legislation and the Minister are silent on that point. A further point that must be made is that the Minister and the bill say nothing about the implications of the proposed legislation for TransWater, the subsidiary of the Sydney Water Corporation which owns and maintains 18 dams and storage reservoirs and their associated catchments. We do not know what is to happen to TransWater. The bill, which establishes this bureaucratic mechanism, the Catchment Commission, and the board to administer it says nothing about TransWater. All of the dams and storage reservoirs in the catchment area are the responsibility of TransWater.

I have not received advice on the matter, but it appears that this bill will largely decorporatise TransWater and subsume it into the board of the Catchment Commission. The Minister might like to address that matter in reply. I do not make a definitive statement about that as I have not received comprehensive advice on it. There is simply no guarantee of clean water. Clearly, the bill establishes the mechanism to run the catchment, but it contains no provisions for statutory water quality standards. The bill does not attempt to achieve a guaranteed standard of clean water. Mr Michael Mobbs, who has had a great deal to do with Sydney Water, has stated:

The Authority has less powers, and fewer duties, than Sydney Water has to improve Sydney's catchments. The Bill does not require the Authority to deliver clean water to Sydney Water, and it protects the Authority from civil litigation if it fails to deliver clean water; cl 14(3).

The bill does not require the authority to clean up the catchment lands and waters. According to Mr Mobbs there is no statutory duty imposed on the authority to do so, even though that may be the intent. Mr Mobbs says that the bill denies the authority the power, even if it wished to do so, to maintain or restore environmental flows in the Hawkesbury River or any other river. It is significant that the authority has been denied that power. Mr Mobbs also says that the bill allows the authority to build new dams, such as the proposed Reef Dam, without environmental impact statements, commits the authority to making a profit out of the catchments and remits the profit as tax equivalents and dividends to the Government. That is a significant point.

The authority will clean up the catchment—although according to Mr Mobbs, it is under no statutory duty to do so—and will also run the business of selling water to Sydney Water or other suppliers. The bill does not limit the authority to selling water to Sydney Water. It could sell water to a major agricultural user, or to a person or a company that wishes to bottle water. Accordingly, it will be a profit-making body because it has a clear requirement to do so and to remit the profit to government. The authority should also have a duty to clean up the catchment. The Opposition believes that is a conflict of interest. The Opposition does not intend to divide the House on the bill, but in the Legislative Council the Opposition will move amendments in relation to the matter I have referred to. I am sure we will have the support of the Greens. The Opposition believes that the authority should not have both of those roles.

The Catchment Commission should protect the catchment and some other body should operate the dams and sell the water. The authority should not be both the regulator and the operator. The Minister is better informed than I am. He may well address that aspect and the Opposition may not need to take the matter further in the Legislative Council. Mr Mobbs said that the bill does not give the authority power to control the existing run-off and pollution coming from public sector projects. In that respect I do not necessarily agree with Mr Mobbs, because the Environment Protection Authority has that power. I expect that the authority will work with the EPA, which does a very good job. Mr Mobbs said that the bill denies the authority power to effect the use of water from streams by existing water irrigation licences. Once again the Opposition does not agree with Mr Mobbs, because I am sure the authority will work with the Department of Land and Water Conservation which administers water irrigation licences.

Mr Mobbs said that the bill does not give the authority power to implement financial incentives. I do not accept that, because if objection is made to the authority being an operational body why would one want it to have power to implement financial incentives? I will be interested in the Minister's approach to that matter. I thank the Minister for making his staff available to me for the briefings on the Hawkesbury-Nepean Catchment Management Trust. I congratulate the Minister's advisers and staff on their briefings, which are always comprehensive. Questions I have asked that may not have been particularly up-to-date or intelligent have always been answered fairly and comprehensively.

Mr Knowles: They are always complimentary.

Mr HARTCHER: Thank you Minister. The role of the Hawkesbury-Nepean Catchment Management Trust is confusing. The Minister's staff advised me that this bill is designed to manage the catchment up to the dam and that the trust will operate below the dam. Accordingly, the two can coexist, with the dam being the dividing line. The setting up of the trust was a valuable initiative of the coalition Government. The trust has attempted to address the enormous number of issues affecting the Hawkesbury-Nepean catchment. Notwithstanding that, it has been put to me, presumably because the trust reports to the Minister for Land and Water Conservation, that the trust should be given a wider concurrence power. At the moment that power relates only to the land below the dam. It has been put to me that the Government agreed to amend the regulations to enable the trust to extend its operation across the whole hydrological catchment, including the Sydney Water catchment areas. That proposal would be put to the Minister for Land and Water Conservation, who presumably would seek the concurrence of the Minister for Urban Affairs and Planning.

Mr Knowles: I am sure that is correct.

Mr HARTCHER: I do not know, I can only speak about what has been put to me. If that were the case there is a clear potential for conflict between that body and the Hawkesbury-Nepean Catchment Management Trust. It is unclear how that matter will end up. The role of the nine catchment management committees [CMCs] that will continue to operate when this bill is passed is also unclear. The Opposition believes that when the bill is passed the functions of the committees will largely be superfluous because the Sydney Catchment Authority will have the resources, the statutory base and the ministerial support to look after the whole of the catchment. I am told that four CMCs currently operate—the Wollondilly Catchment Management Committee, the upper Nepean Catchment Management Committee, the Blue Mountains Catchment Management Committee and the Coss River Catchment Management Committee—in the catchment management area for which the authority will have responsibility.

Nine CMCs operate in the whole hydrological catchment of the Hawkesbury-Nepean area. Once again I question the role of those committees if a regulation is proposed to give the Hawkesbury-Nepean Catchment Management Trust concurrence powers over the whole hydrological catchment. It is uncertain whether the Government will proceed with the establishment of the position of river manager,

as recommended in the final report of the Healthy Rivers Commission. It should be remembered that the Government's program of cleaning up the river system was generally supported, and that is what the Healthy Rivers Commission was all about.

A response to the Sydney water contamination crisis is needed. If part of the strategy to clean up the rivers is to be the appointment of a river manager, as recommended in the final report, how will that impact on the proposed legislation? It has been put to me that it is not clear how the authority will operate within the Government's broader water reform program, which includes the establishment of water management committees to advise the Government on river management. The relationship between the Sydney Catchment Authority, for which the Minister for Urban Affairs and Planning will be responsible, and the Department of Land and Water Conservation is pertinent whether the coalition or the Australian Labor Party is in government after 27 March 1999. That issue will need to be addressed at Cabinet level.

A number of environmental matters have been put to me, and they will be detailed by the honourable member for Southern Highlands. They relate largely to the remediation of the Wingecarribee Swamp and the importance of that wetlands area to the Wingecarribee shire. The Opposition will move amendments in relation to those matters in the Legislative Council. The Opposition will be happy to discuss those matters with the Minister. The Opposition hopes the authority is successful. We are concerned that at present it seems to be proposed that the authority will report on itself. The licence regulator or a separate body could play a role in the reporting program. I am not keen to have further bodies set up for that purpose, as there are sufficient bodies involved in the water system as it is.

Mr Knowles: The licence regulator.

Mr HARTCHER: I am pleased by the Minister's response. At this stage the authority reports on itself. Another body should monitor the authority's activities. Although the licence regulator would be the appropriate body, it does not have the resources or the expertise to do that. The Government will need to address that matter. The Opposition is concerned about the landholders and land users who live on or manage properties in the area—not only residential properties but farm properties in particular. As is to be expected, the Opposition has received representations from the Southern Highlands Vignerons Association and the

Southern Highlands Olive Growers Association. The honourable member for Southern Highlands will deal with those representations.

Any impact that those who live off the land in the catchment areas may have on the water system is regulated by the Environment Protection Authority. The Opposition is keen that their voice should be heard and will seek to give them full access to and membership of the authority. I am not sure what the Government's attitude to that will be. The landholders' representative will be appointed by the Minister, and that person should have a background in land use so that the interests of landholders can be protected. They will have a major part to play in the implementation of the bill and their co-operation will be vital.

The Opposition hopes the authority works well. Everyone in Sydney wants it to be a success because the quality of drinking water is a matter of concern. Sydney needs pure water. One way to ensure pure water is good catchment management control. However, the Opposition is conscious of a number of problems. I do not claim those problems are necessarily anyone's fault, but the crisis contamination occurred and a response is needed. Accordingly, while the Opposition does not oppose the bill, it will move amendments in the Legislative Council.

Ms SEATON (Southern Highlands) [10.52 p.m.]: Water is our most important and vital resource. It is absolutely imperative that we get the management of that resource right, not only for ourselves but for future generations. It is important that in coming up with solutions we do not forget the people of my electorate, who live in the catchment areas that feed Sydney's water supply and who have a long history of activity in the inner and outer catchment areas. Since the Minister delivered his second reading speech at 2.00 a.m. last Thursday morning—

Mr Knowles: Were you listening?

Ms SEATON: I certainly was listening. This is one of the most important bills to impact on my electorate. I was listening and I was awake, unlike some of the Minister's colleagues. I have sent copies of the Minister's second reading speech to as many interested parties in my electorate as possible. However, I am appalled that the Government has not allowed enough time for sensible input and feedback from local affected community groups, catchment management committees and trusts. With the best will in the world, I have done everything I can to obtain sensible and intelligent comment. Many of

those I have contacted who are vitally interested in this bill have simply not had an opportunity to respond.

I put the Minister on notice that the affected communities have not yet had a chance to properly look at the bill. I predict that all sorts of problems will arise from the fact that the Government has not paid enough attention to the stakeholders. Concerns have been raised about the point at which the powers of the Sydney Catchment Authority will meet local government powers, particularly in relation to development. The Wingecarribee, Wollondilly and, to a certain extent, Mulwaree shires are experiencing strong population growth. It is a desirable place to live. Many people want to relocate their businesses to those three shires. It is important that the rate of growth in those areas is understood and properly taken into account in the management of our water resources.

One organisation that has had a chance to send me a quick response to the bill is the Hawkesbury-Nepean Catchment Management Trust. I will refer to one or two of comments from Peter Davey and John Klem, who are members of the trust. The issues of importance to the Hawkesbury-Nepean Catchment Management Trust include the relationship of the proposed legislation to the Catchment Management Act 1989, the operational relationship between the proposed Sydney Catchment Authority and the trust and its catchment management committee partners, catchment management arrangements and support across the whole hydrological catchment of the Hawkesbury-Nepean river system, the monitoring and auditing of catchment management and, importantly, support for landholders and land users who will, in all likelihood, be affected by the implementation of the bill.

Many of those involved in the trust are farmers—and they have been farmers for a long time. They are front-line conservationists and want our water quality to be improved and sustained. However, they also need to make a living. It is important that the interests of those people are fully looked after. Another organisation I have had some contact with is the Upper Nepean Catchment Management Committee. I appreciate the efforts of Tony Ross, the chairperson, who has managed to supply me with information in a short time. In principle the committee supports the principles outlined in the bill. Because of the cryptosporidium and giardia outbreaks that have affected Sydney water in the past few months, it is important to get catchment management right. No-one is trying to stop the effective management of catchments or the prevention of outbreaks in the future.

The overwhelming issue in the area for which the Upper Nepean Catchment Management Committee is responsible is sewerage. The Picton regional sewerage scheme has been delayed. I hope the Government's stated intention of implementing and developing that scheme will occur as soon as possible. In addition, it is absolutely vital that after the Picton regional sewerage scheme is implemented the other affected villages and towns in the Wollondilly area are serviced. The stand-out need is at Werriberri Creek, formerly called Monkey Creek, in The Oaks, which is the source of extreme pollution during wet weather. Communities in The Oaks and Oakdale have grown. We are discovering that, sadly, many of the aerated systems do not work very well, particularly in wet weather and in areas where development has increased. With development the land area available to distribute the water is reduced. There is less capacity to distribute waste water and less area in which to irrigate.

Sewerage in the Picton area and other villages is an absolutely priority. Tony Ross points out that we need to re-emphasise Sydney Water's continuing charter as set out in the corporatisation legislation and to give equal weight to revenue raising, environmental health and human health. Those three matters are important and must be taken into account when the bill is implemented. Mr Ross endorses the essential elements of effective catchment management which, in his view, are clear and enforceable water quality objectives; strong planning controls for the outer catchment; catchment managers with concurrence powers on development; independent auditing of catchment health with the auditor reporting to Parliament and, I hope, to the public; effective partnerships between local government and the catchment manager; and adequate resourcing and capacity to enforce breaches of regulations.

Tony Ross also said that the interim replacement of a State environmental planning policy by a regional environmental plan is appropriate. He commented that the auditing process could be improved, firstly, by making reports publicly available, given that the Parliament by virtue of its timetable could delay or prevent their release, and, secondly, by encouraging the licence regulator to use the services of the Hawkesbury-Nepean Catchment Management Trust on a contractual basis to audit the catchment authority. This is a personal wish of Tony Ross, its chairman, who quite correctly believes that there is a wealth of relevant expertise in that organisation. Tony Ross also said that, whilst the role of the trust should be as all or part of the auditing process, the Wollondilly Catchment Management Committee [CMC] should

be represented on the board of the authority, or otherwise effectively linked.

These committees, under the Catchment Management Act already have the role of promoting best practice on catchment lands. Mr Ross also commented that there are some errors of omission in the failure to utilise the strengths and knowledge of the trust and its CMCs and in the failure to address whether drinking water treatment plants fit into this process. I turn now to the Wollondilly Catchment Management Committee. Sadly, as I mentioned earlier, a lot of organisations have not had a chance to give me any input on this bill. The Wollondilly committee is one of those. Nevertheless, I congratulate Phil Costa on the work he is doing with the Wollondilly CMC, particularly in relation to Werriberri Creek. I look forward to visiting Werriberri Creek with Phil Costa in the near future to look at the projects he has been involved with.

A couple of weeks ago the Minister for Agriculture, and Minister for Land and Water Conservation visited my electorate to celebrate with me a Wingecarribee River remediation project involving Oxley College. Phil Costa, who also attended, had been very involved in that project and I congratulate him on the work he has done there. At that meeting the Minister's words revolved around community involvement and making sure that everyone owned and understood the project, and other motherhood statements that Opposition members, particularly those from rural communities, truly understand. However, the Minister has not employed that process in discussion of the bill.

I turn now to responses from the Southern Highlands Olive Growers Association and the Southern Highlands Vignerons Association. I should first declare my interest in that industry. I am an olive grower, although not in that catchment area. Both olive growers and vignerons are concerned that their interests and the interests of land-holders and agriculturists in the inner and outer catchment areas must be adequately represented on the board, particularly as many other agricultural pursuits in both the Wollondilly and Wingecarribee areas find themselves up against other competitive pressures. It has been an objective of the Wingecarribee Shire Council to try to identify those areas in which it needs to encourage particular niche agricultural activities. Wine growing and olive growing are two of those activities, and we should all support them.

The vignerons and olive growers are concerned. They have invested large amounts of money in land preparation and irrigation infrastructure, and they know that drip irrigation is

one of the most efficient uses of water and should be encouraged. But they are deeply concerned that the bill does not adequately take into account the various agricultural industries undertaken in the Wingecarribee, Wollondilly and Mulwaree areas. I ask the Minister to assure growers in new industries that value add and bring meaningful jobs to rural and regional locations that they will not be ignored. Finally, but importantly, I turn to the issue of the Wingecarribee Swamp.

Honourable members will remember that that swamp suffered an absolutely devastating ecological disaster during recent torrential rains. People are still debating the cause of that disaster. Most reports definitely link peatmining activities in that area over a long period with the devastation of the swamp. The swamp actually lifted and broke up and there are now platelets of peat floating in the swamp. It is an absolute environmental disaster. The Sydney Water Corporation has funded, out of its petty cash, some remediation efforts for that swamp, but that response has been inadequate. [*Extension of time agreed to.*]

Wingecarribee Swamp is the home of at least four endangered species, including the giant butterfly. That area is much loved by many people from the southern highlands and beyond. It has been a focus of the National Parks Association, particularly by Mr David Tranter and Mr John Dorman, whom I congratulate on their efforts to protect the swamp to make sure it is remediated as quickly and as well as possible. I ask the Minister how the management of the Wingecarribee Swamp and its remediation will be looked after under this new catchment authority? Will any funding be made available for remediation of the swamp? I ask the Minister to comment on the extent to which the Department of Mineral Resources has responsibility for remediation of the swamp. It is important that we plan properly now for both the remediation of the swamp and for its further protection.

Earlier, the honourable member for Gosford alluded to an amendment to be moved in the upper House to seek to have the Wingecarribee Swamp declared a nature reserve. I fully support that amendment and I do so on the understanding that existing agricultural activities around the swamp will not be adversely impacted upon. I see no reason why they should be. Certainly dairy and beef cattle farming and horse-related activities have been there for a long time. The farmers are keen on managing the water resources and environmental issues of the land. Making the swamp a nature reserve must not and should not impact on those activities. It is important to draw a line now and to recognise that the swamp is of major importance, not only to the

local area but to all people. We should protect it as much as possible from future degradation and ensure that those four endangered species have a chance to survive. I hope other species will find a home in the area and that we can maintain and increase its biodiversity.

I reinforce the need for an accelerated sewerage program in the Wollondilly and Wingecarribee regions. Some projects are about to start in the Mittagong northern villages and upgrades have occurred or are occurring in Bowral and Moss Vale. It is important that the Government understands the rate of growth in those areas and ensures that sewerage programs which benefit the local area and improve the quality of water that enters the Sydney catchment are taken into account. The Opposition does not oppose the bill, but I ask the Minister to take into account the problems that I and the honourable member for Gosford have outlined.

I commend to the Minister the proposal that Wingecarribee Swamp be declared a nature reserve. That step is absolutely vital, and the least that Sydney Water and the catchment authorities can do in response to that terrible environmental disaster. Water is our most vital resource. We in the inner and outer catchments will certainly co-operate with efforts to improve the quality of Sydney's water and safeguard it for the future. However, a firm understanding is needed between the Government and those who live and work in and derive an income from the area—and they are the people that I represent.

Mr ROZZOLI (Hawkesbury) [11.10 a.m.]: I preface my comments on the bill by referring to the position I have taken on some issues since I became a member of Parliament. The management of the Hawkesbury-Nepean catchment has been pre-eminent amongst those issues. My interest ranges back well before I became a member of Parliament, and probably spans 30 years. So my comments will not be made from a party political perspective or a political perspective. In all my endeavours in respect of the Hawkesbury-Nepean catchment I have sought to keep my activities absolutely apolitical.

I assure the Minister that any comments I make will be made in that vein. I treasure very much the position I hold as deputy chairman of the Hawkesbury-Nepean Catchment Management Trust. I believe I have made a great contribution to that organisation, and I have done so in that context. I have probably contributed to every review that has ever been undertaken of the Hawkesbury-Nepean, either directly or through the work of the Hawkesbury-Nepean Catchment Management Trust.

I spend hours and hours of every week of every year on this matter. That is the background in which I make my comments.

I say to the Minister that this decision made by the Government is not by any means the best decision it could have made. I respect very much the commission of inquiry under Peter McClellan. In another life I did some work as a junior with Peter McClellan, and I respect his ability as an advocate in the Land and Environment Court and in environmental law. But that does not mean to say that he has a profound knowledge of catchment management systems and protocols.

The catchment management authority model put forward in this legislation is, by today's standards, an outmoded approach to the problem. But, more importantly, it comes at a time of an absolute plethora of suggested protocols for catchment management within the Hawkesbury-Nepean region. Those of us who constantly work in the Hawkesbury-Nepean catchment are now finding it difficult to come to terms with the layer upon layer of measures designed to protect the catchment, even though I accept that all those measures are motivated by good intention and there is universal acceptance of the need to do something about the Hawkesbury-Nepean catchment.

Although I compliment both the previous Government and the present Government on the initiatives they have taken, and I am grateful for the support that this Government has given the Hawkesbury-Nepean Catchment Management Trust in allowing it to continue its valuable work. I am critical of the previous Government for its decision—against my recommendations and those of the Hawkesbury-Nepean task force—not to include the entirety of the hydrological catchment in the trust areas.

I am critical also of the present Government for its failure to recognise the fault in that decision a little earlier, although we are now in the process of amending the regulations to encompass the whole of the hydrological catchment. However, there is a need to look deeper than the superficiality of the catchment management authority as a discrete and specialist organisation, and to recognise the need to integrate measures that are available for catchment management within the Hawkesbury-Nepean region.

Strangely enough—as honourable members who refer to what is a quite legendary document amongst those of us who are very much involved in the Hawkesbury will find—many features of the

Sydney Water Catchment Management Bill are similar to provisions in the Hawkesbury River Authority Bill, which I promoted for many years and which was the basis for the formation of the Hawkesbury-Nepean Catchment Management Trust. The reasons that we formed a trust and not an authority are historical and play no role in the debate today.

Though many of the features of the bill before the House were incorporated in my original authority bill, time has marched on and circumstances have changed. Concurrence is a classic example. I recommended a concurrence role for the original authority. The task force agreed with a concurrence power for the trust. The section 22 committee, commenting on the review of regional environmental plan 20, recommended a concurrence role for the trust. Eventually, that, in a limited form, was incorporated in the final draft. Ultimately, it was deleted because it was against Government policy to extend the concurrency powers in that way. We abided by the decision of the government of the day. Now the concurrence power emerges again in this bill, and that is somewhat ironic as far as I am concerned.

The problem at this stage with the regional environmental plan approach, and even with the concurrence power approach, is that they are prospective measures. Regional environmental plans are about what happens in the future. Concurrence powers also are about what happens in the future. One of the big challenges we face with the upper catchment—in a sense, I do not like talking about the upper catchment and the lower catchment, because we really should be discussing the whole of the catchment, for what happens in the upper catchment is vital to what happens in the lower catchment—is determining what steps and meaningful strategies can be implemented to monitor, change and/or remediate what is already on the ground in the catchment.

The problem I have today is that, even with an extension of time, I will have only 20 minutes in which to speak. That will not be long enough because this is a subject on which I could talk for 3½ hours without drawing breath. However, I wish to make a genuine offer to the Minister. There are probably few people around who know the area better than I do and have been involved in trying to evolve systems that will actually work on the ground. I have spent hours and hours with the Healthy Rivers Commission talking to Peter Crawford, who would acknowledge the work that I have done.

I have put many hours into making submissions. I believe I know the catchment and that side of it as well as any other person. I am not saying I have all the knowledge, but I believe my breadth of knowledge is unique. I am prepared, on a completely apolitical basis, to make that knowledge available to this Government or any government to try to get a better outcome than I believe that this particular bill, despite all its good intentions, can deliver on the ground. I predict that if this bill is passed in its current form—and I do not have time to outline the reasons for my prediction—it will not deliver the results that we would like it to deliver.

There is a better mechanism than that contained in the bill to deliver the result that we want for the catchment. A whole host of agencies currently have roles in respect of the catchment. If they were to execute their roles as intended and in accordance with their statutory responsibilities, we would not have the problem that we have today. As I have said for nearly 30 years—it is almost 30 years since I first moved a motion in Windsor council to form the Hawkesbury River Authority—something that is everyone's responsibility is no-one's responsibility. The proliferation of government departments and the silo structure of government administration have mitigated against achievement of proper results.

Mr Knowles: You have been reading my speeches.

Mr ROZZOLI: You probably read my original speeches and got ideas from them. While this bill seeks to knit together some of the attempts to solve the problem and provide an outcome in the upper catchment, I do not believe it will be successful in achieving that aim because it does not address the fundamental problem of trying to get government agencies to work together. It is a matter of co-operating and coalescing the work of departments, rather than setting up a super department to oversee the matter.

When I originally put together the model for the Hawkesbury River Authority one thing that kept coming back to me was that government departments resented having their turf trodden on by a super agency. So essentially I tried to formulate a co-operative measure. It is necessary to have an agency—I use the word "agency" loosely—that is capable of directing government departments to do what they are supposed to do. Basically, each government department is good at what it does. However, in totality, government departments cannot get their act together, and everything that impacts on the functions of government and government

departments, including funding cuts, staff restructuring and other matters that have nothing to do with the end result, need to be harnessed.

[Interruption]

Interestingly, the Minister has mentioned the natural resource regulator, which covers air, land and water. I do not know that I would agree with that; but we could discuss that subject when time is available. The problem with including air in any natural resource regulation is that air has a completely different catchment to water. While catchment management for most things can be based on water catchments, the principle of catchment management in its broadest sense must be extended to catchments with different boundary dimensions. *[Extension of time agreed to.]*

The boundaries for different elements vary because of the structure of each element. While catchment management in terms of river boundaries is a useful tool for most catchment management, all-encompassing, all-embracing catchment management does not work in quite the same way. Regional environment plan 9 relating to extractive industries in the Sydney region is one example. The Sydney region as defined in that plan is artificial. The regional environment plan should cover all areas capable of servicing Sydney in terms of extractive industry materials on a co-ordinated basis, not only the extractive industries which exist in the statistical Sydney region. That is one example of when the definition of catchment varies.

I shall elaborate on the joint role of the upper catchment and the lower catchment. Together with Dr Duncan Roper of the University of Western Sydney, I worked on a paper that was presented at a conference at the University of Western Sydney Hawkesbury campus earlier this year. In that paper we discussed total management of the hydrological catchment and a system for furthering that management. One thing that has come out of the work of Duncan Roper is the nexus between maintaining the environmental flows of the water collected in the upper catchment and stored in Warragamba Dam, and the hydrological effects of the water released from Warragamba Dam in terms of the profile of the river bed and banks below the river.

Although it is easy to take the simplistic view that the Sydney water catchment upstream of the dam can somehow be isolated from the rest of the river system, that is a false premise. It is necessary to consider management of the quality of water entering the drinking water catchment, because

management of the quality and quantity of the water and of the water upstream has a vital effect on the river downstream. Establishing a discrete authority to manage the upper catchment only is the wrong premise. That is not to say the authority will not have a role in managing the upper catchment in terms of drinking water storage. As I said, the model that has been chosen is wrong.

Other aspects of the legislation are disturbing. One aspect is the vesting of storage infrastructure in the new authority. Frankly, that will be a disastrous move as it will produce virtually two Sydney Waters—the Minister can call them whatever he likes. One authority is a distribution authority and the other is a storage authority, but the roles cannot be separated in that way. Separating the upper catchment from the lower catchment is divisive. Transferring personnel from Sydney Water to the catchment management authority as a simple rule of thumb for staffing is wrong because too much of the Sydney Water culture will be transferred to the management authority, which needs a new culture.

The staff in Sydney Water have expertise—I have worked extensively with them and I have great admiration for their skills—but I am not sure whether they have the right skills. If I were the Minister establishing this authority I would look carefully at the people who transfer to the authority. The question of how to manage a catchment that has an enormous number of conflicting uses in terms of pristine water supply is a challenge that relates to remediation of past events. The authority will not be able to fix those past events; it will have a genuine remediation role, including the placement of buffers between developments that cannot be removed from the catchment and the water that will pass through the various processes to the inner more specialised and pristine water catchment.

Bowral, Mittagong, Moss Vale and umpteen other towns and the cement works and other industries, including agriculture, will be part and parcel of the catchment. The challenge to manage those towns and industries is important and exciting. In this bill the Government has the opportunity to do something that will probably be a world leader. However, I have not been convinced by all that I have read—and I have read extensively on the matter and been involved in umpteen discussions so I am privy to all the issues—that the formula currently proposed is the best one. So I repeat my offer to the Minister.

Mr Knowles: It is on the road to somewhere.

Mr ROZZOLI: It is on the road to somewhere but I am afraid that it is taking an

unnecessary path because there is a road ahead that is much straighter, cleaner and more effective. If the Minister does not want to take up my offer that is his prerogative. However, it is necessary to look more closely at catchment management than Mr McClellan was capable of doing. I believe that Mr McClellan, who is not a systems manager, had the obvious knee-jerk reaction to the matter. He pulled the wrong rein and the Government responded to that without having the necessary in-depth discussions.

My recommendation would be not to hasten too quickly to establish the authority but to investigate whether there is a better way to go than a method designed to further the interests of the catchment and to assist the people living in the catchment while at the same time preserving the right of Sydney Water to a potable drinking supply that is, hopefully, free from the recent contamination. All civilised cities in the world are entitled to that. I wish the Minister well in his endeavours because I know he was motivated by the right reasons, but I believe that considerable work needs to be done before we can reach the right solution.

Dr MACDONALD (Manly) [11.30 a.m.]: I support the Sydney Water Catchment Management Bill in principle through to the second reading stage, but I hope significant amendments will be passed in the upper House to bring it into line with the spirit of the third McClellan report. Mr McClellan's chilling second report was quite damning in regard to the implications for catchment management, and in particular the state of Warragamba Dam. Catchment management has been discussed in this House on previous occasions. Indeed, the Minister for Urban Affairs and Planning, and Minister for Housing was a member of the Joint Select Committee upon the Sydney Water Board in 1993, and reported its findings in 1994.

That committee made clear statements about the importance of catchment management and the need to treat it as a primary tool for providing clean drinking water rather than rely on downstream intervention, such as water treatment plants. In the recommendations in its final report the committee criticised the previous Government for failing to consider the alternative of upgrading catchment management rather than using the technological engineering fix. It is important to examine Mr McClellan's comments in an attempt to determine whether the spirit and implications of that report and its specific recommendations are reflected in the legislation. I suggest that that has not happened. In his executive summary Mr McClellan said:

I have concluded that immediate action must be taken to establish appropriate management and regulated structures to ensure the catchment is not further compromised . . .

He referred to the essential elements of effective catchment management and on page 6 of the report said they must include:

- clear and enforceable water quality objectives . . .
- strong planning controls . . .
- a catchment manager with a concurrence power . . .
- independent auditing of catchment health . . .
- effective partnership [with] local government . . .
- adequate resourcing . . .

We must determine whether the bill adequately implements those six points. This watershed report has not been faithfully reflected in the bill. For instance, the objectives of proposed section 14 need to be strengthened. Proposed section 14(1)(a) refers to areas currently managed by Sydney Water. However, the objectives of that section should protect water quality throughout the entire catchment. The Sydney Catchment Authority [SCA] must provide environmental flows to the Hawkesbury, Nepean and Shoalhaven rivers. Proposed section 14(3) contains an amazing provision, which states:

Nothing in this section gives rise to, or can be taken into account in, any civil cause of action.

Why should civil action be prevented if the SCA fails? The Sydney Water Act contains no such provision. What is the Minister attempting to shield from the SCA? If the SCA fails in its objectives it should have every right to take legal action. It is important to note also that the objectives provide for at least a little public transparency and involvement in the objectives of the SCA. The bill fails also to implement the spirit of the McClellan report in regard to the operating licence. Why is it that the licence is not a primary instrument and will be capable of being amended without public comment or parliamentary review?

Will the Minister explain why the operating licence is shielded from public scrutiny and involvement? The same situation will apply also to changes in the operational areas of the SCA. Any changes to Sydney Water will be shielded from public scrutiny. The financial framework statement will also be shielded from public comment. The operating licence, which is one of the key instruments, must reinforce the role of the SCA in protecting catchment water quality and must include a number of provisions, which I shall outline.

The operating licence must at least transfer the current requirements under the Sydney Water operating licence. The licence must provide also for enhanced environmental flows and not only for the supply of drinking water. Private or public development should not be allowed if it will negatively impact on catchment water quality. I ask the Minister in his reply to give an assurance that the operating licence will require the development of environmental indicators of water quality across the whole catchment.

On pages 125 and 126 of his report Mr McClellan refers to the need for a regional plan and the fact that Sydney Water should be corporatised. He states that during parliamentary debate the need for the development of a regional plan was reinforced. The plan never eventuated. In his report Mr McClellan recommends that legislation should contain a clear provision for a regional environmental plan [REP] and a completion date for the REP. He refers to its importance as "an enduring and intergenerational issue for the State". In other words, it is a coherent planning framework for outer catchment areas. On page 128 he details how effective management of the outer catchment can take place and on what it depends. He lists a number of matters for effective management, including:

- a clear articulation of catchment-wide strategies and water quality objectives . . .
- the development of effective arrangements between State and local government planning and regulatory bodies . . .
- effective enforcement of controls . . .
- a combination of prescriptive and incentive based measures that seek to remedy existing threats to drinking water quality . . .

That is stating the obvious, but it is important. Mr McClellan also considers it important that it is enshrined in the regional plan. He then goes into more detail about what should be prescribed in the new regional environmental plan. On page 129 of his report he raises a concern about possible delays in the proper implementation of his recommendations, and states:

I am conscious that, as the current contamination events become less immediate, the need for effective responses may be seen as less urgent. This must not happen.

I ask the Minister not to let this happen. This bill does not meet all the recommendations of the McClellan report. In my view it does not meet the spirit of the report. The Government could not avoid introducing this bill: It set up the inquiry, it appointed a good chairperson in the form of Mr

McClellan, and his reports are articulate and clear. We do not want a claytons catchment management authority, one that does not have the vigour to have paramouncy over other agencies. Mr McClellan refers to the authority having clear objectives, being free from ministerial power—which I am afraid it is not—having the ability to improve the management of our catchments and, finally, delivering a better water quality standard in our drinking water and environmental flows in our rivers. I believe that amendments will be moved in the upper House. There is little point repeating the exercise in this House. I look forward to the bill being appropriately amended in the upper House and being returned to this House in a better form.

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [11.41 a.m.], in reply: I place on record my thanks to the honourable members representing the electorates of Gosford, Southern Highlands, Hawkesbury and Manly for their contributions to the debate. I note in particular the contributions by the honourable member for Gosford and the honourable member for Hawkesbury and their genuine efforts to comment constructively on the detail of the bill following the briefing they received from the Government. I recognise the long and well-acknowledged desire of the honourable member for Hawkesbury to improve the management of both the upper and lower catchments of the Hawkesbury-Nepean river system.

In regard to the concerns raised by the honourable member for Hawkesbury, I accept his offer, which was made in a bipartisan fashion, to discuss with him the efforts that should surround the community's desire to improve the management of the Hawkesbury-Nepean catchment and Sydney's drinking water catchments. There is no doubt many of the issues he raised have been the subject of debate for many years. The honourable member and I have actively discussed a regulatory structure and framework for the management not only of the Hawkesbury-Nepean catchment but of all the natural resource environments.

In the context of this bill it must be remembered that the honourable member for Hawkesbury's argument essentially relates to re-engineering government. It is essentially about understanding that the historic silos of government—which is a phrase he and I both use, and have used in other places, to define individual government bureaucracies with a stake in our natural resource environment—have for too long been more interested in their own jurisdictions and less concerned, although still concerned, with the overall

management of the whole of the natural environment of which their jurisdictions form a subset.

The honourable member for Hawkesbury is logically arguing for the establishment of a natural resource regulator, a body to oversee the interrelationship of land, air and water, and oversee it in a holistic fashion with the objectives and principles of the natural environment precedent to other considerations. However, as he acknowledged in his remarks, we live in the real world. We do not have the opportunity to re-engineer government, but we have the opportunity to establish new management regimes and new systems, such as the Sydney Catchment Authority, and the Government has taken that opportunity.

The bill takes us on the road to somewhere substantially better than we have been in the past. The honourable member for Hawkesbury said that when the coalition was in government he argued for a whole-of-catchment focus for the Hawkesbury-Nepean Catchment Management Trust and for strong concurrence powers, both of which were denied him. The honourable member would be aware of the detailed evidence supplied to the Sydney Water inquiry in 1993-94 and the arguments of the former Government as to why it was inappropriate to have strong concurrence powers and for the operations of the Hawkesbury-Nepean Catchment Management Trust to cover the entire hydrological catchment. The Government argued that its operations should cover from the dam wall down or, to use the words of the honourable member for Hawkesbury, the lower catchment.

In view of both Mr McClellan's report and the need to move quickly and decisively towards a better regime for the management of Sydney's drinking water, it is appropriate that we seek to maintain those provisions, strengthen the concurrence role and establish a new body to deal with the upper catchment. For the first time a single entity will be charged with the responsibility of managing the upper catchment that supplies Sydney's drinking water—some years after the proposal was first mooted.

As I said in my second reading speech, it is ironic that it has taken the calamitous water quality incident to move to a better, improved regime of management, regulation and control. Put simply, government agencies—Mr McClellan refers to 11 of them—an equivalent number of local councils, and any number of private landowners and non-government organisations had too much stake in managing their own turf to perceive a complete catchment management authority. That is what we

have now achieved following the water quality incidents of the past three months.

Whilst I can understand the remarks made by the honourable member for Hawkesbury about the need for a better model, I do not agree with him when he accuses Mr McClellan of reacting in a knee-jerk fashion or of pulling the wrong rein. Mr McClellan has given the Parliament and the community a model that is workable. Perhaps one could intellectually conceive of a more sophisticated and elegant model, but the Government is more interested in models that can work than in the level of elegance they may display in the sense of theoretical policy. The honourable member for Manly questioned the model proposed. It would be fair to say that the honourable member and those who brief him—chiefly, members of the environmental movement—hang onto and hanker for the sophistication of the separation of operator and regulator.

We all understand those models, which are very much creatures of the 1980s. In the 1980s government was about offloading many of the operational activities that it had traditionally provided to maintain a regulatory role. If we have learnt one thing from the water contamination incident, it is that sometimes the elegance and sophistication of corporatised bodies and corporate governance models can fail. One has only to read Mr McClellan's first and second reports to understand that they did fail. The Government in introducing this bill and its companion legislation, which has passed through the Parliament, designed to bring the Sydney Water Corporation back to a statutory State-owned corporation, has focused on what will work as opposed to a notional, theoretical model of corporate governance.

This bill, together with its companion legislation, the State environmental planning policy, the regional environment plan, the operating licences, the joint plans of management, the catchment audits and the Independent Pricing and Regulatory Tribunal [IPART] involvement, make up a complete response to Mr McClellan's third report and set the stage for incorporation of further recommendations that may arise out of Mr McClellan's future reports—recognising that there will be at least one more report, dealing in part with matters of regulation and, specifically, the role of the licensed regulator.

I am happy to take at face value the offer made by the honourable member for Hawkesbury for bipartisan involvement in the future management of the catchment, but I preface any discussions with

this note to the honourable member: The Government is interested in establishing models that are practical, that can work and that clearly demonstrate to the community that the Government is more interested in fixing a problem than it is in the theoretical esoteria of corporate governance models. I thank the honourable member for Hawkesbury for his remarks.

I am advised that, contrary to what was indicated by the honourable member for Gosford—although I thank him for the way in which he presented his remarks—the bill does deal with issues of reporting, IPART references and so on. I understand that issues relating to state of the environment reports, for example, are provided for under clause 39. Of course, the operating licence will provide for the making of regular reports to the Parliament. Clause 24 provides for the arrangements to be entered into by Sydney Water and the Sydney Catchment Authority. Those arrangements are to be reviewed by IPART prior to implementation.

A detailed implementation strategy for the establishment of the Sydney Catchment Authority has been prepared by the task force set up by the Government to implement Mr McClellan's recommendations. The IPART recommendations are covered in that strategy. In answer to the concerns expressed by the honourable member for Gosford, under this bill there is not only legislative action but also administrative action, which is under way. The honourable member for Gosford said that water quality standards were not specified in the bill. That is consistent with the approach taken by the previous Government. Under the administration of the previous Government, water quality standards were not specified in the bill introduced to corporatise Sydney Water.

Those standards are specified—in my view, appropriately—in the operating licence. They will be contained in the operating licences for both Sydney Water and the Sydney Catchment Authority. It is to be hoped that they will have the backing of work that is being undertaken by the National Health and Medical Research Council [NHMRC]. Honourable members would know that when Sydney Water was corporatised the drinking water quality standards, which are found in the operating licence today, required Sydney Water to meet the 1980 NHMRC drinking water standards and then move forward to the 1987 drinking water standards at some unspecified time, "according to an agreed timetable to be negotiated in accordance with the memorandum of understanding with the New South Wales Department of Health."

The approach to the establishment of drinking water quality standards for Sydney at the time Sydney Water was corporatised was to incorporate in the operating licence drinking water standards that were 15 years old—Sydney Water was corporatised in 1995 and the drinking water standards for the operating licence were the 1980 standards—with the requirement that gradually, on a non-specific timetable, a move forward to the 1987 standards would be made. As history records, Sydney Water was required by me to move fairly rapidly towards the current NHMRC standards, the 1996 standards, which are the standards to which the body currently operates.

It is important to acknowledge that none of the 1980, 1987 or 1996 standards requires a standard for cryptosporidium or giardia. One of the issues to come out of the water quality incident is that internationally there are a great many questions about what constitutes an appropriate standard that remain unanswered by scientific experts. For lay people and the community in general, that is confusing to say the least. It is appropriate that we establish a national standard—because we should not be talking just about Sydney water quality but about the quality of water generally. The water quality standards one would set for Sydney should apply to Melbourne, Brisbane, rural and regional parts of New South Wales and other parts of our nation.

In my view—and I think I am supported by most objective commentators—the most appropriate body to establish such standards is the NHMRC. I take this opportunity to again thank those who have urged the NHMRC to move quickly to establish the standard. Unless and until a national standard is adopted, almost all other standards are likely to be artificial and able to be called into question. This bill does not specify water quality objectives but the operating licences do and will do so. In order to achieve an improved standard there is a need for a national approach, which is sought by the Government.

The honourable member for Gosford said that the Sydney Catchment Authority has both an operating role and a regulatory role. I acknowledge that to be the case. Whether or not that is an appropriate set of responsibilities for the catchment authority is the subject of debate, but I recognise that the debate that has taken place was vigorous and well argued in the context of the McClellan inquiry. Many people put various views to Mr McClellan, as he has recorded in his report, about the relationship of the proposed Sydney Catchment Authority to the Sydney Water Corporation and, indeed, to other regulators and operators of the

water supply system in both the inner and outer catchments upstream of Warragamba Dam. It was Mr McClellan's strong view that the blending of some operational aspects with the regulatory authority was an appropriate model, given the need to establish an organisation with the prime function of controlling catchments.

Whilst purists would argue that there is a need to separate the model between operator and regulator—and I refer honourable members to my earlier remarks in response to the comments made by the honourable member for Hawkesbury—it is appropriate to acknowledge that there was a great deal of discussion about that point. There were and remain divergent views, but in the end the Government has arrived at a model that it believes, based on Mr McClellan's report, should work in practice on the ground as opposed to a theoretical model of corporate governance.

The honourable member for Gosford, the honourable member for Southern Highlands and the honourable member for Hawkesbury also talked about the need for strong concurrence powers for the whole of the catchment. Subject to the model alluded to by the honourable member for Hawkesbury, which is essentially re-engineering government and establishing a single natural resource regulator, the models incorporated in the bill are as strong as one would reasonably expect. They give strong powers of concurrence—effectively, powers of veto—to the authority. They provide the ability to adopt, subject to Ministers administering the various Acts, the surrogate role of licence administration and control. That is as it should be.

The Government also acknowledges the need for the audit. As the honourable member for Gosford said, that is clearly one of the prime and initial functions to be undertaken by the new authority. It will build on the good work done by the Healthy Rivers Commission through its chairman, Dr Peter Crawford, and, indeed, many of the methodologies developed over recent years by the Hawkesbury-Nepean Catchment Management Committee, frequently under the direction of the deputy-chair, the honourable member for Hawkesbury. The audit will provide a fundamental basis for future and ongoing control of management of the catchment. I also mention, for the sake of completeness, the matters raised by the honourable member for Gosford in relation to licence regulators.

The Government intends to maintain a single licence regulator rather than have a new licence regulator. That accords with the views expressed by

the honourable member for Gosford and is quite logical. That is my understanding, based on a request I made that Mr McClellan specifically review the role, functions and range of powers of the licence regulator. It will be apparent to anybody interested in water policy during recent years that the concept of a licence regulator was established initially by Robert Webster as a result of a great deal of negotiation with the environmental movement to get the corporatisation through. Members of the Opposition would know more about that than I, but it is plain for all to see. In that sense the licence regulator as it was envisaged in 1994-95 may not now be the appropriate model.

With that in mind it is appropriate that Mr McClellan give Parliament a commentary of what may be a better model of regulation and an oversight of the licences of the Sydney Water Corporation and the proposed Sydney Catchment Authority. My personal view is that a licence regulator would have more control and ability to influence the management and operations of the licence than the present structures allow. Much of this debate has been constructive and focused on key issues. I appreciate the comments made by members of the Opposition in this debate, which has not been characterised by the nonsense that has been the hallmark of other debates during recent months about the quality of the Sydney water supply. That is because people understand that the Government is responding in real time to the matters being discovered and commented upon by Mr McClellan and, indeed, based on the Government's own work.

Mr McClellan continues to report that more work is needed. I stress that this bill, whilst specific in many parts, provides the framework for the inclusion of additional provisions based on further findings of Mr McClellan. I urge the Opposition to bear that in mind when considering the moving of amendments in the other House. Although the Government has a firmly fixed view about the bill I accept that it is a large bill that has been drafted in a constrained time frame. The Government will seek to work co-operatively to draft amendments that improve the bill. I value the efforts and contributions made by members of the Opposition and hope that they work constructively during the next few days on the proposed amendments.

Having said that, I remind the Opposition that the community will not accept too much nonsense about this bill. They expect the Government, and indeed the Parliament, to provide a timely response to what Mr McClellan has said. The Government

has done that every step of the way and will continue to do so. The bill, however, is a strong reflection of Mr McClellan's first, second and third reports and honours the undertakings given by the Government. If I have failed to address any outstanding matter, it is not an intentional omission. I will seek to provide more detailed responses during the next few days should they be required. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Routine of Business

Mr WHELAN (Ashfield—Minister for Police)

[12.10 p.m.]: I move:

That standing and sessional orders be suspended at this sitting to provide for:

- (1) private members' statements to be made at any time at the request of the Leader of the House;
- (2) ministerial statements to be made at any time without leave being required;
- (3) business with precedence, Government business, consideration of committee reports and a motion to be moved in relation to retiring members to have precedence of all other business, including the calling on of the routine of business; and
- (4) consideration of all stages of the following bills:

- (a) Victims Compensation Amendment Bill
- (b) Crimes Legislation Amendment (Child Sex Offences) Bill
- (c) Justices Legislation Amendment (Appeals) Bill
- (d) Motor Accidents Amendment Bill
- (e) Crimes Legislation Further Amendment Bill

If the House is able to deal with business before it in two hours, question time will be taken at the usual time of 2.15 p.m. I suggest that as there are five important bills to be debated and other issues to be considered, question time may not be held at 2.15 p.m.

Mr Hartcher: You are a frightened government.

Mr WHELAN: You would have to be kidding about the Government being frightened. The Government will provide the Opposition with briefing notes on those five bills.

Mr HARTCHER (Gosford) [12.13 p.m.]: This year the House has sat on only 46 days. That is the least number of sitting days of any House of any Parliament in Australia—fewer days than the Parliament of the Northern Territory, where the members represent 200,000 people, and fewer days than the Parliament of Tasmania. The Opposition and members on the crossbenches were prepared to sit yesterday and they are prepared to sit tomorrow. Some months ago the House agreed to a schedule of sitting days which included next week. Because the Government does not now want the House to sit, we are faced with an attempt to ram five important bills through and to make question time a joke. Question time will not be called on until the Government is inclined to allow it to be called on.

Mr Fraser: Or the media have gone home.

Mr HARTCHER: Yes, until the media have gone home or the press party has begun. In one way that is an appropriate way for the Government to end the Fifty-first Parliament: ramming through significant legislation without proper consideration and debate. Legislation dealing with child sexual offences, appeals under the Justices Act, motor vehicle accidents, crime, victims compensation—law and order legislation that will affect every person in this State, especially young children—will be put through this House in a two-hour time frame. The Minister said that if the House is able to do that within two hours question time will take place at the normal time of 2.15 p.m. If question time is not called on then honourable members will have to hang around and wait.

If it suits the Government question time will be brought on at 9 o'clock tonight when members of the media are at the media bash. The Leader of the House had said that this is not the procedure adopted by a frightened government. But the Government does not want to answer questions about Rod McGeoch, health, the environment, and law and order. The Government is arrogant. The Leader of the House would like to adopt Paul Keating's famous remark about question time being an indulgence that the Executive allows the Parliament.

Mr Whelan: Never!

Mr HARTCHER: The Leader of the House pretends that he is not in favour of that approach, but he smiles. He would happily dispense with question time altogether, because it is an inconvenience to him.

Mr Whelan: You don't ask me any questions; you don't ask the Premier any questions.

Mr HARTCHER: Government members ask the Ministers Dorothy Dixers and he bores us all witless with the answers. The Opposition is conscious of that deliberate tactic. The Opposition would like this House to debate many issues and I again place on the record that we are happy for the House to sit tomorrow or next week to debate legislation to ensure that the children of the State are properly protected, that victims of crime get proper compensation and that the criminal law adequately reflects social needs. The Opposition is interested in the exciting events taking place within the Australian Labor Party concerning the honourable member for Keira and the honourable member for Wollongong. The Opposition is interested to know what will happen to the members representing the electorates of Canterbury, Ashfield, Hurstville and Lakemba. The Opposition is interested in all of those in-fights that the ALP specialises in but which the Government would not like to discuss.

We are interested to know what will happen to the honourable member for Londonderry and the honourable member for St Marys. The House should debate those issues and allow honourable members to have their say, but the House is to be closed down. This House has been run for the past four years, especially since the Clarence by-election, purely at the dictates and whims of the Leader of the House. That part of his motion dealing with ministerial statements being taken at his discretion harks back to the Führer principle: only the leader makes decisions, not the House. If the House is to be the master of its own destiny, all members should be entitled to move motions, not only the Leader of the House. The Opposition has many motions it would like to move, but only the Leader of the House will be allowed to move motions.

Mr Whelan: Fair enough.

Mr HARTCHER: The Leader of the House is unbelievable—he says, "Fair enough." That is extremely cynical. The motion is vigorously opposed and the Minister will regret the day he trampled over this House, because during the next four years he will have a very bad time. [*Time expired.*]

Question—That the motion be agreed to—put.

The House divided.

Ayes, 46

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

Noes, 41

Mr Beck	Mr Oakeshott
Mr Blackmore	Mr O'Doherty
Mr Brogden	Mr O'Farrell
Mr Chappell	Mr D. L. Page
Mrs Chikarovski	Mr Phillips
Mr Collins	Mr Richardson
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Ellis	Ms Seaton
Ms Ficarra	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
Dr Macdonald	<i>Tellers,</i>
Mr Merton	Mr Fraser
Ms Moore	Mr Smith

Pairs

Mr Clough	Mr Armstrong
Mr Knight	Mr Peacocke
Mr Rogan	Mr Rixon

Question so resolved in the affirmative.

Motion agreed to.

**SUPERANNUATION LEGISLATION
FURTHER AMENDMENT BILL**

Second Reading

Debate resumed from 18 November.

Mr PHILLIPS (Miranda—Deputy Leader of the Opposition) [12.27 p.m.]: The coalition is strongly committed to the reduction of the State's liabilities and debts, and demonstrated that during its seven years in office. For that reason the Opposition will not oppose the Superannuation Legislation Further Amendment Bill. The coalition has a proud record of ensuring that the State's superannuation liabilities are fully funded and sustainable. It was the Leader of the Opposition, when Treasurer, who recognised the increasing liability of unfunded superannuation and closed off the old defined benefits superannuation schemes in December 1992 and created the First State Superannuation Scheme.

The estimated long-term savings from that particular measure in 1992, in present value terms, was about \$7 billion. To its credit, the Carr Government has continued with the implementation of the strategy devised by the coalition at that time, and that will result in the superannuation liabilities being fully funded by the year 2020 and the elimination of all liabilities by the year 2045. The scheme being proposed by the Government in the bill before the House is based substantially on a successful Victorian scheme introduced by the Kennett Government.

The key feature of the bill are measures aimed at the two closed off pension schemes, the State Superannuation Scheme [SSS] and the police superannuation scheme [PSS]. The bill provides for the members of those schemes to become full members of the First State Superannuation Scheme. The 54,000 members of the SSS and the PSS will be offered a package of incentives to attract them to move to the First State Superannuation Scheme. The package includes the calculation of a lump-sum benefit which will be paid to the First State Superannuation Scheme when they exit the State Superannuation Scheme. It is expected that the average calculated lump sum will be between \$110,000 and \$120,000.

Another incentive for members to take up the offer is that it will be easier for them to move between jobs in the public sector, from the public service to the private sector and then back to the public service because their superannuation funds will be much more portable. Another benefit for members to consider is that they will have greater flexibility in the level of employee contributions they can make. Currently the level is about 6 per

cent; members will be able to vary that rate depending on their individual circumstances. That is not possible under the current scheme.

Members will also be able to join one of the five investment strategies currently available under the First State Superannuation Scheme. Those strategies carry varying risks and returns and some members may be attracted to that. Members must consider those four matters when deciding whether to take up the offer to transfer from the State Superannuation Scheme to the First State Superannuation Scheme. The main negative that members must consider before they take up the offer is that they will be forgoing the defined benefits that they currently attain under the State Superannuation Scheme. I will return later in my contribution to the level of cost to the total membership of taking up the offer.

To assist members to decide whether they would benefit from the transfer, the Government is, wisely, providing a subsidy of between \$4 million and \$5 million so that they can seek financial advice on this important matter. The Government has rightly emphasised that the scheme is voluntary, with the offer terminating in July 1999 and an incentive bonus of \$5,000 being added to the lump-sum calculation of those who take up the offer by May 1999.

It is essential for members who may feel that changing schemes is advantageous to seek independent advice and make the decision based on what best suits their current and future circumstances. The Government will receive a benefit from this scheme in terms of a reduction in its unfunded superannuation liability of more than \$1 billion in the next three years. The Crown will need to undertake a borrowing of \$3.2 billion, which will be paid to the trustees of the pension scheme. The loan will be repaid over three years using the funds normally provided by Treasury to reduce the unfunded State superannuation liability.

Effectively, the Government is prepaying approximately three years of unfunded superannuation liability contributions which would normally be made annually. The financial gains to government are substantial and the calculations are approximately as follows. In the first year the Government will gain \$860 million on reduced liabilities from defined benefits being forgone by members who take up the offer. I will return to that important point later. The Government will also gain about \$300 million in net present value over the following three years as a result of this scheme.

The main cost of the scheme, that is, the interest that the Government will pay on the

\$3.2 billion loan, is about \$276 million. That brings the total gains to the Government from the scheme of about \$884 million. On top of that, it is anticipated that gains will be made by the First State Superannuation Scheme as it will have access to \$3 billion in extra investment, and it is expected that, based on past and current experience, its returns on that investment will be greater than the interest payments on the loan. Another gain on top of that is accelerating the use of about \$400 million of tax credits from the Commonwealth which are currently sitting there and are underutilised.

Honourable members can see that the gains to the Government's budgetary position in terms of reduced debt and unfunded liabilities are substantial. Who will pay for this gain? Money does not come out of thin air. If the Government makes a gain someone must be paying for it. The gain of at least \$884 million will be paid for by the State Superannuation Scheme members who decide to transfer to the First State Superannuation Scheme and to sacrifice their defined benefit scheme for perceived gains, especially in the shorter term. People should not be under any illusion as to what the Government is trying to achieve.

The Government is giving individuals in the public service the opportunity to take up benefits that may suit their lifestyle but at a cost. And that cost is at least \$884 million which will be transferred from the liabilities currently held by the Government. That is why scheme members must consider their position carefully, seek independent advice—thankfully, the Government is subsidising that independent advice—and analyse their position before deciding to transfer from one scheme to the other. Treasury officials who kindly briefed me on this matter said that actuarial calculations of the value of something is different to the value that individual members may place on their investment and lifestyle at a given time.

Other amendments to this bill evolved through discussions with the New South Wales Labor Council. The main area related to the transfer of the First State Superannuation Scheme from legislation to trust deed. This amendment is sensible: it will provide greater administrative flexibility, particularly in responding to regular changes from the Commonwealth Government. Further amendments relate to correcting anomalies concerning minimum benefits, commutation of invalid pensions, recognition and calculation of shift and part-time work, and retrenchment provisions.

The bill seeks also to correct legislative flaws in the local government and electricity industry schemes. These amendments rectify problems when members transfer between the various schemes.

While the amendments contained in this bill are commendable, the combined public sector debt and unfunded liabilities as a proportion of GSP remain at approximately 16 to 17 per cent. The coalition's plan to secure the financial and economic position of New South Wales into the next century will substantially reduce the ratio rather than marginally reduce it, as will occur under the bill.

The retirement of all budget sector debt using proceeds from the sale of the electricity industry will ensure that New South Wales has the most stable economic position in Australia and in the Asia-Pacific region. Under our plan the State's AAA credit rating will not be called into question. The Carr Government cannot achieve this outcome; it can only play around the edges. The coalition has the plan to secure the economic and financial future of New South Wales. The debate on this issue will be interesting as we head towards the next State election. The Opposition will not oppose this bill.

Mr KINROSS (Gordon) [12.41 p.m.]: I shall comment briefly on the Superannuation Legislation Further Amendment Bill. I too am pleased that some of the coalition's reforms have been picked up in the amendments. I was a member of the parliamentary committee in 1993-94 that examined the extent to which the unfunded liabilities of this State would substantially add to the debt. The questions for consideration are to what extent are those liabilities treated for accounting purposes as a contingent liability of this State and how appropriately, if at all, are they reflected in the accounts.

One has only to bear in mind Queensland's success in establishing its fully funded scheme that has enabled it to achieve many other reforms across the range of services that governments are expected to provide. On that basis it is appropriate that all the purposes set out in the explanatory note to the bill be achieved, that the defined benefits and appropriate systems are reflected in the accounts—because, after all, the accounts report the State's finances, about which the Auditor-General has made so many comments and which have been found wanting—and that, finally, there is transparency so that on 28 March the coalition will be able to return to office knowing the true position of the State's debt.

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [12.43 p.m.], in reply: I thank both honourable members for their contributions to the debate. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES LEGISLATION FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women), on behalf of Mr Whelan [12.45 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Crimes Legislation Further Amendment Bill 1998. The bill contains a number of reforms intended to add to the consistency and efficiency of the criminal justice system in New South Wales. The bill is a product of the Government's commitment to the continual monitoring of the criminal justice system in order to identify those areas where improvements can be made and anomalies done away with.

That process would be difficult, if not impossible, without the valuable suggestions and observations of those who work closely in the administration of justice in this State. In particular, amendments in this bill have been prompted by members of the judiciary and senior court administrators, the Director of Public Prosecutions and the Youth Justice Advisory Committee. I take this opportunity to thank them for their contributions.

The bill contains a number of procedural and substantive changes to the law. Worthy of particular note is the change to the Crimes Act to allow the arrest of persons found to be in possession of what police suspect is child pornography before that material is classified by the Office of Film and Literature Classification. It is appropriate that law enforcement authorities are not unduly hampered in stopping the insidious and repulsive trade in child pornography. The proposed amendment removes a perceived technical difficulty with police powers to arrest in these circumstances.

However, it is important that courts not become de facto censors. That is why the material must be appropriately classified prior to a court dealing with the matter. Another important change is to the Criminal Appeal Act, in order to ensure that all persons who have been convicted of offences but are out on bail awaiting an appeal do not have that time included in their sentence. Such is the case currently on appeals to the Court of Criminal Appeal. It is not clear that it is also the case on an appeal to the High Court. The situation of an

appellant in both cases should be, as far as possible, the same. These amendments make that the case.

The bill also introduces a change to allow the close family of deceased victims to attend the hearing of an alleged offence which led to the death of their relative, where the defendant is a juvenile. Currently there is no guarantee that such family members can be present at the hearing. The bill ensures that they can be. This Government is committed to ensuring the sensitivity of the criminal justice system to the needs of victims of crimes. The Charter of Victims Rights was an important initiative of this Government, and this amendment is in accordance with the principles it contains.

I turn now to a detailed consideration of the provisions of the bill. Schedule 1 to the bill contains a number of amendments to the Crimes Act 1900. I will address each of them in turn. Item [1] amends section 428G(1) of the Crimes Act 1900. At present the section stipulates that when a person deliberately becomes intoxicated, and an offence is thereafter committed by that person, evidence that the intoxication was self-induced cannot be taken into account when considering whether the actions of the accused were voluntary.

The rationale behind this particular section of the Crimes Act 1900 is to ensure that persons who deliberately become intoxicated, and then commit a crime, cannot claim that they committed the crime involuntarily as a result of their intoxication. For abundant clarity, the section is amended by the bill. The section would be clearer if it said that "evidence of self-induced intoxication" cannot be taken into account, rather than "evidence that the intoxication was self-induced".

Items [2] and [3] of the schedule deal with an administrative aspect to do with interim apprehended violence orders. Magistrates and senior administrative staff of the Local Court have recommended that registrars of the Local Court be empowered to continue interim apprehended violence orders by consent. A working party, convened by the Attorney General's Department, also recommended such a course. At present, prior to granting an apprehended violence order, a magistrate of the Local Court may grant an interim apprehended violence order. The purpose of the interim order is to protect the person seeking the order in the period leading up to the hearing by the court of his or her application. At present the interim order may only be extended by the court. This excludes the possibility of the order being extended by the clerk of the Local Court.

Sometimes applications are not heard on the first occasion the matter is listed at court, and an adjournment is appropriate. Often this involves the parties waiting a long period in the court for the matter to be adjourned and the order extended to the next date by a magistrate. It would be much more efficient, and convenient to the parties, if the clerk of the court could stand the matter over to the future date and continue the order to that date if the parties consent to that course. This amendment achieves that goal. Of course, these measures only cover a situation where the variation is wholly consented to by both parties.

Items [4] and [5] of schedule 1 amend section 578 of the Crimes Act 1900. At present, the section allows a judge presiding in a trial involving certain sexual assault offences to make an order forbidding publication of the evidence in the trial. As section 578 refers only to "evidence", an argument can be made that material which may identify the trial, or the parties involved, could be published despite the trial judge making such an order. This is because the indictment, the Crown or defence opening, the final addresses of counsel and the summing up of the trial judge are not, strictly speaking, "evidence". Any non-publication order made by a trial judge is therefore capable of being circumvented if the material referred to in the order also appears in those parts of the material that are not "evidence".

Section 578 is amended to allow for the prohibition of the publication of any material before the court by way of an order of the trial judge. Item [7] of the schedule amends current subsection (3) of section 578. This subsection ensures it is clear that the section does not override other provisions whereby non-publication orders are automatic and there is no requirement for the judge to make any order. Item [6] of schedule 1 amends the Crimes Act 1900 to ensure that police have the power to arrest persons they believe to be in possession of child pornography. By way of explanation, in 1995 the Government amended the Crimes Act 1900 by enacting the Crimes (Child Pornography) Amendment Act. That Act created the offence of possession of child pornography. It prohibited the possession of films, computer games and publications which contained child pornography. In 1997, the penalty for the offence was increased to a fine of \$11,000, two years imprisonment, or both. The offence complements other provisions in the Crimes Act that make it an offence to employ, or procure a child to be employed, for pornographic purposes.

As I explained earlier in this speech, it is worthwhile to have a system whereby courts are not turned into censors. However, care must be taken to ensure that no procedural impediment is placed in the way of effective arrest, prosecution and conviction of those who publish child pornography. Accordingly, section 578B of the Crimes Act is amended to clarify the meaning of the term "commencement of proceedings". The amendment will ensure that persons may be charged with the offence of possession and publication of child pornography prior to classification of apparently pornographic material.

Item [7] of schedule 1 abolishes the common law rule that a husband and wife cannot be found guilty of conspiracy together. The Government recently abolished the ancient common law rule that a wife could not be convicted of being an accessory after the fact to a felony committed by her husband. This amendment is another side of the same coin. The Queensland Court of Appeal recently analysed the meaning of conspiracy, as between a "husband and wife", with respect to a de facto couple. In the course of the decision, it became apparent that the ancient common law prohibition still exists. The court said that a husband and wife cannot at common law be found guilty of conspiracy together, because they are considered to be one person, possessed of the one will.

In this day and age, it cannot be asserted that a husband and wife together either constitute "one person", or have "one will", for the purposes of a criminal offence such as conspiracy. By way of example, it would be a travesty of justice if two married persons who conspire to commit the offence of murder are unable to be prosecuted due to the existence of an outdated common law prohibition based upon notions of the nature of marriage which no longer reflect community attitudes. Accordingly, the bill will ensure that the common law prohibition against a husband and wife being convicted of conspiracy together be abolished. It should be noted that the defence of duress, which is available when a person is forced to commit a crime by another person, will continue to be available to both husbands and wives, as well as all other citizens of this State, without distinction as to marital status.

Items [8] to [11] of schedule 1 amend schedule 2 to the Crimes Act to ensure that, if an offence requires a particular procedural provision in order that it be dealt with appropriately, then that procedural provision is available whether the matter is dealt with in a Local Court or by a judge and jury in the District Court. Section 3(1) of the Crimes Act 1900 provides that the procedural sections listed in

Schedule 2 to the Act apply, as far as they can, to all courts dealing with offences. At present, a number of valuable procedural provisions are contained in the Crimes Act 1900 which are available in the superior courts, but not in the Local Court. This is because these provisions are not listed in schedule 2 to that Act. To my mind, procedures such as these between the various jurisdictions should be, as far as possible, uniform. Magistrates are able to deal with a large range of criminal offences, many of which may, in certain circumstances, also be dealt with in the District Court. It is appropriate that they have available to them the same procedural provisions when dealing with those matters as would be available to a judge and jury.

Schedule 2.1 amends the Children (Criminal Proceedings) Act 1987. At present that Act provides that all persons not "directly interested" in the criminal proceedings before a court to which a child is a party are to be excluded from the hearing, unless the court orders otherwise. An exception is created in the Act for members of the media, who may be present unless the court orders their exclusion. In cases where the court proceedings are to do with an offence which resulted in the death of a person, the Government believes that the close relatives of the deceased have a right to be present at the hearing. It may be that a case could be made, as the law currently stands, for their being present in court as persons "directly interested" in the proceedings. However, to remove any doubt about this, and to provide those family members with an unarguable right to be present, section 10 of the Children (Criminal Proceedings) Act 1987 is amended to insert an express provision that members of the immediate family of a deceased victim are entitled to be present during criminal proceedings.

Schedule 2.2 amends the Coroners Act 1980 to bring its provisions in line with those that seek to achieve a similar aim in the Justices Act 1902. I note that this amendment arose from a suggestion by the State Coroner and has the support of the Director of Public Prosecutions, the Police Association and the New South Wales Law Society. At present, section 19 of the Coroners Act 1980 provides that if, at any time during the course of an inquest or inquiry, the coroner is of the opinion that the evidence establishes a prima facie case against a known person for an indictable offence, the coroner must terminate the inquiry. The coroner's papers are then referred to the Director of Public Prosecutions. The director then determines whether criminal charges should be brought against the person concerned.

In contrast, sections 41(2) and 41(6) of the Justices Act 1902 provide that, after all of the evidence in committal proceedings has been adduced, a magistrate is required to have regard to two things prior to committing the person for trial. The first is whether the evidence is capable of satisfying a jury that the person committed an indictable offence. The second is whether there are reasonable prospects that the jury would convict the person of the indictable offence. There appears to be little value in the coroner referring matters to the Director of Public Prosecutions in circumstances where there is no real likelihood of a jury convicting on the available evidence, even though a *prima facie* case may be established.

It is in the interests of justice that the considerations outlined in the Justices Act 1902 be taken into account by the coroner. The result is that the matter should be referred to the Director of Public Prosecutions if at any time during the course of an inquest or inquiry a coroner is satisfied of two things—first, that there is sufficient evidence against a known person capable of satisfying a jury beyond reasonable doubt that the person has committed an indictable offence, and, second, that there is a reasonable prospect that a jury would convict the person of that offence.

This brings the standard to which a coroner must be satisfied about the evidence prior to referring a matter to the Director of Public Prosecutions into line with that of a committing magistrate. This change will increase the efficiency of the Coroners Court, in that inquests and inquiries will not be needlessly delayed while matters which are unlikely to be prosecuted are referred to the Director of Public Prosecutions. Further, the efficiency of the Office of the Director of Public Prosecutions will be enhanced in that its resources will not be fruitlessly spent on considering matters when the evidence is not sufficiently cogent to satisfy the proposed test.

Schedule 2.3 amends the Criminal Appeal Act 1912. I note that these amendments are based on suggestions made by the Director of Public Prosecutions. Item [1] of schedule 2.3 amends the Criminal Appeal Act 1912 to clarify an important area of sentencing law. It is sometimes the case that offenders offer to assist the authorities using the knowledge they have regarding criminal activity. Such offenders are often given a discount on any sentence a court imposes on them for the assistance they have given or have undertaken to give in the future. This is to encourage them and others in the same position to give this valuable information to the authorities.

If an offender is sentenced on this basis for information he or she has undertaken to give in the future and he or she does not give it, the Crown has a right to appeal the sentence to the Court of Criminal Appeal for that court to reassess the sentence. This right is contained in section 5DA of the Criminal Appeal Act. It is, of course, just that persons who get lighter sentences through promises to give information have that sentence reassessed if they do not in fact give the assistance promised to authorities. A doubt has arisen as to whether the Crown retains the right of an appeal in these circumstances if in the time between the original sentence and the appeal there has been an intervening appeal to the Court of Criminal Appeal regarding the sentence and that court has re-sentenced the offender.

The Government proposes to amend section 5DA to make it clear that the Crown retains its right to appeal to the Court of Criminal Appeal when an offender fails to abide by his or her undertaking, whatever court sentenced him or her. Item [2] of schedule 2.3 deals with an issue relating to appeals from the Court of Criminal Appeal to the High Court of Australia. Currently the Court of Criminal Appeal has power under the Bail Act 1978 to grant bail to an accused person who appeals from a decision of that court to the High Court.

It is clear from section 18(2) of the Criminal Appeal Act 1912 that the time during which an appellant is at liberty on bail to prosecute his or her appeal from the District Court or the Supreme Court to the Court of Criminal Appeal does not count as part of the original term of imprisonment of the appellant. It is not clear that a grant of bail for an appeal from the Court of Criminal Appeal to the High Court has the same effect. This is a clear anomaly and could lead to the unjust result that an appellant's sentence continues to run when he or she is at liberty. I note that section 77U of the Commonwealth Judiciary Act may well provide power to the Court of Criminal Appeal to make an order staying the sentence in the circumstances of an appeal to the High Court.

In the Government's view, it is appropriate that the laws of this State ensure that such a stay is an automatic consequence of an appellant being released on bail. The proposed amendment will achieve this end. Schedule 2.4 amends the Criminal Assets Recovery Act 1990. At present, section 32(3) of that Act provides that assets which are confiscated and put into the confiscated proceeds account may be used to fund such programs as law enforcement, drug rehabilitation and drug education. The section does not provide that funding from that

account may be allocated to crime prevention programs. Section 32(3) is amended to allow for the allocation of funds to crime prevention programs and for programs supporting safer communities.

Schedule 2.5 contains a number of amendments to the Criminal Procedure Act 1986 relating to the summary disposal of certain offences. Items [4] and [11] may conveniently be dealt with together. The New South Wales Director of Public Prosecutions has suggested that provision be made for offences under the Liens on Crops and Wool and Stock Mortgages Act 1898 to be dealt with in the Local Court. Currently there is no provision for this to occur and offences under this Act must be dealt with on indictment, by a judge and jury. For instance, that Act contains an offence, in section 20, with respect to unauthorised dealings in stock, crops and wool which place at risk the lenders of moneys secured by liens and mortgages on such stock, crops and wool.

This encompasses offences of a very broad range of seriousness, from relatively minor to matters of serious fraudulent behaviour. The offence is described as "an indictable fraud and misdemeanour", and is therefore not able to be dealt with summarily, whatever the level of seriousness. It is entirely anomalous that minor offences under this section must be dealt with before a judge and jury when many other more serious indictable offences may be dealt with summarily pursuant to table 1 and table 2 of the Criminal Procedure Act 1986.

Whilst the offences under this Act may not be frequently prosecuted, it is always important to ensure the efficient administration of justice. The Government therefore agrees that appropriate offences contained in the Liens on Crops and Wool and Stock Mortgages Act 1898 should be included in part 9A of the Criminal Procedure Act 1986 in order that they be brought within the table 1 and table 2 regime. This, of course, leaves open the possibility for the prosecution to elect to have the matter dealt with on indictment in the more serious cases. Item [8] merely corrects a typographical error present in the current clause 30 of part 9A to table 1 in the Criminal Procedure Act 1986.

The other items in this section are directed towards amending the Criminal Procedure Act 1986 to ensure that conspiring and inciting others to commit an offence that may be dealt with summarily by a Local Court may also be dealt with in the same jurisdiction. In order to understand the proposed amendment it is first necessary to understand readily the jurisdictional disposition of criminal offences in New South Wales. At one end of the spectrum of

criminal offences are those offences so minor that they must be dealt with before a magistrate, and cannot be dealt with by trial by jury. Those offences may be called "wholly summary" offences. At the other end of the spectrum are those offences that are so serious that they cannot be dealt with by a magistrate, and must be dealt with by judge and jury. These offences may be called "wholly indictable" offences.

Between these two extremes lie those indictable offences that may in certain circumstances be dealt with summarily—that is, before a magistrate. Those offences are divided into two categories. The first category contains those indictable offences that must be dealt with summarily unless the prosecutor elects to have them dealt with on indictment. Most of these offences are contained within table 2 to part 9A of the Criminal Procedure Act 1986. The second, more serious, category are those offences that must be dealt with summarily unless either the prosecutor or the defendant elects to have them dealt with on indictment. Those offences are contained in table 1 to part 9A of the same Act.

The offence of conspiracy is committed when two or more people agree to do an unlawful act or a lawful act by unlawful means. The offence of inciting is committed when one person incites or solicits another person to commit or attempt to commit a crime. The common law misdemeanours of conspiring to commit an offence or inciting the commission of an offence, when the principal offences fall within either table 1 or table 2 of the Criminal Procedure Act 1986, are not at present able to be dealt with pursuant to table 1 and table 2. Such common law offences must be dealt with on indictment.

An example of the current law in action will demonstrate the anomaly which the bill corrects. If two persons stole a car, that offence would be capable of being dealt with summarily, pursuant to table 2. However, if the same two persons agreed to steal a car, or incited a third person to steal a car, those offences would not be able to be dealt with summarily, and would proceed by way of jury trial. That would be the case even if, in either circumstance, the car had not been stolen. The anomaly is apparent. As the offences of conspiring and inciting are common law misdemeanours, a person convicted of either offence is liable to a fine and a term of imprisonment at the discretion of the court. There is no fixed limit on the term of imprisonment. However, it would be quite unusual for a court to impose a sentence, for either conspiracy or inciting an offence, that was longer

than the maximum penalty applicable to the principal offence.

In short, the Criminal Procedure Act 1986 will be amended by the bill to ensure that offences of conspiring to commit, or inciting the commission of, a table 1 or table 2 offence, are capable of being dealt with pursuant to table 1 or table 2. Savings to the community, in terms of cost and efficiency, will be considerable. The penalties for the offences will be the same as for the substantive table 1 and table 2 offences in question. It should be understood that the maximum penalty for conspiracy or inciting an offence, dealt with on indictment, will not be affected by the proposed amendment. And again, in each and every case, the prosecution has an unfettered power to have the offences dealt with on indictment, if they are of appropriate gravity.

The amendments contained in schedule 2.7 make the regime for summary disposal of certain drug offences contained in the Drug Misuse and Trafficking Act 1985 consistent with the one outlined above for other offences. That ensures that the so-called ancillary offences of conspiring, soliciting and inciting of offences which may be dealt with summarily may also be dealt with summarily. The reasoning is the same as that which I discussed in relation to the amendments to the Criminal Procedure Act 1986. Item [1] of schedule 2.7 extends the operation of sections 20 and 28 of the Act so that they encompass the offences of soliciting and inciting. That is to ensure their consistency with the other sections in the Act that create ancillary offences. As a consequence it is clarified that it is an offence in New South Wales to conspire, aid, abet, counsel, procure, solicit or incite activity which would be an offence under the Drug Misuse and Trafficking Act, whether or not the principal offence is or will be committed in New South Wales.

That clarification is in line with the Government's commitment to the battle against the insidious evil of the drug trade, and to providing law enforcement bodies in New South Wales with the best possible weapons to conduct that battle. Schedule 2.6 amends the Director of Public Prosecutions Act so that it clearly gives the director power to appear for complainants in all court proceedings related to apprehended violence orders. Section 20A of the Director of Public Prosecutions Act 1986 provides that the Director of Public Prosecutions may appear for a complainant in relation to proceedings for apprehended violence orders pursuant to part 15A of the Crimes Act 1900. Section 20A(2) stipulates that the Director of Public Prosecutions may conduct appeals on behalf of a complainant as respondent.

The Director of Public Prosecutions has suggested that there may be some doubt regarding the director's power to appear on behalf of a complainant where the complainant is not a respondent. For example, if a complainant wished to appeal the refusal of a magistrate to impose an apprehended violence order, the complainant would be an appellant. It is also currently unclear as to whether the Director of Public Prosecutions can appear for a complainant on an appeal when the Director of Public Prosecutions has not appeared in the Local Court. Further, section 20A does not explicitly confer the power on the Director of Public Prosecutions to initiate proceedings such as stated cases or applications for judicial review. Once again, the potential ambiguity is due to the precise terms of section 20A(2), in which the complainant is referred to as a respondent.

The Government is of the view that the Director of Public Prosecutions should have the power to initiate proceedings in the Supreme Court or the Court of Criminal Appeal. That is in accordance with other provisions conferring such a power. The Government also considers that section 20A should be amended to reflect that a complainant in proceedings relating to apprehended violence orders should have the benefit of representation, by the Director of Public Prosecutions, when appropriate. Schedule 2.9 amends the Justices Act 1902 to make explicit the proposition that a magistrate, when considering whether to commit a person for trial, should not exclude the consideration of evidence of a confession, which may be excluded at the trial, under the provisions of section 90 of the Evidence Act 1995.

Section 41(8A) of the Justices Act 1902 currently stipulates that certain discretionary matters relating to the admissibility of evidence, which may be considered by a trial judge, may not be considered by a magistrate during committal proceedings. By way of that section, a magistrate cannot exclude any evidence, in committal proceedings, on any of the grounds set out in part 3.11 of the Evidence Act 1995. Such matters include unfair prejudice, misleading or confusing evidence, or evidence improperly obtained. Those are matters for the trial judge. The Evidence Act 1995 contains a further discretion, with respect to confessions, in section 90. That section falls outside part 3.11, and is therefore not explicitly excluded in section 41(8A) of the Justices Act 1902.

The common law would almost certainly preclude a magistrate from considering the discretionary exclusion of a confession. However, for abundant caution, the discretion in section 90 of the Evidence Act 1995 is added to those

discretionary matters, listed in section 41(8A) of the Justices Act 1902, which a magistrate may not rely upon to exclude evidence in committal proceedings. Schedules 2.8, 2.10 and 2.11 may be conveniently discussed together. Concern has been expressed that the Prohibited Weapons Act 1989 and the Firearms Act 1996 do not explicitly confer upon the Children's Court the power to order the forfeiture, return or other disposal of weapons upon a conviction. The Prohibited Weapons Act 1989 confers the power to order forfeiture of weapons upon a Local Court, but does not include a specific reference to the Children's Court. The Firearms Act 1996 is in the same terms.

Clearly, the Children's Court should have such a power. Although the power to order the forfeiture of weapons may be implied, it is my view that such a power should be conferred explicitly upon the Children's Court. Schedule 2.12 amends the Young Offenders Act 1997. The Act established a scheme which provides for alternatives to formal court proceedings for children alleged to have committed certain criminal offences. In particular, it provides for the establishment and conduct of youth justice conferences. Police officers who issue a warning to a young person under the Act currently do not record the name of the young person in their notebook. The Act provides that an investigating officer must make a record of any warning given, but must not record the name of the child or certain information that might identify the child.

Originally, the rationale for not recording the young person's name was that because of the informal nature of a warning young people would not have the opportunity to make formal admissions in relation to the material contained in the officer's notation. It would therefore not be appropriate to record such a matter against them. The committee overseeing the legislation has recommended that the ability to record the name of a young person is a necessary measure to ensure that an officer has taken sufficient details relating to the warning given, should this information be required in the future. The Government agrees.

An example might be a young person who was able to prove that an allegation made against him was false by using information recorded in an apprehending officer's notebook. As an officer's notebook is used as an operational recording system, I propose that the name of a young person who has been issued with a warning under the Act will be able to be recorded in the apprehending officer's notebook. It should be noted that, notwithstanding the recording of the young persons name, these

warnings will not be recorded for the purpose of a criminal history. This concludes my detailed discussion of the provisions of the bill.

The bill contains a large number of important changes that are necessary for the better functioning of the criminal justice system in New South Wales. The bill is indicative of the Government's ongoing commitment to the constant review and improvement of all aspects of the administration of justice in this State. This stands in sharp contrast to the incoherent and haphazard approach too often adopted by the Opposition in regard to these matters. I am sure that honourable members will agree that the bill contains a large number of important and constructive reforms to the criminal justice system, all of which will assist in the efficient administration of justice in New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Thompson.

[Mr Acting-Speaker (Mr Mills) left the chair at 1.22 p.m. The House resumed at 2.15 p.m.]

HEALTH CARE COMPLAINTS COMMISSION

Annual Report

Dr Refshauge, by leave, tabled the annual report of the commission for the year ended 30 June 1998.

Ordered to be printed.

ROADS AND TRAFFIC AUTHORITY

Report

Mr Scully, by leave, tabled the report entitled "Eastern Distributor—Summary of Contracts."

Ordered to be printed.

AUDITOR-GENERAL

Report

Mr Scully, by leave, tabled the report entitled "Report of Actual Findings (Arising From Agreed Upon Audit Procedures) on the Eastern Distributor Summary of Contracts for Roads and Traffic Authority of New South Wales."

Ordered to be printed.

AUDIT OFFICE OF NEW SOUTH WALES**Report**

Mr Speaker announced, pursuant to the Public Finance and Audit Act 1983, receipt of the performance audit report entitled "Management of Research—NSW Health: Infrastructure Grants Program, A Case Study."

**VICTIMS COMPENSATION
AMENDMENT BILL**

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [2.15 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 22 October and the Minister's second reading speech appears at page 8854 of *Hansard*. The bill is in the same form as agreed to in the other place and I commend it to the House.

Mr KINROSS (Gordon) [2.20 p.m.]: The Minister for Police referred to a number of amendments made to this bill in another place. The second print of the bill is now before this House for further consideration. The Opposition, for which I lead in debate on the bill, is pleased that a number of amendments were made to it. If we are sincere about crime and its impact on victims, we should ensure that resources are provided to those who, unfortunately, suffer at the hands of criminals. In the other place the Opposition moved to remove the limitation on the amount of counselling time to be provided to victims of crime—a limitation, by Government decree, to the payment for six hours of counselling. Clearly the victim of a sexual offence and his or her family would require more than the six hours counselling proposed by the Government.

In this day and age there is an acknowledgment that victims of crime should, wherever possible, be restored to the station in life they enjoyed before suffering at the hands of the criminal element. The Opposition wants to ensure that a home invader is not permitted to make a claim for damages—even in the case when the offence is not proved against the person. I am sure the people in the gallery would agree that such a situation would be a farce. I raised this very matter in debate on the home invasion legislation. There could be nothing more serious than for one to be the victim of crime in one's own home. In November 1995 the honourable member for

Gosford, as the leader of Opposition business, proposed similar legislation. A few months ago the Government introduced a bill that mirrored that proposal.

We must ensure that those who receive victims compensation are justly entitled to it. It is important that spurious claims do not preclude those who genuinely suffer from the benefits of these proposals, which a committee of this Parliament was set up to examine. As has been said in this House and in the other place, it was expected that consideration of the bill would be deferred until the final report of the committee is tabled on 5 March next year. It is somewhat surprising, therefore, that this bill is brought forward at this time. Admittedly, it has been the subject of two interim reports of the committee.

Concerns have been expressed by interested parties with whom the Opposition parties consult. Apparently those interested parties were not consulted by the Government. It surprises no-one that the Government is ramming this legislation through at the last minute, without the benefit of full consultation that could identify the merits or otherwise of these legislative provisions. One of those concerns relates to shock suffered by the victims of crime and the intention of the Government not to include a definition of nervous shock but instead to insert a new category of compensable injury of psychological or psychiatric disorder. The requirements to be satisfied for payment of compensation in that instance would be more stringent than those for nervous shock.

The courts have traditionally determined that the nervous shock must be sufficiently attenuated to the injury resulting from a criminal act. The courts have said that although in common parlance it might be said that people are shocked by news or by witnessing a crime, and that therefore shock could conceivably come within the realm of compensable injury, the common law to date has not interpreted shock as coming within that category. My concerns and those of the Opposition are that replacement of nervous shock with the new category of psychological or psychiatric disorder may raise the qualifying requirements so high that genuine victims may be excluded from compensation.

Some cases raised in this Parliament have highlighted that problem. I quote as an example the case of a person I will call Stella. This 19-year-old was the victim of an armed hold-up on 16 March last year. She was employed at a late-night chemist shop in the inner city. At about 9.00 p.m. she was working at a cash register, talking to the pharmacist

in charge of that chemist shop at the time. These stories could be replicated right across New South Wales. It is the story of people who have left school and seek work in order to save, perhaps to put themselves through university.

When Stella turned around she saw an offender pointing a syringe at her. Of course, she did not know whether the contents of the syringe were contaminated with AIDS or any other disease. The offender demanded money from the till, so Stella opened the till then backed away as the offender grabbed the money and walked from the shop. Following the robbery, Stella had numerous counselling sessions. She suffered anxiety, tearfulness, sleep difficulties, depression, loss of confidence and fear. Physical symptoms of tension and lethargy had a significant impact on her part-time study at university and on her social functioning.

This young lady was assessed as suffering from shock, but for a period lasting no more than 28 weeks, and was awarded \$18,000 in compensation. Stella did find alternative employment at a supermarket. The pharmacy at which she had worked experienced subsequent hold-ups. Even towards the end of her counselling Stella was still experiencing anxiety attacks three to four times a week, including one attack while sitting for a university examination. The counsellor reported that she spontaneously burst into tears without apparent reason during her sessions.

She sought additional counselling at the university, but was continuing to experience nightmares more than 14 months after the incident. Is it suggested that the Government proposal will compensate such people adequately? Is this supposed to be sufficient compensation for the trauma and suffering that these victims experience? This bill should give the appropriate tribunal not only the teeth it needs to facilitate payments to those most in need but should be a genuine effort to restore victims to their former state of wellbeing. I will not traverse a number of other amendments. Some attempts were made by the Hon. Ian Cohen in another place to strata the range of awards up to a maximum of \$25,000. Those efforts were not successful and those proposals do not form part of this bill. Apart from those matters and the inadequate detail in the content of the bill, the Opposition agrees with this reprint of the bill.

I ask the Minister to respond to my query about the state of the joint committee. During the recess, will that committee continue with its deliberations on these proposals? As the Minister

only within the last month has extended the committee's deadline for reporting until March next year, why will this House not sit to consider the report of that committee? Why is the Government introducing this bill before the committee has given due deliberation to this most important issue for the people of New South Wales?

Mr WHELAN (Ashfield—Minister for Police) [2.28 p.m.], in reply: The honourable member for Gordon has raised a number of issues. The reporting time for the select committee was extended after the bill was drafted. This bill reflects the second interim report of the committee. The Government had to act given the problems highlighted by the committee. Some aspects of the bill need to be addressed. Arising from concerns expressed about the impact on crime victims of the restrictions on awards for psychological injury proposed by the bill, the Government has reconsidered its approach to this issue.

The bill now proposes to recognise two categories of psychological injury for the purposes of claiming victims compensation. In addition to the existing category contained in the bill it is proposed to introduce a second category, consisting of a chronic psychiatric or psychological disorder that is moderately disabling, with an award range of \$5,000 to \$15,000. It is the Government's intention that victims of violent crime remain eligible to claim compensation for any ongoing psychological injury that has a continuing detrimental impact on their ability to undertake their usual day-to-day activities.

The diagnosis of a chronic psychiatric or psychological disorder does not require that a permanent injury be established. The Government considers that this approach is consistent with the view of the Joint Select Committee on Victims Compensation. The Government also considers that its revised approach to psychological injury awards will address emerging problems with the cost of shock awards while ensuring that claims for serious psychological injury that could be expected to result from a vicious street assault, armed hold-up or home invasion may still be considered. However, the Government remains of the view that counselling rather than monetary compensation is the more appropriate means to address shorter term trauma reactions that are often experienced by victims of violent crime.

A new global injury category has been created for domestic violence victims to address the joint select committee's concern that the changes to the requirements for claiming for psychological injury not preclude some domestic violence victims from

the victims compensation scheme. It is important to remember that under the changes proposed in the bill a victim of domestic violence is not limited to applying under the new global injury category only. The applicant may elect to claim under the new global injury category or claim instead for specific injuries. Accordingly, the victim is not precluded from claiming in the alternative for a more serious physical injury, for a chronic psychological or psychiatric disorder or for a combination of such injuries.

The honourable member for Gordon raised several issues relating to counselling. The changes to the approved counselling scheme originally proposed by the Government implemented recommendation 10 in the joint select committee's report. Recommendation 10 proposed that the provision of counselling to victims of crime that does not involve homicide or sexual assault be capped at four to six sessions except in exceptional circumstances. Despite this being a recommendation of the select committee, the Opposition in the other place was successful in opposing the Government's changes. I note that the membership of the committee included the following Opposition members: the honourable member for Baulkham Hills, the honourable member for Dubbo and the Hon. M. J. Gallacher in the other place.

The changes proposed to the approved counselling scheme would not have reduced the hours of counselling available for genuine cases demonstrating a special need. However, they would have introduced an additional level of accountability into the counselling scheme. The select committee's report noted that existing provisions may operate as an incentive to recommend the maximum amount of counselling for a client. The changes proposed by the Government would have put the onus on the treating practitioner to demonstrate a need for treatment over eight hours. The Government considered that this was an appropriate response to the select committee's concerns while recognising that crime victims continue to have access to all necessary counselling.

As a further measure to ensure the long-term financial viability of the scheme, the Government proposes that a deductible of \$750 apply to awards under \$20,001. The select committee proposed that the minimum award threshold be increased to \$5,000. Honourable members may recall that the minimum award threshold was increased from \$200 to \$2,400 only 18 months ago when the new legislation came into operation. The Government considers that it would be more appropriate to review the minimum threshold following a longer

period of operation of the new scheme. The proposed deductible is being introduced as an alternative to increasing the threshold. An increase in the threshold would automatically exclude some people presently entitled to apply for compensation from receiving any award. On the other hand, the proposed deductible will enable some additional savings to be achieved in the total amount paid out in awards while not further excluding applicants from eligibility to apply for compensation.

Importantly, family victims of homicide who are automatically entitled to the \$50,000 maximum award will not be subject to the deductible and, accordingly, their awards will not be reduced. Also, there will be no reduction in the awards to victims suffering serious injuries, that is, those crime victims receiving award amounts in excess of \$20,001. In relation to awards under \$20,001 it should be recognised that the deductible will apply only when the total compensation awarded to a primary victim and a secondary victim claiming through the primary victim is less than the amount of \$20,001.

I have noted the views expressed by the Opposition, especially in the other place, in relation to the powers to restrain an offender's property. New section 58H(5)(b) provides that any person subject to a Supreme Court order for examination on the affairs of an offender alleged to have engaged in a scheme to avoid restitution is not excused from answering a question that would disclose information that is the subject of legal professional privilege. New section 58H(5)(b) mirrors section 13 of the Criminal Assets Recovery Act 1990, which explicitly provides in subsection (1)(c) that a person subject to an examination order under that Act is not excused from answering questions subject to legal professional privilege. As in the Criminal Assets Recovery Act, this bill provides the protection that any such disclosure during examination is not admissible against the person in non-related civil or criminal proceedings.

On 27 June 1997 the Parliament of New South Wales, in amending the Criminal Assets Recovery Act to include section 13(1)(c), determined that such provisions are appropriate in regimes to recover criminal assets. Therefore, it is appropriate that the asset recovery regime proposed for the Victims Compensation Act, consistent with the Criminal Assets Recovery Act, should include the provision in relation to legal professional privilege. I also note that the proposed asset recovery regime protects the interests of innocent parties. The new powers will not affect the rights of any party that has acquired property in good faith and for consideration at least as valuable as the market value of the property.

The bill also provides that in relation to the offender the court is to consider the effect of any restraining order on the defendant's ability to pay their reasonable living expenses and those of any dependents and to meet legal expenses. The Opposition raised the issue of the power to restrain an offender's property. Experience with the victims compensation scheme has demonstrated that in many instances offenders have no significant assets that can be recovered for restitution. Many offenders are currently repaying debts with small instalments. However, this is not always the case and the Government intends to ensure that offenders with the means to pay do not escape their restitution obligations. The bill provides additional powers to address the potential for offenders to make asset arrangements designed to avoid any liability to pay restitution.

These new powers will enable the Supreme Court to set aside such a transaction when it was not done in good faith or was not for sufficient consideration. The court is also given power to impose restraining orders to prevent offenders, and any other person who has participated in any restitution avoidance scheme, from disposing of property. In addition, to deter offenders from engaging in such actions there are specific offences created concerning the disposal of property for the purpose of avoiding restitution and the contravention of restraining orders. These offences carry a maximum penalty of a fine equivalent to the value of the property concerned and/or imprisonment for two years.

The Victims Compensation Tribunal's powers to recover restitution have also been further strengthened. Restitution orders will now be able to be made against a person who has participated with the offender in a scheme to avoid restitution. Also, as a means of enforcing restitution, an order will be able to be registered so as to create a charge over land. I thank the honourable member for Gordon for his contribution. I hope that my comments have clarified the issues raised by the honourable member for Gordon and honourable members in the other place.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MOTOR ACCIDENTS AMENDMENT BILL

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [2.37 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 15 October and the second reading speech appears at pages 8407 to 8409 of *Hansard*. The bill is in the same form as agreed to in the other place, and I commend it to the House.

Mr KINROSS (Gordon) [2.38 p.m.]: A number of amendments to this bill were flagged in another place so I will not tire the House too long discussing them. I lead for the Opposition on this bill, which was introduced after much consultation by the Standing Committee on Law and Justice of the other place under the chairmanship of the Hon. B. H. Vaughan. The legal profession generally and the Law Society in particular expressed concern about the passage of this bill, and the reasons for that were evident at the time. Concern was expressed that the committee had commissioned a report from the Legal Justice Research Centre, which is a continuing project of the Law Foundation. I have served on the board of the Law Foundation since 1992 as the representative Leader of the Opposition. I know of the work done by the Legal Justice Research Centre and of its input, through its reports, to the Standing Committee on Law and Justice in another place. It is not surprising that more negotiation was required because the Labor Government failed to provide adequate consultation. It is not surprising that the bill has been amended. The Opposition agrees that it is important to set out more clearly some of the provisions relating to the application and administration of the bill. The first amendment moved in Committee in the other place was:

- (a) that participants in the motor accidents scheme . . . have shared and integrated roles with the overall aim of benefiting all members of the motoring public by keeping the overall costs of the scheme within reasonable bounds so as to keep premiums affordable, . . .

In other words, although it is important to make sure that those who are injured in motor vehicle accidents are compensated adequately, green slip premiums should not increase exorbitantly. The motoring public wants to ensure that there is a sufficient level of coverage and that the system is running smoothly and efficiently. As I said in an earlier debate, the public wants to feel confident that spurious claims will not be lodged.

The proposed legislation has the intention of reducing the level of damages for non-economic loss, what are often termed general damages, for minor injuries. The premium pool from which each insurer pays claims will consist at any given time of a finite amount of money. Another important

provision of the bill is that insurers will be obliged to charge premiums that will fully fund their anticipated liabilities. The funding of anticipated liabilities will require a large measure of stability and an ability to predict the future number of claims and their cost.

Finally, the bill ensures that the stability and predictability to which I have referred is consistent and stable within the operation of the law. The previous Government and this Government have been concerned about that. The coalition is concerned that accounting standards and liabilities are accurately reflected in financial statements. I ask the Minister to clarify new section 15B(7), which results from an amendment passed in the other place. The amendment stated:

Insert ", being a premium that in the arbitrator's opinion is sufficient fully to fund the present and likely future liability of the insurer under this Act" after "insurer".

The word "fully" relates to the funding of the liability. Therefore, the amendment should read:

. . . if in the arbitrator's opinion is sufficient to fully fund the present and likely future liability . . .

Perhaps Parliamentary Counsel misplaced the word "fully". Insurers and the motoring public have a genuine concern about the extent to which actuarial advice on funding the scheme is reflected in the insurers' accounts and by appropriate levels of liability. The Opposition does not oppose the bill.

Mr NAGLE (Auburn) [2.44 p.m.]: The main objects of this bill are to rationalise the Motor Accidents Act, to make further provision concerning the consideration by the Motor Accidents Authority of third party insurance premiums filed by insurers and the arbitration of disputes about premium levels, and to revise the procedures to be followed in dealing with claims for damages resulting from motor vehicle accidents, particularly the initial handling of claims, referrals of disputes about claims to conciliation and the commencement of court proceedings in connection with claims.

Alternative dispute resolution is an important element in motor vehicle accident cases. The injured party suffers enough trauma without having to endure a long and drawn-out legal battle. In past years insurers have been reluctant to make decent settlement offers to parties for injuries, continuing disabilities and economic loss. The matter ends up in court in an all-out battle between the plaintiff and the defendant. That is when the costs are incurred. If the parties reached an earlier agreement as to the real issues, conciliation or the alternative dispute

resolution mechanism would narrow the issues between the parties, thus reducing costs.

As a result of recently enacted legislation, many cases are taken on speculation by solicitors and barristers acting for injured parties because many people could not afford the legal costs if they were to lose the case. However, the insurer also has a responsibility to ensure that proper procedures are in place to try to reduce conflict between the parties. That is when conciliation becomes important. The fourth object of the bill is to establish a system of liability of costs between parties for the purpose of encouraging them to comply with these procedures.

An important component of the court system is a costs system that reflects the true cost to the plaintiff for work undertaken to prepare the case. While remaining cognisant of injuries sustained, continuing disabilities and whether liability has been admitted the system should also encourage people to settle early. I recall in one case a neurologist demanded \$4,000 a day to attend court to give evidence on behalf of the injured party.

[*Interruption*]

Being a good supporter of the Liberal Party the honourable member for Northcott would probably think \$4,000 a day was all right. However, other doctors are co-operative and will attend for \$500 or \$600 a day and provide reports. When I first took personal injury cases in the early 1980s doctors would charge about \$100 to \$150 to provide a report. These days they charge up to \$800 for the same type of report. We are always mindful of what the legal profession charges, but we should also keep an eye on what the medical profession charges to attend court, because that is the source of many expenses. The bill establishes a motor accidents claims unit that will include conciliation services. I have seen a similar system working.

In the early 1980s I was one of the great advocates of the system, with Professor John Wade from Bond University and Mr Pat Kavanagh, a lecturer at that university. They were the forerunners of alternative dispute resolution [ADR] in Australia. I was fortunate to be invited to present a paper to the national conference of State legislators in the United States of America in 1993 about ADR and how good a system of conciliation it is in common law torts, contract law, commercial matters and even criminal matters. I am in the process of preparing a policy paper for the Labor Party on that issue.

Mr O'Farrell: You are a man before your time.

Mr NAGLE: I thank the honourable member for Northcott for that comment, because it is quite true: I was a man before my time. The Minister for Police was so impressed with the work I did concerning ADR that he gave me the privilege of leading for the Opposition in the debate when the coalition Government introduced legislation amending the ADR provisions in the Supreme Court and the District Court. I was pleased about that. The bill also provides for the payment of conciliators' and court fees. If parties can be brought together, costs will be saved. Members of the legal profession will be happy because they will be able to get their cases over and done with in a reasonably short space of time instead of having to spend three, four, five, six or seven days in court representing their clients because insurance companies will not make decent offers. It pays insurance companies to drag out these cases.

The third party premium is a tax imposed on motorists to compensate those injured in motor vehicle accidents. Unless the insurance companies are controlled the costs escalate. Competition is supposed to reduce costs but the costs escalate because of the desire of insurers to fight these cases. If conciliation is undertaken in the early stages many of these cases can be resolved. This is an important bill because it will reduce the cost of claims and it will reduce premiums. Recently some pensioner friends of mine spoke about their concern with the growing cost of their green slips. They said it would be difficult to register their car in the future.

[Interruption]

That is a concern of many people who live west and north of the electorate of Northcote and in Newcastle. It is not a concern to those who live in Baulkham Hills, of course, because people who live there can afford to register their cars. In the west, especially in my electorate of Auburn, it is difficult for people to make ends meet. The Government will have to start controlling the cost of green slips. If it does not, the cost will escalate enormously and that will lead to chaos. The unfunded area will cause great difficulty.

The first key reform in the bill is to ensure that the basis of setting premiums properly reflects the costs of the scheme with an allowance for an adequate but not extensive profit. That will be achieved by providing the Motor Accidents Authority [MAA] with a greater role in determining whether the premiums charged by insurers are appropriate and by allowing the MAA to take into account the overall financial performance of the insurer in the motor accident scheme. New evidence

is available that demonstrates that transaction costs and legal costs are too high. I have already informed the House why that is so. Legal costs for handling claims has also increased as a proportion of the total costs from a base of 16 per cent to 24 per cent. That is principally as a result of increasing levels of litigation in motor vehicle accidents, because people do not have the right criteria to determine what cases can and cannot be dealt with. If a solicitor tells an injured person that he does not have the basis for a claim but later it is found he did, the solicitor can then be sued for professional negligence for giving wrong advice.

To address the increasing cost of managing claims the bill provides a scheme to achieve earlier and cheaper resolution. Item [10] of schedule 1 will insert "being a premium that in the arbitrator's opinion is sufficient fully to fund the present and likely future liability of the insurer under this Act" after the word "insurer" in section 15B(7). The word "adequate" has certain connotations involving reasonable profit margins according to the industry. "Sufficient" is a more neutral term and allows for greater competition in premium settings. That is why it is important that the words are structured in that way. Of course, if there is a problem in the future the Act can be revisited.

The bill goes some way towards resolving the present problems. We do not want a massive blowout in the cost of green slips but we must ensure that injured people are adequately compensated when they sustain injuries. We also want to ensure that the green slip premiums are reasonable so people who drive motor vehicles can afford to do so. A great deal of thought has gone into this bill. The bill is a product of investigations by the Legislative Council Standing Committee on Law and Justice, which is chaired by the Hon. B. H. Vaughan, the national competition policy review and inquiries by the Justice Research Centre.

I support the bill because it seeks to initiate conciliation in the early stages. It also promotes the use of alternative dispute resolution as a means of settling cases in the early stages when it is possible to do so. That will prevent the development of a them-and-us situation. The injured parties will not become so engrossed in their own injuries and in the litigation that they lose sight of the object of the exercise, which is to secure adequate compensation for the injuries they have sustained. With alternative dispute resolution and conciliation the matters in dispute can be defined. This makes it cheaper for the injured person and easier for the solicitor, who will know what the costs will be.

It also makes the entire system cheaper and enables it to work properly and effectively to achieve the ultimate goals. Those goals are lower premiums for green slips, adequate compensation for people who are injured and adequate costs for those who run the case in court. Instead of the legal profession always being criticised, the fees charged by the medical profession in these types of cases should be reviewed. Many people in the legal profession fund these cases themselves. If they did not do so, many cases would not get on and money would be lost. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES LEGISLATION AMENDMENT (CHILD SEXUAL OFFENCES) BILL

Second Reading

Ms ALLAN (Blacktown—Minister for the Environment) [3.00 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 20 October, and the second reading speech appears at pages 8541 to 8543 of *Hansard*. The bill is in the same form as agreed to in the other place. I commend the bill to the House.

Mr KINROSS (Gordon) [3.00 p.m.]: The Opposition supports this bill. Child sexual assault has come to the public eye very much of late. Sadly, it is a prominent offence. Because of events taking place at present one needs to be careful in one's statements. This bill inserts a new provision into the legislation. The shadow attorney general in the other place spoke of a potential inconsistency that would not have been caught by legislation and the need for the Parliament to make sure that should an offence be committed against more than one child all offences would be covered under legislation. In other words, the Parliament needs to make sure that it does not limit the scope of the legislation to conduct in relation to a particular child—singular—that constitutes a sexual offence on three or more separate occasions, even when each occasion occurs on separate days during a particular period.

The term "sexual offence" is defined to include a number of offences under the Crimes Act relating to sexual intercourse with children, indecent assault, acts of indecency with or in the presence of a child and other offences of a sexual nature. It includes an

attempt to commit such an offence and similar offences committed outside New South Wales. The Bar Association expressed concerns relating to the 1989 High Court decision in *S v The Queen* 168 CLR 266. Concern was expressed that particularity was required in relation to each offence and the details of the offences, rather than the indictment stating that the offence was committed over a certain period. The bill provides that in order for a person to be convicted it is sufficient that the jury be satisfied beyond reasonable doubt that the evidence establishes at least three separate occasions of sexual offence, occurring on separate days during a particular period, on which the alleged conduct was engaged in. It is necessary for the jury to be satisfied about the material facts relating to those three occasions.

Concern was expressed also about sections 98 and 101 of the Evidence Act 1995. I hope that the Minister may be able to clarify the matter, as those sections pose a problem. The amendments appear to be directed at different issues. The maximum penalty for repeat offenders has been increased so that if the offence and circumstances are serious enough an offender may be sentence to 25 years imprisonment. There is no provision preventing the prosecution from charging an accused person in connection with different incidents involving different children when there is no doubt about the exact times and circumstances.

Frequently with child sexual offences, however, children have no or very little comprehension of specific dates on which and places at which sexual offences or conduct took place. In that sense it is appropriate that the legislation be amended. The Bar Association has expressed concerns and has expressed its view that the amendments are unnecessary. The Bar Association takes a different view of the High Court decision in *S v The Queen*, which it believes has not created practical problems. The Bar Association has stated:

The practice in NSW has been to rely on the first and/or last instance of a sexual offence and to charge those within those specified date ranges (which may cover several years). At sentence, evidence of other offences is admitted to negative any suggestion that the offences charged were isolated incidents.

The Bar Association states its belief that some of the wording of the bill could be improved. I trust that the Minister will undertake to revisit the wording of this bill and associated legislation should there be any problems with the operation of the criminal law. The Bar Association has stated as reasons for its concern:

While the drafting might perhaps be improved, such an approach ensures that the maximum penalty available for this offence bears a direct relation to the penalties for the particular sexual offences involved. In some circumstances the maximum penalty would be greater than 25 years, and others less. It does not equate quite different offences, involving vastly different levels of seriousness. However, under such an approach it would be necessary for the jury to determine what sexual offences were committed, and how many, so as to ascertain the maximum penalty to which the offender would be liable.

Of equal importance, schedule 2 makes amendments to the Summary Offences Act. A new summary offence of loitering at a school or other premises frequented by children is inserted. That amendment is most welcome. The Opposition gives its full support to that provision.

Ms ALLAN (Blacktown—Minister for the Environment) [3.07 p.m.], in reply: I thank the honourable member for Gordon, an outstanding spokesperson on behalf of the coalition, for his contribution to this important debate. A few important points of this bill bear repetition. First, the Government is pleased to be implementing yet another recommendation of the police royal commission. Second, the Government is protecting children from sexual assault in two different ways: it is ensuring that their evidence in court is not excluded on technicalities, and it is protecting them from convicted offenders in public places by way of the new loitering offence.

Third, the Government regards this bill as being only one of many building bricks in a better criminal justice system. Since 1995 the Government has sought to build a system that is responsive to the needs of victims, administratively efficient and always directed towards the attainment of better justice for the citizens of this State. There is no problem with sections 98 and 101 of the Evidence Act and this offence. There would have been problems with those sections had the Opposition moved the amendments it foreshadowed, but ultimately it did not pursue those amendments. The sections in question will have no application to the offence because the relevant suboffences will themselves be elements of the new offence. I commend this bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

JUSTICES LEGISLATION AMENDMENT (APPEALS) BILL

Second Reading

Ms ALLAN (Blacktown—Minister for the Environment) [3.09 p.m.]: I move:

That this bill be now read a second time.

The bill was introduced in the other place on 19 November 1997 and the second reading speech appears at pages 2009 to 2012 of *Hansard*. The bill is in the same form as agreed to in the other place. I commend the bill to the House.

Mr KINROSS (Gordon) [3.09 p.m.]: The Justices Legislation Amendment (Appeals) Bill, in respect of which I lead on behalf of the Opposition, is an attempt to streamline the procedures by which appeals emanate from magistrates courts. Some of the amendments are welcome because the Opposition wants to see that all the judicial systems in place are current and are not tortuous means by which people have to prove cases by stated case or other circuitous methods to have the verdict which they are appealing overturned. The amendments are reflected in provisions dealing with appeals to the Supreme Court which form the basis of division 2 of schedule 1 to the bill. It is important to know that the grounds upon which a conviction or order by a magistrate may be taken on appeal to the Supreme Court are limited to three possibilities—a question of law alone, a question of mixed law and fact, or where the ground of the conviction cannot be supported having regard to any of the evidence.

New section 105 deals with interlocutory orders and clarifies the position which, if my recollection serves me correctly, followed on from the decision of the High Court in *Hope v Bathurst City Council* that a magistrate's interlocutory decision was not a final decision and therefore could not be appealed, but that a final decision or order by a magistrate could be appealed. New section 105 probably clarifies the common law, reflected in that High Court decision, that interlocutory appeals cannot be made against a magistrate's finding. However, honourable members need to be fairly careful about the extent of operation of that provision. An accused in serious criminal proceedings may suffer a substantial breach of justice and for that reason I am pleased to see included the rider "except with the leave of the Supreme Court".

For the first time ever in legislation, new section 107 makes automatic provision for stay of execution of sentence when notice of appeal is given. Certainly in my time in practice that was not always the case. Indeed, often the superior court had to be petitioned to stay the verdict below. There are certain exceptions in that case in relation to bail but I will not traverse them as they are set out in new section 107. As to a District Court rehearing, new section 132 provides that an appeal is to be by way

of rehearing on the transcripts of evidence heard before the magistrate, except as otherwise provided by new section 133. Furthermore, new section 132(3) states that on an appeal, new evidence may be given only with the leave of the District Court.

Legal Practitioners would be well aware that under the current system a person appearing before a magistrate can make a full all grounds appeal, both on sentence and findings, to the District Court. The Opposition supports the new section because much court time is taken up with cases being reheard, often without new evidence. Often the same witnesses are brought forward in a superior court and the entire case is run through again. Appeals by way of rehearing using transcripts of evidence before the magistrate will serve the interests of justice just as well as if the witnesses were present.

Counsel for the appellant, if there is such representation, will be able to draw the attention of the judge to various parts of the transcript. Indeed, I have tendered a transcript on a couple of occasions, with the leave of the Director of Public Prosecutions. However, that can create a problem when credit is in issue. Indeed, about a year ago at Parramatta District Court I raised a Federal Court decision as authority for the proposition that case transcripts should not be relied on when credit is at issue because the judge hearing the review or appeal needs to be satisfied about the demeanour of the witness when giving evidence.

The Minister for Police, who is also a legal practitioner, might comment on how the Government proposes to address the major issue of credit of a witness who has given evidence in the court appealed from, the magistrate's court. New section 133 states that the District Court may direct that a person attend to give evidence in person in appeal proceedings, and new section 133(2) provides for the direction to be by way of a notice that the applicant must provide and serve on the other party. The explanatory note states, at page 5, that provision is principally limited to supplementary evidence given if the "District Court is of the opinion that there are substantial reasons why, in the interest of justice, the witness should give evidence in person". There is some concern about that provision. Two cases should be mentioned, and I am indebted to the work of the Bar Association in providing details of them. Receipt of further evidence on appeal has been narrowly defined in *Akins v National Australia Bank* 1994, 34 NSWLR at page 160. Former Justice Clarke, Judge of Appeal, stated:

A Court is empowered to receive further evidence upon the hearing of an appeal . . . but . . . may not receive further evidence after a trial on the merits "except on special grounds".

Those last words—for substantial reasons to which I will refer later—interplay. The three conditions cited are:

1. it must be shown that the evidence could not have been obtained with reasonable diligence for use at the trial;
2. the evidence must be such that there must be a high degree of probability that there would be a different verdict;
3. the evidence must be credible.

That test has been accepted and recently applied by the Court of Appeal in *Mann v Eccott*, a recent unreported case, on 19 August 1998. In relation to the application of criminal law appeal provisions, in *Camillieri's Stock Feeds Pty Limited v Environment Protection Authority* the Court of Criminal Appeal held that the form of appeal under section 5AA of the Criminal Appeal Act did not involve a hearing de novo. Indeed, Justice Kirby, now of the High Court, stated with the full concurrence of Justices Campbell and James that it is unlikely, and indeed ordinarily unnecessary, that an appeal from a superior court of record—which the Land and Environment Court is to the Supreme Court of New South Wales—performing its function in judicial proceedings should be an appeal by way of hearing de novo.

A collegiate court, at the same level in the hierarchy in the scheme of things, would not normally offer review by way of a hearing de novo. The decision in the *Camillieri's Stock Feeds* case was handed down prior to the introduction in 1994 of the special grounds test for reception of fresh, additional or substituted evidence of the appeal. In *Cooper v Coffs Harbour City Council*, an unreported decision on 2 December 1997, the Court of Criminal Appeal noted that in effect the 1994 amendments did no more than confirm the correctness of the decision in the *Camillieri's Stock Feeds* case. In other words, how widely will this amending legislation provide for rehearings, let alone a rehearing de novo which allows witnesses to come forward? It seems that that is most unlikely. I conclude on this aspect of the bill with the comments of Mr Ian Barker QC, President, New South Wales Bar Association, who said:

The Association considers that these models are, for present purposes, irrelevant.

The models were the substantial reasons test and the special grounds test. Mr Barker continued:

They relate to different jurisdictions and different circumstances. They cannot and should not be grafted on to the process of appeals from the Local Court in criminal

matters. The appropriate appeal model is that contained in [the Opposition's] amendments to the Bill.

For that reason the Opposition supports the amendments. New section 132 states that an appeal is to be by way of a rehearing. The Government and the Minister need to clearly state the extent of a rehearing on appeal from a magistrate's court, which is by far the most common level of legal disputes. Magistrates, in local courts, deal with about 90 per cent of matters that are legally disputed in either civil or criminal proceedings. It is important that the most effective mechanism be used for appeals against those decisions whether by full rehearing or hearing de novo. How will the Government provide legislatively for the testing of credit when that is an issue on appeal?

Mr MERTON (Baulkham Hills) [3.21 p.m.]: I do not intend to traverse all the aspects of this legislation, but I share the concern raised by the honourable member for Gordon about appeals from a magistrate's court. For many years it has been a basic foundation of law that any person who is aggrieved or dissatisfied as a result of a finding by a magistrate is entitled to appeal to what was formerly the Quarter Sessions Court, now known as the District Court. Such appeals were heard de novo, in a completely new hearing. An appellant could give additional evidence or rely on the evidence given before the magistrate, or use a combination of the two. Appeals were made against a magistrate's order for a number of reasons: a party may not have been represented; may not have agreed with the magistrate's interpretation of either the law or the facts; may not have agreed with the finding of guilt; or may not have agreed with the severity of the penalty.

On receipt of a summons many people decide not to seek legal representation, and it is every person's right to do that. However, many appear before a magistrate with little, if any, understanding of the ramifications of the case or what might happen to them if a decision is made against them. In those circumstances people, often without the benefit of representation, find themselves in a murky situation which is out of their control. For many years the law has allowed people to go to the office of their local court to lodge an appeal. They would then appear before a District Court judge either represented or unrepresented and have a completely new hearing irrespective of what the magistrate had earlier decided. The case would then be heard solely on its merits before a District Court judge.

The legislation allows 28 days in which to lodge an appeal to the District Court. The object of

the legislation is to introduce fundamental changes. The changes are not obvious but they represent a sad day for litigants. Under these changes, a person who pleads guilty before a magistrate, or fails to appear, may appeal only with leave of the District Court. However, if something goes wrong and the person makes a mistake about the date of the hearing, or his legal representative does not understand the issues and advises his client to plead guilty but someone else analyses the evidence and says, "You are not guilty at law", he has to seek leave to change his plea in the District Court. That is fundamentally wrong; litigants should be entitled to a new hearing before a District Court judge. New section 129 sets out the powers of the District Court in determining applications for leave to appeal. It states:

- (2) The District Court must not grant an application for leave to appeal . . . unless it is of the opinion that . . . it is in the interests of justice to grant the application.

That means that the court cannot or should not grant the application unless it is of the opinion that it is in the interests of justice to do so. In other words, the court simply cannot grant the application unless the defendant can put forward some kind of evidence that convinces the judge that it is in the interests of justice to do so. That test could, in certain circumstances, go against the interests of many litigants. Many people do not take legal advice prior to appearing before a magistrate. They may be found guilty of an offence even though, technically or at law, they are not guilty; but they cannot appeal because the District Court is of the opinion it is not in the interests of justice to grant the application.

That is a nebulous, intangible and indecisive test to be placed upon the relevant material in deciding whether a person is entitled to an application for leave to appeal. Assuming that a person has jumped the hurdle of seeking leave to appeal, the court may grant a rehearing. For many years it has been the law that a person has the right to introduce new evidence as well as asking for the transcript of the former hearing to be admitted. New section 132(3) states:

- On an appeal, new evidence may be given only with the leave of the District Court.

If a person wants to introduce new evidence he has to convince the judge that that is in the interests of justice. At the end of the day this will all become too hard, too difficult and quite often too expensive for litigants. The magistrate's court represents the judicial process which brings justice to the doorstep of the community. Litigants should be entitled to avail themselves of a magistrate's court and also the

next step of appealing to the District Court. This is bad legislation. Some sections of it are wrong because they restrict the right to appeal, particularly where a person might have pleaded guilty on bad advice, or might have made a mistake about the date on which proceedings pursuant to a summons were to be heard, resulting in the hearing proceeding in their absence. In such circumstances, leave to appeal must be sought.

A further defect in the bill is that on appeal a person cannot introduce new evidence without the leave of the court. Before giving leave, the court must be of the opinion that it is in the interests of justice that the evidence be given. This is a step in the wrong direction for the people of New South Wales. People have a democratic right to have their cases heard before a magistrate, and the judicial system should ensure their entitlement to a realistic, reasonable and affordable right of appeal to a District Court judge.

Mr WHELAN (Ashfield—Minister for Police) [3.30 p.m.], in reply: I thank the honourable member for Gordon and the honourable member for Baulkham Hills for their erudite remarks, but I would like to make the following response to their comments. Because of the impact of this proposal on witnesses who may be victims of crime, particularly victims of violent crime, it was considered appropriate to seek the advice of the Victims Advisory Board in relation to the revised procedure for District Court appeals.

The advisory board was able to consider this matter at its meeting of 9 September. Whilst the Victims Advisory Board raised some concern in relation to the practical application of the proposed changes, members of the board resolved to support the proposed changes because they considered that one of the clear intentions of the new procedure was to reduce the trauma of victims by not requiring them to give, unnecessarily, the same evidence twice. The advisory board, however, was also of the view that the practical application of the proposed changes needed to be monitored to ensure that the trauma of victims involved in an appeal to the District Court was in fact reduced. It is intended that this will be done as part of the general monitoring of the effectiveness of this legislation.

The measures being introduced represent a further step in the Government's broader strategy to reform the structure of the court system and to make it more efficient in the interests of the users of that system and the wider community. The bill has been carefully prepared after an extensive period of

consultation with the judiciary and the legal profession, culminating in the release of a draft exposure bill last November. Since that time, further consultation has been undertaken so as to refine the bill further and to address wherever possible the concerns raised by the judiciary and the legal profession. As the bill has been subjected to that process, it is considered that the bill represents a considered and careful response to the competing policy interests associated with Local Court appeal rights.

I note that honourable members referred to those appeal rights. I have a letter dated 12 October of His Honour Chief Judge R. A. Blanch, addressed to the Attorney General. By leave I table that letter, and I will refer only briefly to it in relation to some issues. I table the letter so that honourable members may have access to it, and that may obviate the need for long debate about issues to do with appeals. In his letter Chief Judge Blanch said:

I fully support the bill, which to my mind is long overdue in New South Wales, bearing in mind that this State is one of the few places in the English-speaking world where a de novo appeal still exists.

Chief Judge Blanch then refers to two specific reasons for his support of the legislation. I table this letter so that honourable members will have the benefit of it before deliberating the provisions of the bill in Committee. I thank honourable members for their contributions. I hope that my response and the letter of Chief Judge Blanch will satisfy the queries raised by honourable members.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr WHELAN (Ashfield—Minister for Police) [3.34 p.m.], by leave: I move Government amendments Nos 1 to 8 in globo:

- No. 1 Page 5, schedule 1[2], proposed section 104, lines 25-26. Omit all words on those lines. Insert instead "proceedings on a ground that involves a question of law alone."
- No. 2 Page 18, schedule 1[2], proposed section 133, line 13. Omit "or".
- No. 3 Page 18, schedule 1[2], proposed section 133, lines 14-16. Omit all words on those lines.
- No. 4 Page 18, schedule 1[2], proposed section 133. Insert after line 29:

- (6) In particular and without otherwise limiting subsection (5), the District Court is, in determining whether special or substantial reasons exist, to have regard to whether or not the appellant was legally represented for the whole or part of the proceedings heard before the Magistrate.

No. 5 Page 36, schedule 1[2], proposed section 133AN, line 16. Omit "or".

No. 6 Page 36, schedule 1[2], proposed section 133AN, lines 17-19. Omit all words on those lines.

No. 7 Page 36, schedule 1[2], proposed section 133AN, lines 31-33. Omit all words on those lines. Insert instead "to the determination of reasonable grounds under subsection (1).".

No. 8 Page 36, schedule 1[2], proposed section 133AN. Insert after line 33:

- (6) In particular and without otherwise limiting subsection (5), the Land and Environment Court is, in determining whether reasonable grounds exist, to have regard to whether or not the appellant was legally represented for the whole or part of the proceedings heard before the Magistrate.

The purpose of amendment No. 1 is merely to tidy up the wording of this provision from a drafting perspective, following an amendment moved in Committee in the Legislative Council. Proposed Government amendments Nos 2, 3 and 4 will remove the automatic right of appellants to have witnesses recalled on appeal simply because they have been unrepresented for the whole or part of the proceedings heard before the magistrate. Instead, under the Government's proposed amendments, it will simply be a requirement for the court to have regard to whether a person was legally represented at the earlier proceedings in determining whether special or substantial reasons exist for recalling a witness, without otherwise limiting the court's discretion in this regard. Amendments Nos 5 and 6 relate to amendment No 8, which I will come to.

I now turn to amendment No 7. In Committee in the Legislative Council the Hon. Richard Jones successfully moved an amendment to clause 133AN of the bill to substitute a new test for the Land and Environment Court to apply in deciding whether to recall witnesses on appeal. However, it appears that there was an omission to move a further amendment to subparagraph (5) of this provision to ensure that the regulation-making power referred to in the provision relates to the substituted test and not the former test. The Government's proposed amendment corrects that omission.

Proposed Government amendments Nos 5, 6 and 8 will remove the automatic right of appellants

to have witnesses recalled on appeal simply because they may have been unrepresented for the whole or part of the proceedings heard before the magistrate. Instead, under these proposed amendments, it will simply be a requirement for the court to have regard to whether a person was legally represented at the earlier proceedings in determining whether reasonable grounds exist for recalling a witness, without otherwise limiting the court's discretion in this regard.

Mr KINROSS (Gordon) [3.36 p.m.]: As I said when speaking to the bill earlier today, it is important that when a person has not been legally represented there be further discretion to allow the receipt of further evidence. The Minister referred to a new test in that respect. If there has been an omission, it is important that that be rectified for the benefit of the practitioners of this State and that those provisions be tidied up. I did raise a concern that the Minister still has not addressed. It relates to the extent to which evidence going to credit will under this legislation be automatically allowed, without having to seek leave on appeal to present that evidence.

As I said earlier, it is most important when the testimony of a witness on credibility is fundamental to the case of an appellant that the judge hearing the appeal have the full benefit of hearing that person's evidence and judging the demeanour of that witness in the witness box. Only then can one test the credibility of that person. That proposal was supported by a Federal Court case dealing with customs and excise. In that case an important point was made about character and the extent to which that character needed to be tested in the witness box. Other than those matters, the Opposition does not oppose these corrective amendments. However, the Opposition would like clarification of the taking of evidence on appeal where credibility is at stake and is in issue.

Mr WHELAN (Ashfield—Minister for Police) [3.39 p.m.]: I advise the honourable member for Gordon that provisions will continue to exist to recall witnesses on appeal. However, in cases involving witnesses who are victims of violent crimes special reasons will need to be shown before the witness will be recalled. In all other cases substantial reasons, as distinct from special reasons, will need to be shown before a witness will be recalled. For only special or substantial reasons the appellant may argue that the credit of the witness needs to be retested which may in the opinion of the court justify recalling the witness. I hope that satisfies the honourable member's concern.

Amendments agreed to.

Schedule 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.

**COMMITTEE ON THE OFFICE OF THE
OMBUDSMAN AND THE POLICE
INTEGRITY COMMISSION**

Report

Mr Gaudry, as Chairman, tabled the report entitled "Review of Ombudsman and PIC Reports", dated November 1998.

Ordered to be printed.

PUBLIC ACCOUNTS COMMITTEE**Report**

Mr Rumble, as Chairman, tabled the report entitled "Follow Up Report: Offshore and Off-target—Why NSW lags the field in overseas projects", dated November 1998.

Ordered to be printed.

REGULATION REVIEW COMMITTEE

**Report: Education Amendment
(Home Schooling) Regulation 1998**

Mr SHEDDEN (Bankstown) [3.42 p.m.]: The Education Amendment (Home Schooling) Regulation 1998 was published in *Government Gazette* No. 132 on 11 September. The Regulation Review Committee held a public inquiry into the regulation on 15 October and took detailed evidence from the Office of the Board of Studies and home schooling parents. The Legislative Council decided to disallow the regulation on 20 October, before the committee could finalise this report. The committee could not finalise the report earlier as it must provide a reasonable time for witnesses to correct the transcript.

The purpose of the report is to set out the details of the committee's inquiry into the regulation which preceded that disallowance and to recommend those matters that should be addressed before any regulation on the matter is made. The committee examined whether the regulation trespassed unduly

on personal rights and liberties, whether it was within the general objects of the legislation under which it was made and accorded with the spirit of that legislation, whether the objective of the regulation could have been achieved by the alternative and more effective means, and whether the requirements of section 4 of the Subordinate Legislation Act 1989 or of the guidelines and requirements in schedule 1 to the Act had been complied with.

While the committee was generally satisfied as to the legality of the regulation, the evidence presented to the committee shows that there was a failure to properly consult on the regulation and to assess it as required by schedule 1 to the Subordinate Legislation Act 1989. There was no clear costing to the regulation or effective examination of alternative options. Evidence presented on behalf of the Office of the Board of Studies showed a lack of understanding of the Minister's obligations under the Subordinate Legislation Act. It was repeatedly asserted that the consultation on the administrative guidelines that took place between 1991 and 1996 was sufficient consultation on the regulation.

This is clearly not the case under the Subordinate Legislation Act, which states that in determining whether and how the objectives of the regulation should be achieved, administrative decisions should be based on adequate information and consultation concerning the need for and consequences of the proposed action. No such consultation took place on the regulation before it was made. Accordingly, the committee was of the view that the procedures followed by the department in making this regulation did not comply with the Subordinate Legislation Act. In this report the committee recommends that in formulating the objectives of any proposal for a new regulation on home schooling the Minister should ensure that the objectives are consistent with the spirit and objects of the enabling Act and with other legislation. Concurrent guidelines should be consistent with the regulation.

The committee also recommends that in carrying out the assessment of any proposal for a new regulation all alternative options which can wholly or substantially meet the objectives of the regulation should be identified and evaluated in terms of their respective costs and benefits, and compared with the costs and benefits of proceeding with the regulation. These options must include the mandatory option of not proceeding with any action. In order for the Minister to discharge his responsibility under schedule 1 in respect of any

proposal for a new regulation on home schooling, the committee recommends that appropriate consultation should be undertaken with the members of the public and relevant interest groups upon whom the regulation will impact. The extent of that consultation should be commensurate with the likely impact on those persons and groups.

The impact on the personal rights and liberties of home schooling parents and the community in general must also be assessed in accordance with schedule 1 to the Subordinate Legislation Act 1989. Appropriate advice should also be obtained from Parliamentary Counsel in respect of any condition that specifies the time to be spent teaching in order to ensure its compliance with section 14(4) of the Education Act 1990. The committee recommends that any new regulatory proposal that requires the provider to demonstrate commitment to home schooling be drafted as a condition expressly requiring a continuing commitment.

In carrying out the assessment of any proposal for a new regulation on home schooling, the committee recommends that the Minister demonstrate that he has in place adequate arrangements to ensure that persons are appointed as authorised persons only if they have adequate training, qualifications and experience to perform their duties. The costs and benefits of current requirements relating to the keeping of records should also be assessed in light of the issues raised during the inquiry and an evaluation made including a provision enabling home-schooled children to have access to basic skills testing and to the grant of school certificates.

The assessment should also deal with the claim that provisions relating to the registration requirements of non-government schools are being inappropriately adapted to home schooling. At the conclusion of the inquiry the committee resolved as follows: That, while accepting the necessity for regulations relating to home schooling, the Education Amendment (Home Schooling) Regulation 1998 be repealed and redrafted after adequate consultation and assessment have been carried out in conformity with the requirements of the Subordinate Legislation Act.

After examining the regulation and evidence presented during the inquiry, the committee favoured a regulation for home schooling. That recommendation will need to be weighed up during the assessment process. Assessment of any regulatory proposal must address a number of options ranging from the mandatory do-nothing option through the minimal-intervention option

preferred by home schooling parents to the option of making a statutory rule incorporating provisions for testing home-schooled children. In view of the extensive public interest in the matter, the Minister should consider tabling the assessment of any proposal for a new regulation on home schooling. I commend the report.

Report noted.

JOINT SELECT COMMITTEE ON VICTIMS COMPENSATION

Report: The Collection of Restitution from Convicted Offenders

Mr STEWART (Lakemba) [3.50 p.m.]: The inquiry on the collection of restitution from convicted offenders was held at the request of the Premier following the discovery that convicted paedophile Anthony Reid had transferred his \$400,000 Narrabeen house for the sum of \$1 to avoid paying restitution. From Reid's actions it became clear that the Victims Compensation Tribunal does not have sufficient power to deter, prevent and reverse such property transfers. The committee has recommended a number of ways in which the tribunal can be given additional powers by legislative amendment.

The committee questioned Anthony Reid's ability to transfer his property to his brother for \$1 to defeat any subsequent restitution action. The property is now owned by Anthony Reid's brother, and as no money changed hands the tribunal cannot seek restitution from any purchase moneys involved in the transfer. The committee received evidence from the Land Titles Office that provided the transfer documents were submitted in the proper form and that stamp duty was paid on the market value of the property, the office is obliged to register the transfer. Only in cases where fraud has occurred or where a caveat has been lodged might the transfer be set aside. Unfortunately, that did not happen in this instance.

The committee questioned whether the Victims Compensation Tribunal should have lodged a caveat. The Crown Solicitor provided advice that the tribunal does not have sufficient legal insurance in real property of convicted offenders to lodge caveats. Therefore, if before restitution proceedings commence the tribunal becomes aware that an offender is about to transfer a house in similar circumstances to the transfer of Reid's house, the tribunal has no powers to prevent such disposal of assets. The committee considered that in those circumstances the Victims Compensation Act

required amendment to provide the tribunal with the power to prevent an offender disposing of assets before restitution proceedings are commenced.

The second legislative requirement is to provide the tribunal with powers to seek an order of the court to declare transfers of property void if such transfers were made to avoid paying restitution. All submissions that the committee received stated unanimously that the tribunal needed more power to pro-actively prevent the disposal of assets and to retrospectively declare void transfers undertaken by the offender in contemplation of those assets becoming the subject of restitution proceedings. This power will ensure that in cases similar to the Anthony Reid case the tribunal could take court action to have the transfer of the house to his brother declared void. The property would then return to Anthony Reid and that would enable the tribunal to take action against him seeking compensation for the victims of his crimes.

The committee considered a number of options to enable the tribunal to declare transfers void. One option was to create powers similar to the provisions of section 121 of the Bankruptcy Act. That section confers power to the trustee of the bankrupt to seek a declaration that the transfer of the property from the bankrupt to another person be reversed if the main purpose of making the transfer was to prevent the property from becoming part of the bankrupt's estate, and therefore divisible by the transferor's creditors, or if the transfer was to hinder or delay the process of making property available for division among creditors.

Anthony Reid blatantly transferred his property to his brother to avoid paying any money to the victims of his crimes. It would appear likely that his brother was aware of the reason for the transfer. However, in some cases an innocent and unsuspecting person may purchase a property completely unaware that the vendor is selling it to avoid paying restitution. To avoid an innocent purchaser being deprived of the property, the committee considered that powers similar to section 122 of the Bankruptcy Act be granted to the tribunal. This section provides a specific guarantee that the innocent purchaser has a claim against the offender for the return of the purchase moneys.

Similar powers are contained in the Confiscation of Proceeds of Crime Act. Authorities have the power to take out restraining orders and to seek forfeiture of property that was either gained by the offender through the commission of the offences or used in connection with the commission of offences. The order may be sought before or after

the offender is charged with an offence. The Victims Compensation Act must contain similar provisions to ensure that the tribunal may take action at the earliest possible time. It should be noted that Anthony Reid transferred his property in the period between his conviction for serious sexual assaults and receiving sentence by the criminal court. Submissions to the committee generally supported the tribunal having power to declare transfers of property void and reverse them if the transfer was to avoid paying restitution. The Legal Aid Commission stated in its submission:

It is essential that assets of convicted offenders be preserved as much as possible for payment out to victims of crime.

The committee's discussion paper raised the question whether the Victims Compensation Act should create an offence when an offender transfers assets in order to reduce or avoid the obligation to pay restitution. It is questionable whether a financial penalty would deter an offender who is no longer in a financial position to pay after the asset has been disposed of. It is questionable also whether a financial penalty will deter an offender currently serving or about to commence a long term of imprisonment. However, the committee is aware that in many cases before the tribunal the offender has received or will receive a prison sentence. A penalty imposed in those cases may be a significant deterrence.

As restitution action is not commenced until payment of compensation has been made to the victims of crime, this payment may be well after the offender has been convicted. When restitution action is taken, the tribunal is almost totally reliant upon the convicted offender disclosing the true extent of assets. It is obvious that it would be not in the offender's best interests to be completely truthful. It is probable that the tribunal would never have become aware of the transfer of Anthony Reid's house to avoid payment. It was only because the solicitor representing one of the victims had the tenacity to search land titles records and located the transfer.

This information was passed on to the honourable member for Manly, who was the victims' local member. The honourable member for Manly in turn informed the tribunal's director of Reid's actions. The volume of cases determined by the tribunal makes it administratively cumbersome for it to conduct Land Titles Office searches in every restitution case. Few offenders have significant assets, which makes the cost effectiveness of routine searches questionable. Further, under Commonwealth and State privacy laws the tribunal

is currently prohibited from inquiring into the contents of bank accounts, shareholdings and superannuation entitlements of offenders.

The tribunal is prohibited also from obtaining information about whether the offender receives unemployment benefits. The committee was told that information about the financial positions of offenders is currently held by other agencies within the Attorney General's Department but is not provided to the tribunal. It is contradictory if the tribunal has been granted powers under the 1996 Act which place an obligation on government departments such as the Roads and Traffic Authority and the Police Service to release information to the tribunal concerning the whereabouts of the offender when evidence of the offender's assets is not being provided by the tribunal's own department. The tribunal should not have to go on fishing expeditions when information is already being held by other agencies in the Attorney General's Department. The New South Wales Government remains committed to making offenders pay victims compensation. It remains to be seen whether that is feasible. This is totally appropriate.

The Anthony Reid case demonstrates that some convicted offenders have substantial assets, and those assets need to be recovered wherever possible. The purpose of restitution is to ensure that offenders are made responsible for the injuries they have caused to their victims. The Victims Compensation Tribunal is charged with the responsibility of pursuing all convicted offenders and seeking full reimbursement for the compensation paid by the tribunal to the victims. All government departments and agencies are obliged to provide assistance in this endeavour. The recommendations contained in the committee's report will help make the victims compensation restitution system more effective and prevent further avoidances such as that which occurred in the Anthony Reid case.

Mr KINROSS (Gordon) [4.00 p.m.]: I shall speak only briefly, as I am not a member of the committee. Nevertheless I am concerned about the extent to which victims compensation is appropriately disseminated to those who have suffered at the hands of criminals. The honourable member for Lakemba spoke about the distinct attempt by Anthony Reid to pervert the law by trying to siphon off, Christopher Skase style, his assets into another person's name and thereby prevent a restitution order being made against his property. The *Daily Telegraph* expressed concern and outrage in its front-page report on the extent to which the law was inadequate and had been overturned by a person who should have been made to pay compensation for his crimes.

This is an important attempt to give continued strength to a standing committee to review legislation. Earlier today I said that it is important to ensure that restitution orders can be made to create charges on people's property and that counselling—which was proposed in the Opposition's amendment to an earlier bill—is provided to those who suffer anxiety and nervous shock. I recounted the story of Stella, a 19-year-old who was held up at the pharmacy in which she worked. People like Stella must receive counselling so that they can understand what they have to deal with and overcome their injuries. It is only when adequate resources are provided to give teeth to these provisions that this Government will be considered to be sincere.

Much has been said recently about the lack of resources generally. The Ombudsman cried out for resources. She spoke very seriously about the concerns of her staff and reported that they were suffering breakdowns because of extra pressure and a heavier work load. Similarly, we must ensure that resources are properly disseminated to victims, and that we do not have the unfunded and hollow promises that one has come to expect from this Government, which has a record of broken promises. Victims must be provided with sufficient counselling to ensure that they overcome the deep scars they would otherwise live with for the rest of their lives. On that basis, this report is welcome and long overdue. When the coalition wins government next March it will ensure that the procedures of the Victims Compensation Tribunal are streamlined and implemented.

Report noted.

VALEDICTORY SPEECHES

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [4.05 p.m.]: I move:

That this House places on record its appreciation of the contribution made to the State of New South Wales by those members retiring at the expiry of the Fifty-first Parliament.

Mr LANGTON (Kogarah) [4.05 p.m.]: I thank the Leader of the House for affording me this opportunity to speak. It is probably fitting that I should wait until my last day in this House for the Leader of the House to tell me what would happen and when it would happen. I thank all those who have assisted me and supported me over the past 27 years, 12 of which I spent in local government on Kogarah council and the last 15 in this place as the member for Kogarah. In my political career I have worked with some of the most professional and

caring people I have met anywhere: people who have literally given their lives to try to make a difference; people who have not been ashamed to shed a tear at injustices and have not been afraid to speak up against those injustices.

I thank all those members of my party who have given me great strength during my time here and, in particular, over the past 12 months. Politics is sometimes like sport—all the good bowlers are not necessarily on your side. I have made friends on the other side of politics, friends who have not been shy in supporting me in times of difficulty. I joined the Labor Party when I was 15. As each of us turned 15 my father dragged us by the ear down to the local branch to join up. Some stayed; some did not. Some left and came back. I left, and came back when I was 27. But none went to the other side. It was not just a matter of being in the Labor Party; it was about believing in social justice and in the intrinsic link between the industrial and political wings of the party.

That link is the foundation of the Labor Party and it must never be permitted to weaken. It is the heart and soul and meaning of our existence as a party. Being a Labor member was and is knowing that the party is the only one capable of representing the poor, the sick, the needy, the downtrodden, and those who are—for whatever reason—unable to fend for themselves, and embracing those who can contribute. That gets down to the rationale of government. Governments have been in existence for centuries, and for a very good reason. Only governments can provide the four basic services that people need: schools, hospitals, police and decent transport. They are basic social services which cannot be dictated solely by a profit motive. They must always be provided as cost-effectively as possible but, in the end, they are social services.

I want to speak briefly about one of those services: public transport. I am proud of the emphasis that was put on public transport, and the significant increase in patronage, during my term as Minister. I am particularly proud that I was able to put accessible public transport on the national agenda for the first time. We now have a target date for all public transport in Australia to be accessible. I leave behind just one message: I ask all members to ensure that those who may seek to weaken the gains made in transport for the disabled are not allowed to succeed.

Sometimes you believe you can make a difference in this place. I shall give a few examples of things that have happened to me. I first recount the story of a good friend of mine, Kevin Byrne,

who is a couple of years older than me and who became a paraplegic when he was a teenager. About two years ago Kevin rang me. The message was very simple. He said, "Brian, I got public transport to work today." That was the first time he had been able to do so since he was 16. He said, "It was only you who did that—accessible buses, accessible bus stops and an accessible railway station at Kogarah." That message meant so much to me. I knew that I could make a difference.

Who could forget John Hogan and his hearing ear dog, Donna the Dog? Everyone at the railways knows them. I seek indulgence to tell one other story about a woman by the name of Shirley Williams. Shirley's story was in the paper so I am sure that she will not mind me mentioning her name. Shirley had a daughter who was 45 when she died earlier this year. Shirley's daughter was intellectually handicapped and confined to a wheelchair. After her death Shirley wrote to me. She said:

Dear Brian,

Usually I don't write to polities but you have been having such a rough time lately, I had to tell you how much happiness you have given us, with the wheelchair buses. I have enclosed a cutting from the *Leader* which will tell you our story.

No matter what happens to you in the future please just remember how much happiness you gave one beautiful special girl.

Our purpose here as part of the democratic process is to raise individual concerns on behalf of our constituents as well as deal with the big issues that affect the whole State. We grapple with those issues, and it is not always easy. It is not made any easier when we are sidetracked by the petty and the trivial. My hope is that the great majority of members who seek to find solutions to the major problems continue to do so and have great success.

Some of the things I have achieved would not have been possible without the inspiration and the dedication of public servants with whom I have worked, some of the most talented and committed people one would care to meet. I thank all of my staff, who have been extraordinarily committed and loyal to me. Loyalty is a rare and precious commodity, and I found it in abundance in my staff. The opportunity to serve as a Cabinet Minister is a rare and great honour. I thank the members of the parliamentary Labor Party for the honour they gave me: the chance to serve in a Carr ministry.

I also thank the people of Kogarah, who have put their faith in me for the past 27 years. I pay particular tribute to two people. Ken Cavanough has

been a mentor and supporter of mine for many years. Ken will be 93 next week and until last year he was my representative on the Kogarah traffic committee. Ken has been involved in every major project in the Kogarah area since the 1920s. He still proudly recounts the fact that in the 1930s he marched in support of Jack Lang. He is a true legend. I pay tribute too to Edna Hall, who has been my unashamed flag carrier in Kogarah since forever. Thanks, Edna.

It has been said of life that the pain of bad times is deeper and lasts longer than the joy of the good times. That is true, so I shall not canvass anything that may be a painful memory, but will read onto the record the final paragraph of the recent judgment on a matter I took to the Supreme Court. The judge stated:

I repeat, as stated earlier in this judgment, that nothing I have written is—or should be construed as being—a decision by this Court as to whether the plaintiff has engaged in corrupt conduct. I have not decided that question, nor expressed any opinion on it. The same is to be said about ancillary recommendations by the Commissioner. I have not decided or expressed any opinion about those matters.

Finally, I thank my wife, Elizabeth, and our three daughters for the support they have given me. It is trite to say that families cop a lot because of a family member being in politics, but it is also very true. To Elizabeth and the girls I say thank you, and for better or worse now you are going to have me back.

Mr SCHIPP (Wagga Wagga) [4.15 p.m.]: I am pleased to speak to this motion. I wish all honourable members, whether retiring or otherwise, very best wishes for the end-of-year festivities and, for those staying on, for the run-up to the next election. I wish those honourable members who are retiring well. I wish them every happiness, good health and I hope they meet the ambitions they set for themselves. That does not prevent me, of course, from hoping for a change of government in this Parliament. I hold no grudges or malice in this place.

Honourable members have just witnessed in the contribution made by the honourable member for Kogarah the sincerity and dedication that most members bring to this place. I do not know of any honourable member who is here for selfish purposes—although we may be told about that from outside. I have been a member of this place for 23 years. By March I will have been a member for 23 years and four months, so this is a time of mixed emotions for me. Those of us who are leaving look

forward to the future, but we obviously also think about the past. I, too, have been proud to serve in this place.

It may sound strange when I say that my career as a member of Parliament had very reluctant beginnings. I do not say that I was shoved, but I was certainly pushed into becoming a member of Parliament. As I said at lunchtime to the members who are retiring, the first day I came to Parliament I walked into this place never having seen it and having attended only one Liberal Party State Council meeting. I had a rapid introduction. When you come to this place by way of by-election—as Garry West did later—you are very much on your own in this place. In those days we did not have introductory lessons and courses.

Since 1824 this Parliament has had 2,350 members. Of those members, 461 have been Ministers. The honourable member for Kogarah has said that he is proud to have been a Minister, and so am I. Obviously, it is not necessary to be a Minister but I guess you feel you have achieved a little more if you have been appointed a Minister. I grew up as part of a strong Labor-voting family. My father was a true blue, or perhaps a true red—

Mr Anderson: A true believer.

Mr SCHIPP: Yes, a true believer. As young blokes, my brother and I thought that my father may have been a commo. In fact he was an old-style Labor man. On the occasion of my preselection—in the wrong camp, as my late father saw it—my father said, "I always knew he'd get on. He always had to be on top of everything. In organisations he joined or in sport he wasn't happy until he was right at the top. He'll make a heck of a good member. If he does something, he does it well." I hope that I have achieved what my father suggested I might. My wife's father was a dedicated Liberal, which probably influenced me in part. Between the two, I had very good support.

My mother is still alive at the age of 92. If she ever met a bloke named Fahey, I would not want to be in his shoes. I was proud to serve in the Greiner Cabinet, a good Cabinet which set many new directions. That certainly made my experience in this place all the more worthwhile. I do not know how I would feel now had I not had that opportunity. I was pleased to be able to head the ministries of housing, water, sport, recreation and racing. While others will judge our performance, I believe that we made considerable cultural and directional changes in those portfolios. Every piece of housing legislation was rewritten.

In our party room today mention was made of the retirement villages legislation, which was the first such code in Australia and perhaps in the world. We made some achievements there. I missed out on only one and that was the boarding houses legislation. A new member named Tony Windsor came to this place and voted on one of the amendments in Committee. I thought he had got it wrong but he had done a deal with the then honourable member for Bligh and voted against the critical part that the coalition could not accept, so we did not proceed.

The other thing I think about is that I have been able to represent the city of Wagga Wagga, the premier inland city and certainly the largest. Other honourable members may not agree with that. I have represented the electorate of Wagga Wagga in its various formats. As each redistribution came about the electorate dropped off territory, got new territory or whatever. I have represented not only the city of Wagga Wagga but Junee, Coolamon, Ganmain, Yerong Creek, and many other places in the electorate. I hope that I did the right thing by the constituents. I have developed a strong empathy with the needs of smaller communities living close to larger populations.

If honourable members say that they have enjoyed their time in this House people might think that they have been wasting their time. For me it has been a worthwhile experience. The experience obviously broadens one's perspectives to a much wider vista when one considers what is happening here and in the community. One gets a better understanding of society and how to address issues of society. A large component of the local member's role is being an ombudsman for the local people. If members are not in the business of trying to get results for their constituents they would have an ordinary existence because that keeps a local member buzzing along. When members achieve something for their constituents, whether it be an answer after having been frustrated by bureaucracy or a larger result, the low-income constituents, as I well recall from my days in the housing portfolio, are often the first to send Christmas cards. If I placed people who have been on the waiting lists for years into housing accommodation they were the first to think of their local member at Christmas.

I have had my share of pressures in the job—at one time in a big way—but we come through that and show that we can stand the heat and survive. It probably makes us stronger and, I hope, not too bitter and twisted. If members believe they have been treated in a disloyal way there is no way that can be put out of their minds. They can get on with

something else but occasionally those other issues come back to them. Obviously, one cannot survive in what I call bush politics without family support. My wife, Rhonda, is probably more of a politician than I am. She got very engrossed in the job and, as I have said in other places, she will probably miss it more than I will. Somebody watching reports in the media and wondering what it is all about must find it different from someone who is in the fray and sees what is going on. My wife enjoys electorate work, and I do not think she will quit for a long time to come. My sons and daughters-in-law have been strongly supportive.

One of my personal staff, Paula Spencer, who has been with me for years, today collected a 10-year loyalty service award. Margaret Pulver has been with me for 18 years and Brenda, who is job sharing with Margaret, has been with me for seven years. Of course throughout the decades there has been a host of other staff, all of whom I do not have time to mention. When I was appointed to the ministry I did not have anyone lined up to be on my staff. Mrs Annette Simpson was recommended to me around the corridors. Although I had seen her in Parliament House before I did not know her. We started as a two-man band, although I did not know whether she would be secretary, assistant secretary or whatever. I regard her contribution as important. I pay respect, as I did earlier, to my parliamentary colleagues, against whom I hold no grudges or malice. Everyone is here for a good and proper purpose. They obviously follow different directions but that should not enter the personal side of relationships.

I am disappointed that there is a division between a lot of the newer members in this House. In the early days it was much more of a fraternity, and that should be re-created. The other night at the feather dusters Christmas party honourable members got together and had a sing-song and a bit of bungled magic. Throughout my time the parliamentary staff in the dining room and the library and the attendants have been wonderful. They have always helped, and all honourable members should respect them and the roles they play. Members need the loyal and faithful branch managers, as they are called. The original pre-selectors chose me from a line-up of nine people. The aftermath was something to behold because they all had their own ideas about who should have been the candidate.

At the moment a preselection contest is taking place at home. I thank all those who have voted for me throughout my career. I thank everybody for the goodwill they have shown and friendships that have

been created. I particularly single out Gerald Beresford Ponsonby Peacocke because over the time we were thrown together we created the feather dusters club, which will live for a long time. In the streets I have met many people who ask about the feather dusters. The media knows about them. The feather dusters provided a place for a little solace for people who were threatened by a particular Premier at one time. We were inundated when those threats were made. Our place is where people from both sides of the House came for a bit of hospitality, a laugh and a bit of a let-down if they were feeling the heat from their own party.

The fact that I have been a long-serving member does not make me any better than anyone else. Twenty-three years and four months is not a record. Since 1894 the Wagga Wagga electorate has had seven members, none of whom have served longer than me. That of itself is a record. The next longest serving member served for 17 years. The other interesting part of my career was in the Wranslide years. I served in an opposition in 1978 that had 35 members: 18 Liberal Party and 17 National Party. In 1981 when Mr Wran had said that my seat would be the next to fall I actually gained a swing of 6 per cent. The coalition ended up with 27 members who, it used to be said, could meet in a telephone box. Almost everyone got a guernsey as leader and I was the only surviving Liberal rural member—I was going to say country member but there is a story about that.

Mr Beckroge: We remember!

Mr SCHIPP: I knew you would say it, Bill. I served under nine Opposition leaders and seven Premiers. I hope there will be another coalition Premier in this Parliament after March. I hope I have made a constructive contribution and that some benefits will flow from my time here. I know some people say that I am an old has-been, to which I reply that it is better to have been a has-been than a never-been. People can please themselves about that. In my electorate significant changes have occurred to which I believe I made a contribution. Since 1975, when I entered Parliament, the population at Wagga Wagga has grown from 34,000 to 58,000. We have experienced many important gains, too many to enumerate. Probably the most lasting achievement with which I was integrally involved was the naming of the Charles Sturt University.

But for the fluke of me walking into this Chamber at 9.30 p.m. and finding John Dowd, as Leader of the House, putting forward legislation, it would have been named the Riverina-Murray Institute of Higher Education as a college of the

University of New South Wales. Over a few turbid days and through two Cabinet meetings that institution was classified as the Charles Sturt University. It has been a huge economic boost to my electorate and to all those it now services. A former leader of the National Party, Wal Murray, tried to snatch the Junee Correctional Centre. The Premier of the day gave me the chore of taking on Wal Murray in Cabinet. I won that battle and the correctional centre went to Junee instead of a National Party electorate.

There is no doubt that the growth of regional centres has stagnated. I am pleased that Peter Collins is leading a policy which will see money, not just rhetoric, to assist the growth in country areas. That is essential. I hope the statements that there will be a catch-up on capital spending after the Olympics are true and are not promises that go missing at a later time. I hope I leave my electorate in good shape, but I will leave others to judge that. Last week the honourable member for East Hills spoke about the loss of public esteem for members of Parliament, and that concerns me. That is partly our own fault because we take cheap shots at one another in an attempt to score political points. Each time a point is scored, down goes the reputation of politicians once more. We probably need to call a truce in that regard.

If we do not people will not want to be members of Parliament, because they know they will become fair game for the media's attacks and for exaggerated reporting. That results in damage to personal reputations and to families. That is not a fair go. Honourable members have to be careful about a minority government; we have lived through that and it is not a productive way to govern the State. I hope that the voters will realise that if they go down that path they will fall for the three-card trick and all they will get, through no fault of the government of the day, is a bad government. I would rather have a majority government, whichever way it goes. We do not need ego-trippers who feel they are superior to everyone else.

I would like to be remembered for having secured the installation of digital clocks inside and outside this Chamber. For 10 years I asked different Speakers to supply them and finally Speaker Rozzoli succumbed to my request. Those clocks probably save a few members from having heart attacks as they rushed towards the Chamber. Regarding security of this building, I believe it is necessary that we have a system of colour-coded pass cards showing what areas people are entitled to enter. Constituents wander in and out of rooms throughout this building, and that is partly the fault of members;

constituents often decide to visit other people in this building. Attempts at securing the building have been made but people wandering around could cause a problem in the future. The protocols of ministerial visits need to be watched. Ministers often do not say that they are visiting areas; local members' names often do not appear on plaques. I will take up that issue at another time, and say farewell to everyone on a happy note.

Mr RUMBLE (Illawarra) [4.34 p.m.]: As one of the members of the Legislative Assembly who will not return in 1999 I wish all members who are retiring all the best in their retirement and point out that members of the Legislative Assembly do not come here by invitation. Most of us have to go through the trauma of preselection ballots or, alternatively, have to fight to gain a seat in Parliament in a general election. It is no easy ride to get here. It involves a lot of hard work and commitment. Before I go any further I wish all honourable members a happy Christmas and the best for 1999.

I have been a member of this House for 11 years, seven years in opposition and four years in government. I am proud to have served under my friend and colleague of 30 years, Bob Carr. He led us through seven long years in opposition and for the past four years has done a superb job as Premier. I am confident he will win in 1999, but I will not be the candidate for the State seat of Illawarra. I have been privileged to have been a member of the all-party Regulation Review Committee, and a member of the Public Accounts Committee for eight years, with four years as its chairman. I had longer experience with the Public Accounts Committee, which was bipartisan. We never brought down minority reports but always thrashed out problems in a completely harmonious and friendly manner.

I thank the staff of Parliament House for their assistance. I thank the people in the library, those who deal with bills and papers, the attendants, the staff of the dining room and all those who make our jobs a lot easier. I am pleased that since becoming the member for Illawarra numerous projects have been completed in my area, including the sewerage for Mount Kembla. Joe Schipp was the Minister for Housing at that time, and he attended the opening of that project. That area was the last in the electorate of Illawarra that needed sewerage. Noise pollution barriers have been erected at Farmborough Heights on the Unanderra to Moss Vale railway line. This capital expenditure was very much needed. The Illawarra electorate has received a water treatment plant at Kembla Grange.

Many members have experienced problems with bureaucracy and I faced that problem regarding that water treatment plant, because the bureaucracy wanted to construct that plant in the middle of a residential area. The authorities had promised to hold a public meeting but reneged. I had to raise merry hell to hold a public meeting to discuss this. The bureaucrats went back to the drawing board and decided on another site for the plant—not Farmborough Heights but Kembla Grange. Members of the Government and the Opposition have to be very careful in dealing with bureaucrats. I know that the senior bureaucrats who were residents of Sydney did not consider the attitude of my constituents.

Another matter that came to fruition was the electrification of the railway line between Coniston and Dapto. The Government has made a commitment to electrify the railway line from Dapto through to Kiama by 2002. That will be greatly appreciated by the people of that area because people as far south as Kiama have to seek work outside their local districts as there is insufficient work in the Illawarra region.

I would like to raise another matter which may in the first instance seem a simple type of matter, but it caused a great deal of concern in the suburb of Unanderra: that is, the reintroduction of a right-hand turn at the intersection of Tannery Street and the Princes Highway. I had made numerous representations about this issue. I was getting nowhere, and made a personal approach to the Minister of the day to get something moving on it. That is another instance of problems encountered with bureaucrats who will not budge on these types of matters and one has to see the Minister of whatever government is in office. I congratulate the Government on the relocation of the Unanderra Public School from Unanderra to Cordeaux Heights. The old school had outlived its usefulness. Quite obviously, when the new school opens next year, it will be of great benefit to the local area.

I would also like to say that I would not have become a member of this place in the first instance unless I had had the support of the Australian Labor Party. Without that support, I would not have had the opportunity to gain the majority support of the electors of the State electorate of Illawarra. I place on record my appreciation of the support that I have received from the electors of the electorate of Illawarra in the three elections that I contested.

I would like to recognise in this speech members of the Australian Labor Party who are current office-bearers or who have assisted me in the past. I have been involved in three State elections.

Patrick Heffernan was my campaign director in one of those elections. Mark Yates was the campaign director in the other two elections. There have been only two presidents and two secretaries of the Illawarra State Electorate Council of the Australian Labor Party in the time that I have been the State member for Illawarra.

When I first became a member of Parliament David Hamilton, a councillor of Shellharbour council, was president of the Illawarra State Electorate Council of the Australian Labor Party. Cec Glenholmes, now the mayor of Shellharbour, is the current president of the State Electorate Council. The previous secretary of the electorate council was Tom Hawker, a former councillor of Shellharbour council. The current secretary of the Illawarra State Electorate Council is Paul Gunning.

I would also like to mention the support I have had from people in the branches of the State electorate. I acknowledge the presidents and secretaries who currently hold that office. In the Mount Kembla branch are president Neil Barnett and secretary Paul Scully; in the Unanderra branch, president George Bartello and secretary Mark Yates; in the Dapto branch, president Fay Campbell and secretary Alan Cunynghame; in the Warilla branch, president May Hudson and secretary Marianne Saliba; and in the Albion Park branch, president Neville Hilton and secretary Tom Hawker. Without those people, who freely give of their time, people like me and other members of Parliament, whether members of the Labor Party or any other party, would not be able to function in this place. Without their support, we would find life as members of Parliament very difficult, especially at election time.

I would like to pay special tribute to my staff members. Noeline Sinclair has been with me for the time that I have been a member of Parliament. She was one of the parliamentary staff who today was presented with an award for 10 years of service. Suzanne Naumovski has been with me since I became a member of Parliament. Suzanne already has received an award, having completed 10 years of service. I pay tribute also to those who come in on a casual basis, Vicki Williams and Marianne Saliba.

I make special mention of Alf Whiddett, the vice-president of the Dapto branch of the Australian Labor Party. I regard Alf as a political adviser. He has always given me good counsel and advice. I have much appreciated the advice that he has given me on many occasions. He is also my representative on the Wollongong Traffic Committee. I will be supporting Marianne Saliba for preselection as the

Australian Labor Party candidate for Illawarra. Marianne, who is the secretary of the Warilla branch of the Australian Labor Party, has been an activist in the Labor Party for many years as well as an activist for many community groups. I am quite sure Marianne will have the support of the vast majority of Labor Party members in the State electorate of Illawarra.

Finally, and probably most importantly, I would like to thank my wife, Patricia, my daughter, Leisa, and my son, John, for their assistance, and in many cases their perseverance, before I became and while I have been a member of Parliament. Going through the processes of seeking Australian Labor Party preselection in the Illawarra region is no easy task.

Mr PEACOCKE (Dubbo) [4.45 p.m.]: I make this, I suppose my final speech to the House, with mixed feelings and not without considerable regret. Yet of course I know, as I suppose all of us do, that the time has come for me to go, and I would much rather my constituents feel sorry that I have gone than sorry I stayed. By and large, I have enjoyed the past 18 years in this place—although, not surprisingly, there have been many moments of anger, disappointment and frustration, interspersed with some triumphs.

Those feelings are common to all of us, simply because there are a lot of fools around who cannot see that we are always right! In that regard, my greatest but most constructive critic is my wife. Nancy is a very loving wife, and I love her dearly. I remember when I was a young lawyer and had just started to practise in the courts. I had been going pretty well, winning quite a few cases, then appeared again before a particular judge whom I clashed with on a regular basis. I came home one day feeling very upset about his attitude, and I said to Nancy, "That bloody judge so-and-so thinks he's god." She said, "Well, darling, that can't be true: you know you are." She carried that trait through my political life, bringing me back to earth on a number of occasions on which I was getting too pompous and carried away with myself.

I suppose most members of this place have asked themselves, "What does it all mean?" I do that on a regular basis—and I have never found out! When one looks at it, members of this place—members of the only institution that is run by the inmates—are from a broad cross-section of our society. I suppose that is how it should be. It is what makes this Parliament a democratic institution—although in my long time here I have observed that it is only democratic when one is in government,

and then sometimes only for the ministry. Most members on the backbenches, I am sure, would feel that way.

My major regret on leaving this place will be that inevitably I will lose contact with the many friends I have made on all sides of Parliament, with my constituents, and with people from all parts of Australia and in fact internationally. I realise that there is no-one so soon forgotten as a former member of Parliament. But I, like all of us who are leaving, hope that occasionally the ongoing members will spare us a kindly thought, miss us just a little, and remember that each one of us has contributed something to the wellbeing of our constituents and our country. I must say that I have enjoyed all members of this Parliament. I have not disliked anyone—except one, and he is not here any more. I pray every night that lightning will strike him, but without success. The good Lord has not answered my prayers. Be that as it may, I hope I leave this place with genuine, sincere and deep friendships with you all.

I will also miss very much the staff of this Parliament, amongst whom I have made many firm friends over the years. Many members take the staff for granted, but personally I could not have wished for a more friendly, courteous and obliging group of people. As I cannot remember even one for whom I have had the slightest dislike I will not single out any of them for special comment. I am sure they know how highly they rank in my esteem and that of all honourable members.

Like all honourable members, I have mixed feelings about the press gallery. There have been many fine journalists in the gallery from all sections of the media; by and large they have been as objective as their editors would allow. However, it is the nature of things that they place their own emphasis on what we say, and often that is irritating, to say the least. From time to time there have been some vicious and underhand little snakes in the gallery who seem to delight in depicting all members of Parliament as low-grade, self-serving morons. They seem to take a mischievous pleasure in distorting and manipulating the truth, and they do no service to our democracy. Fortunately they are in the minority and they are usually despised by their more ethical colleagues, who are in the majority in the gallery.

I echo the comments of my colleague and close friend the honourable member for Wagga Wagga, Joe Schipp, who said that we bring a lot of it on ourselves because every time we denigrate one another we drag ourselves down. I leave honourable

members with one message: stop doing that because the media love it. The media would love to see us all being dragged down to the point at which we become a hated section in the community, which is wrong.

Mr Shedden: They are all up there writing this down.

Mr PEACOCKE: I suppose they are. Often they are not in the gallery; one wonders how they can report on what happens in the House when they are not in the gallery. As I said, Parliament is made up of an interesting cross-section of the community. That fact has led to a variety of memorable incidents during the years I have spent here. All members have a distinct style of operation and speech. Some are a delight to listen to; others are boringly dull and often remind me of social comment by the famous American columnist Dorothy Parker who, when informed that American President Calvin Coolidge was dead, commented, "How can they tell?" Some members are addicted to the turgid diatribe, especially in question time. Indeed, I have indulged in turgid diatribe from time to time.

Many are unfailingly prolix and their answers in question time are deliberately lacking in propinquity and perspicacity, and deserve severe excoriation by the Speaker. On the other hand, some—although they are rare—are extremely sagacious and are studiously restrained notwithstanding the blather of their colleagues. Many strange people have come through this place. When I first came here, bright eyed and bushy tailed, ready to conquer the world, and the greatest orator of all time, I remember one Labor member who was a strange fellow in that he was very much to the left of the Communist Party. However, for some reason he took a liking to me and befriended me.

Mr Shedden: He didn't take a liking to me.

Mr PEACOCKE: He is no longer here—he has not been here for years. One day the Labor member said to me, "You know I'm psychic." I thought he was joking. I asked him whether he was sure and he said, "Yes, I got it from my dog." When I asked him how he got this quality he said, "My dog used to follow animals going to die. Invariably if he followed an animal it died. I seemed to get the quality from him. I got this gift when I was about 11 years of age, and I used to be able to predict lots of things." He told me that one day he was shopping with his mother in the village where they lived. Suddenly he got an inspiration and said to his mother, "Dad's dead". I asked him whether his dad

was dead and he said, "No. My mother gave me a hiding and took me home just to make sure that dad wasn't dead because she knew of my psychic powers." He said that his father was at home as large as life and as happy as Larry—he could not understand it. He then told me that he had lost the gift because the only person who died in the village that day was the milkman.

Speaking of perspicacity reminds me of the legendary verbal battles between my late colleague and leader Leon Punch and Premier Neville Wran, better known as Nifty. I well remember one day the atmosphere during question time was tense. Nifty, in replying to a fairly loaded question from Punchy, happened to mention the word "perspicacity", whereupon a Labor member whom most of us would remember, Peewee Bannon, piped up and said, "I knew his brother Hopalong". I mention that because it caused a burst of laughter around the Chamber and relieved the tension. Honourable members should remember that a bit of humour at the right time can do wonders to get members back on track so they do not punch one another across the bar table.

Punchy and Wran hated each other, which was a pity because they were both personal friends of mine. As a solicitor I had briefed Neville Wran for about 15 years when he was a barrister. When I went to Government House to have a piece of fruitcake after I was first elected I spoke to Neville for about half an hour; we had quite a good conversation about all sorts of things. When I returned to the House I received an urgent command to report to Leon's office, where I was subjected at considerable length to the most searching interrogatories on why I would do such a thing and what we discussed.

Those who knew Punchy would remember that he was a redhead. He was interesting to watch when he got angry because his head was like a thermometer; the redness would spread gradually from his neck to his forehead. As we got to know Punchy we would, if we could, leave once the redness reached a certain point. Colourful as these conflicts were, they were in fact a great pity because they led to the form of question time we have today. Our misuse of question time is one of the great failings of recent Parliaments, and I hope that that is corrected. Being a good member of Parliament does not turn solely on one's performance in the House. Our most productive time is often spent in our electorates, where we are, in effect, the local ombudsman.

Over the years it has been a great pleasure to help thousands of ordinary people. If there is any honour in being a member of Parliament it lies in having the respect of the people we represent. I am grateful to have had the honour of representing as many wonderful people as I have in my electorate for so long. Some funny things happen in electorates at times. I remember being in the pub in Nevertire when it was a little village of about 50 people. A young, fresh-faced ABC female reporter was conducting interviews, I was at the bar having a drink and an old bloke was sitting on a stool. The reporter walked up to the old man with goodwill and said, "Have you lived here all your life". He looked her straight in the eye and said, "Not yet."

I place on record my sincere thanks to the excellent ministerial and electorate office staff I have had over the years. I could not have asked for more from them all. In particular, I thank my present staff Therese Bear and Anne Steedman. They are very pleasant, competent and patient, and their service to me and my constituents is legendary. I am deeply grateful to them both. It is a great feeling for members of Parliament to know that things will be pleasantly and competently handled when they are absent from their office.

Above all, I thank my wife, Nancy, and my children. They have put up with my tantrums, successes and failures. They have been of such tremendous support that I find it very difficult to express these thanks. Of course, loving families do not require us to express these things because they already know. But I am deeply grateful.

Lots of interesting and funny things have happened in this place, none more so than the feather duster's club, but I suppose I ought to stick to my script. I thank my colleagues from all sides of the House for the friendship and respect they have shown me over the past 17½ years. Those feelings are strongly reciprocated. I hope through the feather duster's club, which my close friend and colleague Joe Schipp and I founded, we may have brought all members closer together irrespective of party affiliations.

We can all disagree on policy, but this does not mean that we must hate one another. I remember when we started the feather duster's club Joe and I were kind of thrust together. We had a bit of trouble when we were defrocked, but that is all in the past. It was a fairly miserable time, but it allowed us to laugh at ourselves and to accept that we are all human beings. We have our ups and downs, our

failures and successes, but through friendship we can really make life worth living in this place. I believe the feather duster's club did that.

One of the key elements of the feather duster's club of course was Joe Schipp's jokes! They are legendary in this place and I hope he has left a great legacy of jokes to the House to be used over the years. I recall on one occasion when Joe, I and a couple of other people, were in Nambour. Tony Windsor came in with a couple of blokes from Tamworth to have a beer with us. Joe starting telling jokes and it developed into a four-hour joke telling session. Ivan Petch was there; he too was a great joke teller.

Mr Schipp: And Fraser.

Mr PEACOCKE: Yes, Fraser was there. Jokes were told non-stop for four hours! If I had taped that session I would be a millionaire today! Windsor does not know many jokes and it might be said that he lacks a sense of humour. However, he waited for 1¾ hours before he could get into the joke-telling session the one joke he knew. I think it followed Ivan Petch's joke about the hunchback who was a Protestant living in a Catholic-Irish village. It was very funny, but I will not tell it here. I do not want to cause sectarian wars.

My time here has been fun and I will be sorry to go. I will miss it. I will miss my friends and the company of everyone here. I hope that in the years I have been here I have contributed something of value to my State, my country and my people. I think that is the fervent wish of us all. We do achieve that in different ways with different views and different policies, but I believe we all seek to achieve the same objective. It is a great comfort if we can think that when we leave this place people will understand, as the press quite often does not, that we are here to serve our people, to achieve something, to make a difference and to walk away and say, "That time was not wasted. Our country is better off, our people are better off at least in some ways because we were there."

I almost forgot to thank Phil Goldrick, who has been my campaign director for most of my campaigns. Somehow he kept on getting me re-elected with increased majorities. Of course, I thank also Tom Slattery, who was my first campaign director, all my branch members and the people of my community who honoured me with their trust. I am deeply grateful for that and I hope that those who follow will realise that they are there to represent the people and to do what they believe to be right for those they represent. Let me conclude

by saying as Macarthur said in his farewell speech to the American Congress: Old politicians never die, they simply fade away. Thank you all for the memories and I wish everyone a very happy Christmas.

Mr HARRISON (Kiama) [5.04 p.m.]: Making my last speech after 13 years in Parliament is a nostalgic event for me. I guess retirement is a nostalgic event for anybody when they reach that time of life. It has been said that when you get tired you retire and then you get tired of doing nothing. I have not reached the stage yet of doing just nothing. I will certainly be doing things that I find personally satisfying and enjoyable. For as long as I live I will never forget my allegiance to the working class.

New South Wales has approximately six million people and the fact that this House has only 99 members of Parliament means that on average each member of Parliament represents 60,600 persons. To be one of those representatives is indeed a rare privilege. I certainly view it in that light. I was really an unlikely person to be a member of Parliament. I have been fortunate throughout my life in being in the right place at the right time, but my background—I left school with a third-year education and first put myself forward for public office some 28 years ago when I was a wharf labourer and former professional wrestler—does not present the best credentials in the world for making decisions that affect people's everyday lives.

However, I noted with interest that recently a character known as The Body had been elected as the Governor of Utah and that Hulk Hogan, a former world heavyweight wrestling champion in the grunt and groan circle, indicated his intention to stand for the American Parliament. Perhaps I was the first of a future line of people from that profession who will put themselves forward for public office. The trend might even reach New South Wales and Australia! One never knows how many old ex-grunt and groan blokes are still around. Do not just judge them by the fact that at one time or another they screwed somebody up, because they may be like me and have a little bit of social conscience.

I have always prided myself on my achievements without having had much formal education. I care about people, particularly those who do it tough. I have tried to do my best for them. On one occasion I visited John Plews, former headmaster of Goulburn High School, where I attended. He had been headmaster of Goulburn High School for a record period of time. I believe he received an Order of Australia award for his service to the education system of this State.

I took along books about Shellharbour City Council and about Australia's first Parliament. I told him that I was the mayor of Shellharbour municipality and a State member of Parliament. I think he remembered me because when I said to him, "You know, I would never have been voted the man most likely or anything like that", he said, "More credit to you son that you have done as well as you have." As I said, mine is not the usual background of someone in Parliament.

I suppose the strength of the parliamentary system is that, if the circumstances are right, anybody can be elected to Parliament and suddenly find that their opinions matter. Hopefully on occasions they are able to change the outcome of things for the good. I guess I have been crusading all my life about something. For 10 years I was active in the peace movement. For seven years I was on the management committee of the south coast branch of the Waterside Workers Federation.

I was in local government for 20 years. With my wife, Ann, who is present in the gallery, I share a record 35 years service on the same council. I believe that is a New South Wales record. I love Ann dearly and I certainly appreciate her support over the years. If anything, our lengthy working life has made our marriage better. We have always done everything together. She has always helped me in everything I wanted to do. I can honestly say she has never obstructed me anywhere along the line, and I place on record my appreciation for that.

Prior to the last elections I was involved in a preselection contest. While speaking at one of the branches where I was presenting my credentials—seven years doing this, 10 years doing that and 15 or 20 years doing something else—somebody came up to me and said, "I have been keeping track of what you have been doing over your lifetime. You must be 86 years of age." I said, "I am older than I look; I look pretty young, don't I?" Many of the things I have done have overlapped; I have done them at the same time. In my first 14 years as a member of Shellharbour council, even after I became mayor, I often went straight to work from evening meetings. At the 5.20 a.m. smoko I would go to Port Kembla and buy three Mac's pies so that I could go to bed as soon as I got home.

One morning I was eating a Mac's pie when someone said, "I'll bet you're the only mayor in Australia eating a meat pie at this time of the morning." I said, "More than likely I am the only mayor out of bed at this time of the morning." It allowed me to go home and go straight to bed without waiting for breakfast. I suppose everyone

has experiences they can relate. When I took over as mayor in 1974 there was an effluent and sanitary crisis, and the contract was breaking down. Anyone who could not get a pump-out rang an alderman and abused him. Then the alderman rang the town clerk or the health surveyor and abused him, and those who were lucky got a pump-out.

I walked right into the middle of this crisis when I was drawn out of the hat for the mayor's position. It was clear to me that the situation could not continue and that the council would be sacked if we could not put it right. I asked the Health Department to send some representatives to the council to help us sort out the problem. The Health Department sent down two fellows and a girl, who was acting as secretarial support. One stayed in the council chambers drawing up lists of the people who were waiting for pump-outs. Incidentally, my wife and I were driving around with six sanitary pans in the boot of our car delivering them to people. We did not change them, of course.

After a day's work on the wharves I used to go in to the council wearing my steel-toed boots and wharfie's gear. I used to ask this bloke from the Health Department how the backlog was going. We started with a backlog of about 1,000, and he would say it was down to 800 or 750, or whatever it was. I could tell that he felt some animosity towards me. I said to Ann, "That bloke from the Health Department doesn't like me very much, but that's his problem." When the number got down to a reasonable level, about 300 or 250, I decided it was time we had a meeting to decide how we were going.

Once again I came in from my day's work on the wharves and the deputy town clerk said, "Are you ready to go, Mr Mayor?" I said, "Yes, we are ready." The fellow from the Health Department looked at me and said, "You're not the mayor, are you? I owe you an apology. I thought you were an effluent tanker driver." I must have been pushing my working-class image a bit too much. After that I was always asked whether I had my tanker parked out in the street. All in all, we had our funny interludes and our ups and downs. To be elected to serve your fellow human beings is a great privilege. I am sure that every person in this place feels the same way. As I said, my period in public life goes back 28 years.

The first six years that I was in this Chamber I was also mayor. I advise anyone who is thinking about doing that not to do so, because it will take its toll on your health. I have participated with some degree of pride in the establishment of a public

hospital in the Shellharbour municipality—now the Shellharbour city area—and the re-opening of the Kiama hospital, which was closed during the life of the previous Government. To his credit, Andrew Refshauge, the Minister for Health, listened to what I and the people of Kiama had to say. The hospital is not operating as it would have 20 years ago, but the fact that in-patient facilities are available opens the door for the people of Kiama to agitate for the establishment of more services. They should not let anyone close the doors or sell the site.

There is nothing more important to small local government areas than maintaining their own public hospital. The people of Kiama were most enthusiastic about that decision. I also played a significant part in keeping the Berry palliative care centre open and preventing the total closure of the Berry public hospital, which had been donated by David Berry, the founder of the town of Berry. The Reid Harris report had recommended that the hospital be closed.

A former Independent member of this Chamber praised that report to the rafters, yet it contained only two serious recommendations. One was to close Kiama hospital and spend any money that was saved in his electorate. The other was to close the palliative care centre and put two palliative care beds in the Shoalhaven hospital and one at Milton-Ulladulla Hospital. Many productivity cuts were being made at the time and it was quite clear that if that had happened the palliative care beds in that region would have disappeared altogether. The palliative care centre at the David Berry Hospital is a beautiful centre. It has wonderful views and is on a lovely piece of land. We have to thank the foresight of David Berry for that. My message to the people of Berry is: Do not let anyone close the hospital or sell the site.

During my time in Parliament I have made friendships on both sides of the House. They are friendships that I hope will endure for the rest of my life. I am not going to mention names because one always runs the risk of missing someone and causing embarrassment. I thank my staff, whom I inherited from the previous member for Kiama. Being a Labor man I believed that it was not my role to sack people, as they seemed to be working okay. I have not regretted for one moment keeping them on. Their loyalty has been totally without question and they have kept the show on the road when I have been in Parliament. I thank my campaign manager, who could be considered one of the best campaign managers in the State. It is a pity more people did not listen to what he had to say. I am talking about my good friend Bill Carey.

I thank party members who have given me their support for a long time, members who perhaps saw in me something others did not. I thank them for giving me a chance to serve in local and State government. I will not be at a loss for something to do. I have many hobbies, including poultry breeding—I intend to breed up my brown leghorn stock again. I have a couple of old cars and I will enter the occasional vintage car run. I will do pistol shooting, listen to music and read, and I might even do some creative writing. Unlike some other old political renegades, however, I will not be writing my memoirs and trying to rubbish the party that has given me so much. I acknowledge my debt to the Labor Party, a debt that I will acknowledge until the day I die.

It is my wish that members returning to this place and new members spare a thought for animal welfare, for the creatures that spend their entire lives confined to cages in which they are not able to move around. In this regard I refer to the intensive farming of poultry and other matters. I have tried to make some running with this issue during my time in this place. I place on record my appreciation of the way in which the Minister with responsibility for animal welfare, the Minister for Agriculture, Richard Amery, has listened to what I have had to say and has listened to what anyone with a case to put for animals has had to say. The Minister for Agriculture is a great Minister, and I am proud to be able to call him my friend.

I hope that honourable members spare a thought also for the animals that are being used for experimentation. Dogs and other animals are picked up from pounds, put into some kind of a contraption—which gives one the impression that someone intends to put a full nelson on them—and have stuff forced down their necks until eventually they die. That is not the way that The Maker intended us to behave towards our fellow creatures, the animals that inhabit this planet with us. I ask honourable members to spare a thought for those who are doing it tough, the old, the weak, the sick and the unemployed.

As members of Parliament we have an obligation to help not only those who are well organised, know their rights and have all sorts of access to the media, but also those who have no strength whatsoever—in fact, it is important that we do even more for them, because they are less able to help themselves. I echo the prayer offered in this place every day, which asks God to guide our deliberations in the welfare of the people of this State and of Australia. That is what we are elected to do; we are not elected to score points against

each other or to try to promote personal animosities. People expect that their members of Parliament will listen to someone who has a good idea and that we will be big enough to co-operate in matters that concern the welfare of the people of this State and Australia.

As we are only about 4½ weeks away from Christmas, it would be remiss of me not to extend the compliments of the season to those honourable members who are retiring, those who are returning, all staff members, the staff of Hansard and all those who keep the show on the road here at Parliament House. To all of them and their families I wish God's choice of blessings for a happy and holy Christmas. I wish for them the opportunity to enjoy the company of their family and friends, remembering that at Christmas time we do not just have a couple of days' holiday but celebrate the birth of our Lord Jesus Christ, the saviour of mankind. I pay tribute to all those whom I have regarded as my friends. I do not walk away from this place bearing hostility to anyone. I wish honourable members and their families every best wish. God bless you.

Mr SMALL (Murray) [5.24 p.m.]: I offer my congratulations to the honourable member for Kiama, who has just presented his address. I am pleased to see his wife, Ann, in the gallery this afternoon. I was elected to Parliament on 2 February 1985. At that time there were two by-elections in this State and there was no time available for us new members to make our maiden speeches. I had to wait some four months before making my maiden speech in this place, as did the honourable member for Sutherland. I then had to determine which bill I would speak on. A bill relating to water was introduced in the House, a subject with which I was very familiar. Today I present my final contribution some four months before I retire from Parliament on 26 March 1999. That is unusual, but it is the way things happen.

It would have been lovely to come to this place as part of a government, but when I was elected I was blessed to have three years in opposition. Those three years provided me with a wonderful time for learning. I was 51 when first elected to this place—I was somewhat of a late starter as a member. The years before I was a member of Parliament I enjoyed a wonderful learning curve in the community. I have enjoyed my time with my family and in farming and my involvement with the rice industry, health, education, research and the church. My involvement in those sectors over the years was of wonderful benefit to me on my election to this place.

The coalition won the 1988 election, and it was a great thrill to come into government. One great lesson I have learnt is that in opposition you should not make promises that you do not believe you can keep when in government. It is never wise to make promises when coming to government. It is best to identify areas that you believe to be important and the needs of your constituents, your people, and to be able to undertake those duties and achieve those things that you know you can achieve. The coalition was re-elected in 1991, which heralded a wonderful era. We lost several members, however, which led to a period of hard bargaining. The crossbench members held the balance of power in the upper House. Since 1991 governments of both persuasions have had great difficulty in getting all legislation from the lower House passed through the upper House and in achieving all that they seek.

The coalition did not win the 1995 election. Now, almost four years later, we are preparing for the next election, which is due in March. I have had the honour of representing my constituents for some 14 years, of which I have served seven years in government and seven years in opposition. No-one could ask for more than that; it is a fair compromise. When I was young I was not particularly politically minded. My family was certainly conservative but was not politically minded. I remember talk when I was a lad about nationalising the banks. At that time my father was manager of the Bank of New South Wales. I remember how angry he became when Chifley spoke of nationalising the banks. Thank God that did not happen. People stood up for their rights.

I recognise the great honour I have had in being elected to represent the interests of the constituents of the seat of Murray. I have been honoured also to have a wonderful wife, Judy, who is in the gallery today. Judy has been a very astute politician as assistant member for Murray. She has been probably the most marvellous ambassador any member could have as a wife serving the electorate. It has been my great fortune that we have been able to serve the electorate of Murray together. If an unpaid family member works with a member the constituents do well because they get the services of two people, not one. That applies to most honourable members in this House.

Judy and I have been blessed with four wonderful children. Our eldest son, Richard, who lives in Canberra; our eldest daughter, Robyn; our youngest son, Jeffery, who runs the properties; and our fourth child and second daughter, Julie, are present in the gallery. Judy and I have two sons and

two daughters. What more could I ask for? We have 14 grandchildren and I hope to make up for lost time with them when I retire from politics. In the electorate of Murray I have been blessed with a wonderful secretary, Mrs Faye Falahey, who is also present. She has worked in my office during the whole 14 years that I have been there. Two others worked for me for three years, and moved on when they married.

Faye's assistant secretary, Mrs Merrilyn Hussey, has been wonderful, and my constituents have been blessed to have that team providing services to the Murray electorate. It saddens me to think that circumstances may change and they may lose their positions because of the cutback in the six electorates throughout the State and the abolition of the Murray electorate as it is today. I hope that does not happen. My life has been full of challenges and I have always enjoyed them. Politics would be one of the greatest challenges ever. I have been able to serve my constituents and deal with community affairs and interests.

It is not always easy for members of Parliament to provide benefits to their constituents. It is a huge challenge and a wonderful honour for any member representing the people in this Fifty-first Parliament. I only discovered when I was elected that one of my forebears, by the name of Oakes, was a member of the upper House in the first Parliament. The Murray electorate was established in 1859. I am the twenty-third sitting member for the seat of Murray. Joe Lawson, who was probably one of the longest serving members, represented the seat of Murray in this House for about 41 years.

Until now the second longest serving member for the seat of Murray during this century served for 13 years. I am now the second longest serving member, having served 14 years. I am honoured to have had the good fortune to be elected four times. It is interesting to note that the average length of service of members in the seat of Murray is 6½ years, and I believe that the average length of service of members of this House is also 6½ years. In the electorate of Murray one member served 41 years and two members combined served 34 years. Three members were elected in one year. That must have been a turbulent year!

I am sad that the electorate will be chopped into four. The shire of Corowa will become part of the electorate of Albury. I have no doubt that the honourable member for Albury will be re-elected and will continue to serve that area well. The Lockhart shire will become part of the electorate of

Wagga Wagga. The honourable member for Wagga Wagga is also about to retire, and I have no doubt that whoever is elected will look after the constituents within the Lockhart shire. The Murrumbidgee electorate will take in the main bulk of the Murray population, including Deniliquin.

It saddens me that Deniliquin may not retain its electorate office. I am saddened also that the secretaries, Faye Falahey and Mrs Merrilyn Hussey, may be without jobs. I sincerely hope that the next government assures honourable members representing the Murray-Darling and the Murrumbidgee electorates that it would be beneficial to keep the office and the secretaries. The people in the southern part of the State have been able to use that valuable resource and they expect it to be available. I hope the office will remain open for the benefit of constituents and these excellent employees.

The electorate of Murray-Darling will not include Deniliquin. The shire of Windouran, in which I reside, and the shires of Murray, Wakool, Balranald, Hay and Wentworth will all become part of the Murray-Darling electorate. I have no doubt that the Hon. M. R. Kersten will become the member of that huge electorate. I wish him well. I know that he will do a good job. The preselected candidate, Mr Adrian Piccoli, will also do an excellent job as the next member for the National Party seat of Murrumbidgee. There are two excellent candidates for the seat of Wagga Wagga, but I predict that Jim Booth will be elected to that seat. He was formerly an ABC reporter. But first he has to win preselection.

Both the Liberal and National parties will field good candidates. I respect Jim Booth, who has been on many of my media tours, and I respect all the candidates who have put their hat in the ring. Jim Booth has got what it takes as a journalist. He understands the land and would do an excellent job. I wish all future members every success in this House, no matter what side of politics they come from. Those members who are elected on behalf of the people they represent should feel honoured to come into this House. They should work hard on behalf of their constituents, as is their responsibility.

I express my thanks to my National Party and Liberal Party colleagues in this House. I have been fortunate to work with a team of people who are dedicated to their job and their responsibilities. I thank the leaders under whom I have served since I have been in this House. My first leader was the Hon. Leon Punch, who was a tough debater. The Hon. Leon Punch and the Hon. Neville Wran played tough.

About 18 months after I came to Parliament Leon Punch and Neville Wran retired; this House became a sane place after that. The Hon. Wal Murray became leader, and I have great respect for him. He was a wonderful leader who gave stability to our party. The Hon. Ian Armstrong, the present Leader of the National Party, continued that stability. I have been fortunate to serve under three great leaders, and Liberal Premiers—Nick Greiner, for whom I have the greatest respect, followed by John Fahey. I am sure Peter Collins will be the next Liberal Premier. I wish him the best for the future.

I express my sincere thanks to my close colleague the Hon. Tim Fischer, Deputy Prime Minister and Minister for Trade. Tim and I were very close prior to being elected to this House. I was his campaign director for three elections. I have the greatest respect for him. Nowhere in Australia is there a harder working politician than Tim Fischer. I congratulate him on his recent election, because he was under a lot of strain and stress, as is every Minister in every government. Ministers have major jobs to do and they cannot always be in their electorates. That makes things hard for them. Tim is a clever man and a good leader. I wish him and his wife, Judy, all the best. I thank the parliamentary staff. How lucky and blessed we are to have such wonderful staff. I am grateful to have been appointed to the Staysafe committee. It was a delight to work on that committee with Ian Faulks, its director, and Paul Gibson, its chairman.

Recently I was also appointed to the Committee on the Office of the Ombudsman and the Police Integrity Commission, and it was a pleasure to be able to work in that area. I also thank the parliamentary library and printing staff, who are excellent. I also thank the media within the Murray electorate. The media in country areas do a fair and honourable job; I cannot say the same about the national media. When I send out faxes from my electorate office they go to 53 media outlets, ranging across New South Wales and Victoria. I thank Mr Speaker, the Hon. John Murray, for presenting the retiring members with a certificate. We went to lunch and were able to chat to each other. It is nice to have something that I can hang on my wall to show that I have been a member of this Parliament for 14 years. Although anyone can read *Hansard* and agree or disagree with what I have said, it is nice to have that memento.

I sincerely thank my campaign director, Graeme Moffatt, and his wife, Joyce, who have done a fantastic job of helping me in my parliamentary election campaigns. I also thank Graham McKindlay, who managed the difficult job

of finance director very well. To the whole team of National Party workers within the seat of Murray I say thank you. They have done an excellent job, for which I am grateful. I wish everyone a wonderful future and a happy Christmas, with God's blessings. May good health and happiness be with you at all times. I appreciate the opportunity of having been here, joining in the productivity of this House and sharing it with the staff and the members of both Houses. I thank you all on behalf of my wife, Judy, our family, my electorate staff. I wish you all well in the future as I bow out—and I hope there is life after politics!

Mr SHEDDEN (Bankstown) [5.44 p.m.]: Together with a number of my colleagues I speak today for the last time in this Parliament. In the time allotted to me I would like to review my experience in the community and this Parliament and mention some of the challenges and opportunities that people of my electorate and the State will face as we move into the new millennium. The greatest resource we have in this State is our people and I am proud to have represented one of the most diverse communities in the State. There is strength in diversity as the people of the city of Bankstown and the suburbs of Condell Park, Milperra, Georges Hall, Bass Hill, Villawood, Chester Hill, Yagoona, Chullora, Greenacre and Punchbowl demonstrate. Equally, diversity presents us with challenges of youth, the care of the aged, and securing the housing and health of a growing community.

First and foremost, I am proud to have represented the Australian Labor Party for 22 years in both local government and in this Parliament. In my service as an alderman on Bankstown City Council from 1977 to 1987 and as Deputy Mayor between 1980 and 1983 I did my utmost to resolve those challenges in the community and I addressed them more broadly in my subsequent parliamentary career. The problems with our young people stem from a lack of authority. While in most cases young people are well aware of their rights, we have failed to impress upon them their responsibilities to our society. I think that there is no better way for them to learn this than in working as part of a team in sporting activities. I am proud to say that my electorate is well placed to inspire our youth to excel by providing sporting facilities of a high standard. This is both our greatest challenge and our greatest opportunity.

Bankstown's prospects for meeting this challenge were boosted when it was chosen as the site of the Olympic velodrome. The velodrome will be the venue for cycling events at the Sydney 2000 Games and Paralympic Games. It will be a major

cycling facility for New South Wales and will be capable of functioning as a venue for high-performance cycling at a local, State, national and international level. The people of Bankstown will have front-row seats in the activities leading up to the Olympic Games from now until November 2000. The United States of America administration will be operating out of the Bankstown Town Hall, processing every member of the team on their way to the Olympic village or to private training. It is estimated that approximately 4,000 people associated with the American Olympic team will be coming to Bankstown. Early next year the New Caledonian swimming team will take up training and be accommodated at Bankstown. The Portuguese athletic team will be using our world-class sporting facilities, which will include our new Olympic-standard athletics track.

The tourism industry estimates that the income to Bankstown around the Olympic period will be in excess of \$20 million. That will boost business, investment and jobs and improve the local economy. The aim at this important time is not only to attract business investment to our area and improve the employment opportunities for young people but to improve community relations through the common Olympic goal. Another ongoing concern of mine has been health care and I was a member of the Bankstown Hospital board from 1981 to 1984 and its chairman from 1984 to 1986. Serving on the board of the old hospital gave me a great understanding of the health needs of our community. One of my most satisfying moments was being present at the opening of the new Bankstown-Lidcombe hospital in 1997.

The care of the aged through the Bankstown City Frail Aged Persons Homes Trust, now known as Bankstown City Aged Care Limited, is also close to my heart. This service commenced in 1974 with one retirement village, on the initiative of the council, with funding from the Federal Government and 12 local clubs. Now it is an operation consisting of 250 residential care beds, with plans to develop another 100, making a total of 350 residential care beds, 70 home-based beds and 90 day care places, on land supplied by the council or on leases on Crown land controlled by the council.

When I was elected to Parliament in 1987 I continued to pursue the interests of my community, but I have also served the broader interests of the State, particularly through my membership of committees. I served initially on the Joint Standing Committee on Small Business in 1987 and was a member of the Joint Standing Committee upon Road Safety, or Staysafe, from 1991 to 1995. However, I

consider my greatest contribution to parliamentary committees has been as Chairman of the Regulation Review Committee for the duration of the fifty-first Parliament. Recently, in a debate in this House, the Regulation Review Committee was referred to as the bane of Ministers. I prefer instead to think we are the bane of any regulation that trespasses unduly on people's rights and liberties.

Among the committee staff I would like to thank are the director of the Regulation Review Committee, Jim Jefferis; project officer Greg Hogg; research officer Hilary Parker; clerk Don Beattie; assistant committee officer Maria Tyrogalas, and everyone else who has worked for the committee during this Parliament. I particularly want to thank my electorate staff over the years. The first is Michelle Thompson, my electorate officer, who for more than seven years has assisted me in serving the Bankstown electorate. Michelle has been capably assisted by Ingrid Winter and in recent years by Judy Blake. They have certainly helped me to fulfil my function as a member.

I express my heartfelt thanks for the past and present staff of Parliament—to the Clerks, for their efficient and timely advice; to the Serjeant-at-Arms, Merv Sheather; and to all the attendants, who do so much to assist members in carrying out their duties. Special thanks are due to the Parliamentary Food and Beverage Services, under David Draper, and to all his staff. I cannot mention everyone, but I want to mention especially Joseph, Maureen and Santiago and, in the members dining room, June and Robert. All of us value the work of Parliamentary Printing Services, and in particular of Pat Makin. I want to thank the stationery and stores staff and the staff of Information and Technology Services. I want especially to thank past and present Hansard personnel and the library staff. We are indeed fortunate to have such gifted Hansard and library staff, who work under incredibly trying conditions at sitting times.

I personally thank Kevin McCormick, OAM, President of the Bankstown District Sports Club, who has given me tremendous support and encouragement during my years in Parliament. I certainly value his friendship. I pay great respect and tribute to my wife, Pat, who has given so much that I might be able to pursue my career in politics. She is my most ardent critic and my staunchest defender. Pat's loyalty and support know no bounds. And my heartfelt thanks to my daughter, Leanne, whose unstinting support also knows no bounds. I am proud to be not only her father but her mate. One of the great joys of this job is the great camaraderie and friendship that you develop across

all political boundaries. I will sadly miss this. Finally, Mr Speaker, I thank you for your good advice and year indulgence over the years.

When I first spoke in the Parliament in 1987 I expressed my hope that in the time I spent here I would make some contribution to the advancement and welfare of this State and thus bring benefit and progress to the people of Bankstown. I believe I have achieved this, and I have been enriched beyond my expectations in doing so. May I conclude by thanking everyone within the Parliament that I have had the privilege of being associated with over the past 12 years.

Mr CRUICKSHANK (Murrumbidgee) [5.55 p.m.]: It is a tremendous privilege, after 15 years, to be able to stand here on the eve of my departure from this place. There have been some victories, yes, and the occasional "Oink, oink". I can remember Mr Wran doing that. When he spoke about a pig farmer, a whole bunch of members behind him would start going, "Oink, oink, oink" and I think the Minister for Agriculture, who is at the table, was one of those.

It has been a tremendous privilege for me to represent the electorate of Murrumbidgee in this State's Parliament. It is an enormous privilege to be one of only 852 citizens who have been elected to this place since Federation—that is, 852 until the last by-election. As members may recollect, it was almost 15 years ago that I won the seat of Murrumbidgee from the Australian Labor Party. What a great victory that was! At that time Murrumbidgee was the jewel in the Labor Party crown. But, just as many good things come to an end one day, so it was with Murrumbidgee—simply because a party cannot go on manipulating things from Macquarie Street. That was the story of the running of the Murrumbidgee electorate.

Fifteen years is more than enough time to enable anyone to contribute to the democratic process of this Parliament. I will always be immensely proud of certain achievements made while I have been a member of this place. Probably the most important of those was related to the egg board. I note that the only "Hear, hear" comes from a member of the Liberal Party, not from a member of the National Party. That was a great achievement. I have always been more interested in the political issues than in the politics. As far as I am concerned, the egg board was nothing but a government-sponsored haven for crooks and thieves. So many bad things happened in the name of good government in that area.

One other achievement I like most is the fact that we managed, after all the time that the Labor Party had been running the Murrumbidgee irrigation area, to free up the land. Before the Minister says anything, I should acknowledge that he finished off that initiative. But the coalition parties started the process, and it would never have got off the ground if it had not been for the wisdom of the Greiner-Murray Government in giving back that land to the people.

Mr O'Farrell: What about the Sydney markets?

Mr CRUICKSHANK: With the Sydney markets, I have to say I failed. When I first came into this place Jim Clough, a member of the Liberal Party, took the new members round and told us the usual story: "This is where you will sit, on the Opposition benches. Over there is where Government members, members of the Labor Party, sit. Everything bad that comes out of this place comes from that side of the House. It is your responsibility to make sure that you do everything possible to bring down the Labor Party Government, since they are your opposition. But, if it is your enemies you are looking for, look over your shoulder." All members know that story.

We all hear such trite little stories. It is true to say that my enemies were behind me in relation to Sydney Markets; there was strong opposition from both sides. Frankly, I was not adept politically to handle such matters. Some people in politics are a lot smarter than me and they won the day in that area. I apologise to the shareholders of the Letona cannery for what happened. Closure of the cannery was inevitable because it had been propped up for so many years that it could not stand on its own feet any longer. I got the blame for closing the cannery when in fact the general manager called 1,800 people into the RSL club and said, "I'm sorry fellows but we are going to close Letona cannery."

What happened saddened many people, but it is a great example of what happens in real life. We now have a 55,000-head Mitsubishi feedlot that employs about 600 people all year round. It works well and is a magnificent asset to Australia. Many people made predictions about the feedlot. The honourable member for Drummoyne, who was carrying the can for the Labor Party to get support for the legislation supporting the cannery, said that the main street of Leeton would be like a dust bowl if Letona cannery closed. That went the way of many political slogans!

It is time for a new person to take up the task of representing the electorate of Murrumbidgee, and I am happy that Adrian Piccoli has been chosen as the National Party candidate at the election. I am sure he will be adequate to the task, but he must not stay too long. The trick is to be able to tell when one's use-by date has expired. This is the time when one reminisces in a number of ways. Most of the musings I have heard over the years have been funny stories about times past; most of them have been very funny. I think I have had my share of those funny times. Except for the fun times I have enjoyed with my colleagues, I find it hard to recall many things on the bigger stage. However, I recall door knocking in Lake Cargelligo in my electorate.

Mr Jeffery: Tell us about Murrum Bridge.

Mr CRUICKSHANK: I was door knocking at the houses on the main street when someone said, "Remember the Aboriginal vote." I said that I had been getting the Aboriginal vote as I had spoken to every Aborigine I had come across. The person said to me, "Yes but they are not all here. They're all a few miles out of town at a place called Murrum Bridge." He then told me to drive down the road, turn right past the river and I would be at Murrum Bridge. So in the middle of summer I spent two days door knocking more than adequately in Murrum Bridge. When I came back someone asked me where I had been. When I said that I had been door knocking at Murrum Bridge the person looked at me as if I had crawled out from under the sofa and said, "You mug—that's not even in your electorate." The rough part came when, after I was elected to Parliament, I met a fellow named Beckroge from the electorate of Broken Hill who said that he had never had such a great vote in Murrum Bridge.

Mr O'Farrell: A true story.

Mr CRUICKSHANK: It is absolutely true. On numerous occasions most of us have said, "I can't tell you how Parliament works. I can't explain it to you because I don't understand it myself." Or we have heard numerous sayings such as "This is the only madhouse in town run by the inmates" or, to use Gerry Peacocke's saying, "What does it all mean?" With the indulgence of the House I shall comment on how I see it operates. Hopefully, some of what I will say can be passed on for discussion and may be of some use in the future. Now that we have fixed four-year parliamentary terms, which is a good adjustment to the way the Parliament is run, it would be an excellent measure to limit the stay of politicians in this place to four, four-year terms. From what I have observed, that would be a good idea; it is not what many would think would be a good idea.

Of course, if my colleagues do anything at all they will reject that concept as foolish, unrealistic, wrong-headed and very unwise. At its most pious and sanctimonious the argument will be that the people of New South Wales will be robbed of much-needed potential leadership. The present system often fills the Parliament with unnecessary dead wood, as I have described it in the past. Generally from my observations, if a member has had a term in government and then goes into opposition from then on nothing much new happens. This is what has become known as the Gareth Evans syndrome.

Age does come into the matter, but in the fast-moving fast-changing democracy we have today, fast turnover, as well as stability, is necessary. The practice of honourable members who have done time at the State level believing that they are just what the Federal Parliament needs must be stamped out by all political parties simply because all it does is harm today's democracy. When aspirants get to Canberra they may get a guernsey if they have mates at court, but most State members disappear to Federal Parliament and are never heard of again. In some cases one hears of them, but not for the right reasons.

I make that point because the most important element for which this House exists is the preservation of democracy and its institutions, and the means of facilitating the new and the changing. That means that the inherent lack of discipline that prevails in Parliament must not be allowed to eat away at the democratic institutions over which Parliament presides. Society is always changing, and faster than ever before. Democracy is ever changing and many elected members, especially those who have been in Parliament too long, no longer reflect community attitudes although they will protest that they consult widely. The parliamentarians who last, that is! The average life of members in this place is 6½ or seven years.

Some say that natural attrition does the job of cleaning out our Parliament. It does, but I suggest that one is talking mainly about opportunists and people who never were suited to being in Parliament in the first place or who get there by sheer accident, or some of the other quirky ways that people get elected to this place. Then there are those parliamentarians—the minority—who never learn to play the political game. One thing that leaders and the ambitious desire most is to have people around them who agree with their principles or moves. True leaders seek and surround themselves with upcoming stars and stars who make them and their party look good.

I have never lusted after or aspired to have keys to a white car, et cetera. I have always been

looking for a good leader. However, that will only be cured from time to time. It is true to say that the Parliament accurately reflects the community it represents. More accurately, it reflects the amount of interest taken in politics by the community at large. A great deal of overwhelming selfishness and egocentricism has crept in to dominate politics, and is having a deleterious effect on the democratic process. I have heard that said widely, especially in the past couple of months, about the poor reputation of politicians in the community, as I am sure all honourable members have.

Recently I said that one could not go in that direction because it would mean telling a lie. The reply was that that was tough but that is politics. The democratic process in Australia is reaching a critical stage. Politics is a game to be played by politicians to the detriment of policy. Increasingly, politics are more important than the policy or the common good. The worst part of all that is that most politicians do not even know they are doing it. The fine line between politics and common good is becoming increasingly blurred, and that is dangerous. Recently the European Parliament said that it had lost \$3 billion from its 1997 budget and no-one knew where it had gone. European politicians have been in politics much longer than we have and they know that people will not change. We must preserve the institution.

If anyone wants to know what I mean, just consider what everybody thinks of the Auditor-General of New South Wales. Not many people warm to the man or to his office because it presents a threat. People will not change. Institutions are the only things that will protect us, but we must always be vigilant. If we the politicians do not create and care for institutions to protect the people from the politicians and the political process, democracy will fall into further disrepute.

I am off to Africa after the next election. I may not be capable of doing many things, but whatever I become involved in in the land of grinding poverty, such as in Togo, I know that spending my pension there will do far more good than here! Togo epitomises the entirely understandable battle looming between the developed world and the Third World. The Third World is still being exploited unmercifully. The land from where some 13 million to 20 million slaves were taken is still struggling to come to grips in the struggle to achieve an effective government.

I thank all staff in Parliament House for their willing and helpful attitude over the years to help make life easier for us. Thank you to Margaret

Horton and the library staff, Russell Grove and the other Clerks, and the Legislative Assembly staff. I thank Kerrie O'Brien and the information technology staff, who have been most patient when dealing with such computer illiterate people as myself. I also thank Maureen Morgan and the ladies in the dining room, and David Draper. I thank the ladies who clean our rooms each morning, staff in building services, security, the attendants and others too many to mention. It has been a privilege to serve in this Parliament and those people have contributed unhesitatingly to making that experience so magnificent.

Most of all I must thank my electorate secretary, Mrs Lyn Sparks, who has been in my office since the first day. It is not far from the truth to say that Lyn has kept me in a job for the 15 years I have been here. She is a marvellous lady who is incredibly competent and has more political nous than anybody I know, including me. She is the most organised person I know and my debt to her, and indeed the debt owed to her by the whole electorate, is incalculable. I hope she will stay on in her present job as electorate secretary. It should be good fun to watch her break in the new boy!

I thank John Bonetti, Dick Hoare and all other members of the electorate council, who have done so much to get me elected and keep me elected. I and many other people owe them an enormous debt of gratitude. Of course there is Jim Jefferis, Greg Hogg and his colleagues of the Regulation Review Committee, about which Doug Shedden spoke earlier. I was that committee's first chairman. The Regulation Review Committee has always appealed to me because it is designed to curb the excesses of parliamentarians and their public servants. Plans are being devised as I speak—plans are always being devised—to try to water down the power of that committee.

Efforts are always being made to leave the power of the Executive as unfettered as possible. It should be remembered that parliamentary committees are the last bastion between the backbenchers and the Executive. Lastly, I thank my colleagues in the National Party for their support over the past 15 years. Their friendship has sustained me on many occasions. I thank them all very much, those who are present, and those who have gone—Wal Murray, Matty Singleton and all those characters.

I am not sure whether I ever really fitted into the National Party mould. For a start, I did not come from the north coast! That puts me a bit behind the eight ball! The National Party does not realise that

people like Peter Cochran and I won electorates from the Opposition, just as the Liberal Party did not realise it with Alby Schultz. We went out, did a number on them and took their electorates away from them. Members who have won seats in that fashion do not view their electorate in the same manner as members from, say, the north coast.

Mr O'Farrell: Not the north shore.

Mr CRUICKSHANK: I do not know about the north shore. I am talking about the north coast. I hope all of those who have inherited their electorates will be comfortable with those results in the future.

Mr Chappell: Ease up.

Mr CRUICKSHANK: Unfortunately, the National Party is easing up a little bit too much. The National Party has a hell of a lot of work to do.

Mr Fraser: Is that why you're getting out?

Mr CRUICKSHANK: No. You know that is not why I am getting out. I have enjoyed my time and no-one has challenged me for preselection. So that dispels that myth. I thank everybody once again. I wish you all a merry Christmas and a happy New Year. Thank you all for the wonderful 15 years I have spent in this place. It has been fantastic.

Dr MACDONALD (Manly) [6.15 p.m.]: I am one of the members of Parliament making a valedictory speech after serving only eight years in this place. I entered Parliament in 1991 relatively unprepared after having spent 25 years in medical practice with very little involvement in politics. For me it has been a great privilege to serve in this Parliament. It has also been a remarkable experience and one I would describe as a period of personal growth for me. I am not a career politician. I am also one of the few Independents and I have actually managed to survive the lonely role of Independents in this place. It is traditional for a member to reflect in a valedictory speech on career highlights. I shall limit those highlights to just two or three.

I should like to reflect on the early years of my service in this Parliament in 1991 when the Independents held the balance of power. That was an historic moment in the history of the New South Wales Parliament. Notwithstanding that many members of Parliament found it difficult to work through the process of developing a charter of reform, I ask honourable members to acknowledge that the three non-aligned Independents took an unselfish position during that process. They did not demand anything for their electorates or for

themselves. Basically their position was one of altruism. They sought a long-term benefit to reform the parliamentary and democratic process. The Charter of Reform, which came out of that process will stand the test of time.

In 1993 I had the opportunity of chairing the Joint Select Committee upon the Sydney Water Board and to bring to account the giant utility that brought me into politics. My political origins are to be found in community concern about the activities of that utility within my electorate. It was a great opportunity to hold Sydney Water to account during the committee's inquiry. It is interesting that the last bill to which I spoke in this place was the Sydney Water Catchment Management Bill. In a sense it is a poetic circle that brings me back to the same point as I depart this place.

In May 1994 in conjunction with John Hatton and Clover Moore I supported the motion for the establishment of the Royal Commission into the New South Wales Police Service. John Hatton, Clover Moore and I spent many months talking about the wisdom of initiating that process and working with the two major parties in an attempt to try to get support for it. It will be ever to the credit of the Labor Party that it supported the establishment of the royal commission which, I also note, was vigorously opposed by the coalition, which was then in government. John Hatton was vilified at the time and he showed enormous courage to take that position. In the past four years enormous changes have occurred. We have seen the appointment of someone who appears to be a strong police commissioner and the Police Integrity Commission [PIC], and the gains that have been made since the royal commission are about to be audited by the PIC. I think they will stand up to scrutiny.

Much more could have been achieved in Parliament in the time I have been here if we did not have such an unproductive political system. I want to dwell for a moment on that. This place is full of well-meaning, hard working people who dedicate many years of their lives to a fruitless exercise. Our adversarial system of politics, with no meaningful debate, will break many people who come here because they will become so frustrated with their lack of opportunity to achieve things. Backbench members in this House are marginalised and trivialised within this system because it is based on a them-and-us concept. There is a constant power struggle across the floor. It is not really goodies and baddies; it is about them and us—those who have the power and those who do not. To be in government is all important and the prize is a

monopoly of power. Gaining power, not the responsible use of it, is the goal of the parties and their members.

Parliament's power should be based on an us-versus-the Executive concept, not on us versus them or them versus us. The role of Parliament is not to divide its members. Surely the role of Parliament is to scrutinise the Executive. In that sense, I believe Parliament has lost its meaning. The Charter of Reform attempted to deal with conflict but it merely nibbled around the edges. The cancer in the political system is too advanced. We need to draw lessons from other systems. I invite members to look at the system in the United States of America, where Executive government is outside Parliament. Congress in the United States has a much more meaningful role in holding the Executive accountable. I am not advocating adoption of the American system but merely pointing out that as long as government is elected from within Parliament it will be extremely difficult to hold it accountable.

Ultimately constitutional reform will be essential. Many good politicians are wasting their time within the existing system and the public policy outcome is poor. I emphasise again that is not a reflection on the individuals but on the system. As I leave this place I regret that many people who want to do things cannot do them, because of the nature of the system. The status of politicians has been referred to by other speakers. That topic was mentioned last week by the honourable member for East Hills and also by a number of honourable members today. Their status is at an all-time low. That is unfortunate. I do not entirely blame the media, as Pat Rogan did, although they have to bear some responsibility.

Politicians bring much of it on to themselves because of the system in which they dwell. On occasions they are blatantly overgenerous to themselves, evidenced by the superannuation incident last year and overgenerous allowances. But the reason politicians are held in such low regard is their broken promises, their lies during campaigning and their lack of courage and leadership. I have attempted to debate matters in this Chamber such as drug law reform and euthanasia and all I have seen around me are politicians who do not have the courage to enter those debates. This goes back to the points I made earlier: they fear the prospect of losing the next election. As long as that is the case we will not have a meaningful political system.

I do, however, want to make a couple of comments about the media. They have to examine their own ethics. The media are fanning much of the inappropriate comment on public policy matters dealt with in Parliament, such as law and order. They always seem to be fanning it because they want to sell more copies. People like Alan Jones are setting the agenda. These people strike terror into the hearts of politicians who fear to tread in the areas they should be treading. It is sad that unelected people are able to wield such power over politicians.

My experience in the eight years I have served my electorate is that speaking the truth and confronting tough issues pays dividends. As one leaves Parliament, as I will be soon, and leaving public life, one can reflect on the reasons why one becomes involved. One becomes an Independent not as part of a career path but for other reasons. It is basically to have a crack at the system, because if the system offends you, you should get in and have a crack at it and redress injustices as one sees them. I am not reflecting on Labor or Liberal members but on the whole party political system. It is also a time to reflect on what drives one to enter the system, the sort of things that mould and craft one's attitudes. I was brought up in Scotland. I was a great reader of Robbie Burns. I now recite one of his verses:

Is there for honest poverty that hangs his head an á that
The coward slave, we pass him by, we dare be poor for á that
For á that, an á that, our toils obscure for á that
That rank is but the guinea stamp, the man's the gawd, for á
that

What Robbie Burns was railing against was that rank in those days—and I think still to some extent now—is based on wealth. He despaired that in the latter part of the eighteenth century poverty was viewed as a crime. In the last line when he talks about "the man's the gawd, for á that" he was pleading that individuals be judged for their own worth. That is something that I have had an opportunity to reflect on. Over the years I have been in politics I have looked at what drives one into a place like this to face the difficulties that go with the job. I guess it is to try to right the wrongs and address the injustices. Robbie Burns was a fine Scottish socialist.

I thank my electorate for voting me in on two occasions—albeit by relatively slim margins. It was fun, it was a challenge. I hope a benchmark has been set in my electorate. I think there is an expectation of community representation. I hope another Independent is elected. If not, I hope that the member of Parliament who succeeds me is able to continue to put energy and commitment into the

smallest issues. The people in my electorate would feel they have had relatively good value for money. I would say that Independents do have an opportunity to serve their communities more freely. We are not tied up with the machinations of party politics and we are free of all the distractions of party life. I believe the Manly community has a raised expectation, whoever the next member of Parliament is.

I am also exercising a choice, which is a privilege in itself, to leave Parliament now. I am moving in a new direction to resume a medical career. I am joining a French humanitarian aid organisation called Médecins Sans Frontières. It is the largest private humanitarian organisation in the world. A month before I entered Parliament in 1991 I was offered a job with the International Committee of the Red Cross to go to Kurdistan for six months. My wife was not too keen that I should enter politics but when that news came through she was very keen that I should not go to Kurdistan. I have had a lasting ambition to join one of the aid organisations for a while. The reason I have chosen Médecins Sans Frontières is that it is not only a humanitarian aid organisation but also uniquely a human rights advocacy group. I shall be working with the organisation in the area of refugee health.

I want to thank a number of people, and do so from the heart. I thank the parliamentary staff who contribute to the enormously professional administration of this place. I find the staff courteous, diplomatic and equitable in the sense of distribution of their assistance and resources. As an outsider to the parliamentary system I have been welcomed by all areas of parliamentary service and for that I am very grateful. I also thank my electorate staff over the years and particularly the current staff in my employ, Jodie Wauchope, Mary Lou Spratt and Anne Lanham. Anne Lanham has been with me since the beginning and has been my right hand person. I also want to thank my supporters and volunteers—at last count there were about 420 people on my list who have spent endless hours doing letter box drops and other tasks.

I thank my family of two sons and a daughter who have always been very supportive, and my wife, Wendy, to whom I have been married for almost 30 years. Despite the stresses and difficulties that politics create I believe it has built on our relationship which is stronger than ever. I must say I wonder who would want to be married to someone who is in politics and is about to disappear overseas on missions? In any event, once again I say that my years in this place have been a rewarding, warm and privileged experience for me. I also wish all

members of parliament who are leaving a happy retirement or a happy change of career. I wish those who are remaining the very best in the elections coming up in 1999. May the best persons win in each of the electorates. I do not know who is going to be in government. I cannot predict. I am not a great reader of the sands but I believe the 1999 election will be critical.

Bearing in mind the experience of other States I sense that it is likely to be close to a hung Parliament. I wish my independent colleague, the honourable member for Bligh, who has been my companion for the last eight years, the very best in her election. Indeed, I wish her well if she holds the balance of power, for that will be an enormous responsibility. I understand it is likely that other Independents may be elected and that will be good for the Parliament. I wish all members and staff a happy Christmas and the very best for 1999.

Mr JEFFERY (Oxley) [6.33 p.m.]: It is with some sadness that I speak for the last time in this Parliament although I know that a lot of honourable members will probably be happy, particularly the honourable member for The Entrance, who will be able keep his coat in one piece from now on. Fifteen years in Parliament is a long time and I would like to put on record my appreciation of all honourable members. Many people in the community do not realise how hard members of Parliament work and the sacrifice that they and their families make. That is not always recognised so I wish to put it on the record. Much has happened during the past 15 years. Members have their ups and downs, their good times and not-so-good times. I was first elected in 1984 as the member for Oxley. I then became the first member for Port Macquarie in 1988. The present honourable member for Port Macquarie has great potential and is a good member.

Mr Fraser: You are better looking.

Mr JEFFERY: Of course, that was in my younger days. It is good to see some young blood entering politics. Whilst my shelf life has not yet expired, I believe that everyone has to go on to other occupations and things in life. The Olympic Games are coming on and being a member of Parliament in 2000 would be an historic personal event. The hardest decision I had to make was to announce in June last year that I would no longer be standing as a member for Parliament on 27 March next year and therefore I would not be in Parliament in 2000. Without a doubt the tragic accident of the Kempsey bus crash at Clybucca was one of the downs in my life. I hope no-one else will ever have to experience something similar. I was at the scene

at about 4.00 a.m. and it was like a battle field. That was an occasion when the police, ambulance, fire brigades, rescue services, nurses, doctors, ministers and everyone come together to help those in need. From that tragic event came strength in the community, but it was an horrific event in my career.

Another horrific occasion was when two police officers were shot at Crescent Head. At about 5.00 a.m. my son, a police officer, rang me and said that two officers from Kempsey had been shot. I went out to Crescent Head. Robert Spears and Paul Addison, two great officers, married with families, lost their lives in the course of their duty. Those two episodes will remain indelibly printed in my mind forever. It is good to see the Leader of the National Party present. I thank all members of the National Party. I have known and respected honourable members from both sides of the House. Like the previous members I would like to pay tribute to the staff of Parliament House. The honourable member for Dubbo said that Parliament is the only institution he knows where the inmates run the show.

I can assure honourable members that if it was not for the attendants, the staff of Hansard, the library, the dining room, stores, security, building services, the Clerks, information technology and printing this place would not work. Unfortunately, the fact that staff numbers have been reduced should be addressed. The staff should be supported. They have been of tremendous help and do a magnificent job. This place has seen a sea of change. The honourable member for Port Macquarie said to me that he cannot miss these speeches because it is the only time members are fair dinkum in telling the truth. Honourable members have always told the truth but at times avoid telling what they should. I am concerned about the deplorable behaviour during question time in this place that has caused children and adults to walk out in disgust. Humour and robust challenge have their place in the House but it is unbecoming of members to refer to each other in a derogatory manner.

The standard of behaviour in the House has deteriorated quite apart from what happened in the Wran and Punch days. In this Chamber honourable members on both sides of the House pull each other down but in the real world the public do not know to which party members making critical comments belong: all members are branded with the same brush. For example, question time used to be a piece of theatre, it was entertaining and witty. Now it is reduced to a pitiful pit of venom and bad behaviour.

I admit that at times I may have added to that bad behaviour, and I know it can be improved. Some funny stories have been told in this Chamber today and I will not try to outdo them. Gerry Peacocke mentioned a few. He is now walking with the use of a cane and he told me that he is to have an operation on both knees. Yesterday he asked his doctor whether he could have a quick operation. The doctor replied, "Sorry, Gerry, you are going to lose both kneecaps and we will replace them with plastic ones". Gerry said, "That's good, I will give the knee bones to my dog, Henry."

We have all heard about Henry. The doctor said to Gerry, "You cannot give the bones to Henry." Gerry asked, "Why not?" The doctor replied, "Because he might get fond of them and start attacking the rest of you." We do not want to see Gerry lose more than his kneecaps to Henry. I recall that one night Henry attacked him when he was wearing his dinner suit, and we do not want to see any more of that. When I was first elected to Parliament Leon Punch was the leader. He was a great leader. He used to sit on this bench and Neville Wran would sit opposite him. Wran would say, "Why don't you get out of the gutter, Punch?" Punch would retort, "Wran, that's the only place I can find you." That went on day after day. I wondered what I had come into.

Leon Punch did not like my predecessor, Jim Brown, probably because of the Dairy Farmers dispute that took place in the Country Party days. Naturally, he did not like me when I was elected as the member for Oxley. We used to have private member's statements at 10 o'clock at night, a stupid time, and sometimes members would have had a few drinks and get up and say stupid things. One night Leon Punch attacked Neville Wran for, allegedly, \$15,000 in the bag. I will not say any more than that; it is all in *Hansard*.

Just prior to that I went to see Bryce Osmond—who now works for our current leader—to seek some advice from him. Leon Punch was also there. I said, "Leader, I want to ask something." Leon Punch then used a word starting with "P". He said, "P off out of here, Jeffery". He then hit me and I went rolling out the door, did about three circles, got up and wondered what I should do. I went back and said, "Leader, if you want me to P off out of here you will have to say, 'Bruce, will you please P off out of here'." Leon went bright red, then white. After a while his colour returned and he said to me, "Bruce, will you please P off out of here, I am busy." I said, "Certainly, leader." I went back to see him the next day. He was a good leader and had many great qualities. That true story will probably

be included in my memoirs. No, I am not going to write a book—but if I do it will be a witty one, not one that tears people down.

I have enjoyed my 15 years here, particularly my five years as National Party Whip. I have enjoyed working with my colleagues, including members of the coalition, the Labor Party and the Independents. But I have particularly enjoyed working with my colleagues from the National Party. When we are in Sydney we get together and discuss our electorate problems and needs over a cup of coffee, or whatever. We have a great rapport and friendship. I could tell many stories. One night my friends thought they had killed me. I was trying to trip someone with an umbrella, and Robert Webster threw me up in the air and I hit my head on the way down. Robert Webster was sure he had killed me. The next morning he got a security man to open my room, where they had laid me out. But I was gone. I went back to my unit. But that is another story.

Mr Souris: What about your medical check-up next door?

Mr JEFFERY: That was a funny story. I asked George Souris where to go for treatment, and he sent me to the wrong place. I thought I was in the hospital, but I went down a laneway, entered a room and said I was there for my health check-up, for my cholesterol and blood pressure. They told me they did not have a record of my name and that I was in the STD centre. When I asked "Is that Telecom?" I was told, "No, the sexually transmitted disease centre." I went red, I tried to find my sunglasses and get out of there quickly. I asked them where I should go and was told to go behind the pig in front of the hospital. When I returned to Parliament House I told George Souris what had happened, and he said "Don't blame me." Political life places a heavy burden on a family. I am grateful for the untiring efforts and support of my wife, Margaret.

Mr Fraser: The best local member Oxley has ever had.

Mr JEFFERY: Not only that, Margaret has political nous and a lot of commonsense; she would be a formidable opponent. When I ask her for an opinion she tells me in direct terms. Margaret has been a great support, as have my children, Leanne, Steven, Norman and Kathy. Three of my children are now married. Norman is overseas with his girlfriend, meeting her parents. Hopefully he will be married soon. The kids were at school when I was elected to Parliament. Margaret took on the role of

wife, mother, father and whatever was needed as well as attending the functions I could not get to. I am proud of my family and of our two grandchildren, James and Robbie Bruce. I want to spend time with my grandchildren, because I did not spend time with my kids. I hope I can make up for that.

I also sincerely thank my staff, Margaret Bateman and Helen Elliott. Margaret has been with me for 14 years—murderers get only three years—and Helen has been with me for almost 10 years. They can run the electorate for me during parliamentary sittings because they are experienced and capable. Margaret has a degree in political science. Margaret and Helen have different qualities and they complement each other. Anyone who knows Margaret and Helen would agree with me that they are the best secretaries in New South Wales. I know we all think that about our staff. I thank them sincerely for their dedication and assistance to the constituents. We are here to help our constituents and our electorate, not the other way round. I also thank Carole Worland, who was my secretary when I was the Whip. She is a wonderful person and has given sterling service to the Parliament and to the National Party over many years.

The National Party branches in Oxley have been supportive. At election time about 500 people would help me, and only half of them were members of the party. I would be here all night if I mentioned everyone in the National Party. But many members of this House know Mary Tarr; we call her Mrs National Party. Unfortunately her husband, Rod, died some years ago. She loves horse racing, but she finds time to work for the community. Many members of this place are elected with the help of people like Mary Tarr. I have heard people say, "If it is good enough for Mary Tarr to vote for Bruce Jeffery, it is good enough for me."

I could talk about the big issues in my electorate—the schools, the roads, the new bridges, or the increase in the number of police—but instead I will mention the thousands of representations received by members each year. I remember those most because members get great reward from helping people by pursuing matters for them. Members who believe in a cause and keep working towards it can really help those who need assistance; and, at the moment, there are many in our community who need quite a lot of help. I do not believe my use-by date has expired, but I do recognise that we need new and young blood. I do not always agree with what is said by the honourable member for Murrumbidgee, but I can

appreciate what he said in his retirement speech. Then again, he is a lot older than I am. However, we must bear in mind that no-one is irreplaceable.

One thing that retiring members might worry about is whether their party will hold the seat, or whether they will be replaced by good candidates. I am pleased that we have an excellent candidate in Andrew Stoner. He will make a great member of Parliament. He works extremely hard. I am working harder than ever at the moment, going to functions and meeting new people, while Andrew is learning the ropes. When it comes time to pass the baton, I am sure members of this place will be impressed by Andrew as a member of Parliament. He is a great family man, and has a lovely wife and children. He is a person of compassion. We need that in a member of Parliament.

Finally, I thank other members I have worked with in this place, including those who have worked on the Staysafe committee. I have a special affection for the Staysafe committee and all its members. I am the longest serving member of that committee, the hardest working committee of this Parliament. It is interesting that 93 per cent of the recommendations made in the 23 reports of that committee over the past four years have become law. If members tried to get some of those recommendations through their party rooms they would have had Buckley's chance.

However, the recommendations were recognised as being for the common good and as coming from the bipartisan Staysafe committee. It has done an excellent job over the years. I am sure other committees also do a great job, but I cannot speak for those committees as I have not served on them. I am certain that the Staysafe committee has proved to be to the great benefit of the people of New South Wales. Do we have a coat for Grant McBride? He lost a coat sleeve on one of my magic nights.

Mr Merton: It was not so magic for him.

Mr JEFFERY: No.

Mr Cruickshank: Sandra wants her shoes.

Mr JEFFERY: I am no Prince Charming, and I do not know that Sandra is a Cinderella either, but we must all look for the good points in people, not their bad points. There is life after politics. I look forward to a bit more rock fishing—a couple of times a day, instead of once a day. I love gardening, and I have not had a game of golf for 18 months. I

hope to get into a business or do something. I will be working up until 27 March as the member for Oxley.

Mr Merton: At kids parties.

Mr JEFFERY: I will try to get to kids parties and retirement villages, in the hope that I can bring a little pleasure to others. I wish all members well. I wish retiring members all the best in whatever they do in their retirement. In particular, I wish everyone a merry Christmas. In true magician spirit, I will now disappear.

Mr NEILLY (Cessnock) [6.53 p.m.]: My contribution will be relatively short. Initially, as far as felicitations are concerned, I extend my very best wishes for Christmas, as well as a happy, healthy and prosperous 1999 to all staff of members of Parliament and their families, plus all members of Parliament and their families. As to the valedictories, they may be typified by an expression that has been used elsewhere: as it was in the beginning, so shall it be in the end. Inevitably, many things that we talk about in our maiden speeches are reflected in our valedictory speeches.

I have been honoured and privileged to have been the member for Cessnock since February 1981, with a gap between 1988 and 1992, and onwards, if I do not succumb on 27 March next year. The honour and privilege of being the member for Cessnock was made available to me not only by the party that I represent but by the general public, because the public put politicians into Parliament and also remove them. I too have been on the elimination trail. I did not have the opportunity to make a valedictory speech in 1988 so I had to come back to be afforded that opportunity. To be quite frank, I had never spoken in felicitations before because I think there is a degree of humbug about them.

I have been in a good position to note the change that has occurred over half a century. We can make change; we do make change. We work under the Westminster system of government. It is often criticised, but someone has yet to come up with a political system that is better and provides democracy and justice for the people. A politician who is not on his mettle should not be in this establishment. Politicians who do not believe that they have the capacity as individuals to influence governments and oppositions, and to bring about change, not only for the people of this State but for the people of the electorates they represent, should not be here.

The area of the Hunter that I currently represent covers some 9,000 square kilometres. Over the past 15 years—perhaps I should correct myself and say the past 18 years—I have as a member of Parliament represented a corridor from Lake Macquarie to the top of the Hunter, and of almost the width of the Hunter. That has been something of an experience. Politicians who do not learn from their association with members of the public, or from dealings with people who have problems of a diverse nature in consequence of representations that they make, are not worth their salt; they cannot be listening. The key to political success is in listening to people and doing one's best to represent the people and meet their needs. We do not win all the time—in that, I am not saying anything that my colleagues do not know—but, most assuredly, a member who does not try to represent the people does not earn their respect.

I sincerely thank those who have assisted me during election campaigns. Those people have stood by me, particularly in the period following my defeat in 1988 when it seemed I would run foul of those who could ensure my future in politics. Particularly, I thank my electorate staff. In my period in politics I have had only three electorate staff. Valda McLachlan left to go into the wine industry having suffered problems with repetitive strain injury. Barbara Markus came to me from the local employment office. She lost her job when I went out of politics, but rejoined my staff when I returned to politics in 1992. Anne Lomas was employed by my predecessor, Mr Bob Roberts. Anne came on as one of my staff members when I regained the seat of Cessnock.

Our family has not been a typical family, so far as politics are concerned, but I think that 39 years in politics, father and son—although not continuous—reflects the fact that we have had a significant input into this State. My father certainly, and I, have had the support of my mother, Mrs Lola Neilly, and to her I extend my extreme gratitude. As members of this House know, without the support of women to do work within their electorates while they are in Sydney, they would be run ragged and would not be afforded the opportunity to go about and help the constituents they represent.

By way of a bit of background, my father's mother died shortly after he was born and he was raised by my great grandfather. My father's father was also known as George Henry Neilly. He was the last man to be leg ironed out in the coalfields during the strikes in the early part of this century. He was imprisoned at Maitland. But even then and subsequently our family was not involved in politics.

My father, as was the case in the post-depression period, worked in the pits until he was 21. In those days you were cabled out and had to go and seek employment elsewhere. He then went into the fruit and vegetable game briefly before joining the navy in 1939. He married my mother in March 1941 and I was born in 1942.

He left the navy, I think, in late 1944—early 1945, I understand on a Thursday, went to the co-op store, bought his pit gear and was back in the pits on the Friday. He then became involved in the local miners lodge. In those days the miners lodge had quite a different perspective to that which most people have of employees in the mining industry nowadays. It was virtually a cradle-to-the-grave situation. Miners paid their stump to the miners lodge and it looked after their medical and hospital requirements. In the post-World War II period it also looked after their other needs which were not generally available—chewing gum, tobacco, tea, and the like. I recall as a kid, as part and parcel of my father's then role as secretary to the miners lodge, sitting at home, wrapping up chewing gum in sliced up newspapers for the miners to take to work. When it came to the typing, my mother did the work. It was my mother who filled the void when my father could not do what he had to do.

I recall that during the 1949 miners strike my father travelled around addressing meetings and telling people that it had reached the stage where it was reminiscent of Napoleon's march on Moscow. He inferred that Napoleon won the war by getting through to Moscow, but lost the battle because his army starved on the way home. There is always a point, irrespective of what dispute you may have in life, when you win, lose or quit. My father believed that, despite the fact that in its embryonic stage the strike had validity, it had gone on for so long that families were suffering. I recall going to school with riding orders. Schools had soup kitchens and I was told before I left the house to say that we had plenty to eat at home and I did not have to take anything from anyone when I got to school.

In those days in the coalfields the politics from left to right was communism to the Labor Party. If the trade union ran a battle, come what may the message was sent up by chalk on the sides of the skips. That was the journal of advertising; that is how they sold their messages. My father then went into the trade union movement by becoming the northern district president of the Miners Federation. My mother stood by him all the way through. I remember one night when he was a little late returning home—in fact he did not return home. Mother and the two kids wound up catching the

train to Newcastle to do a hunt for him and she picked him up and brought him home again.

If my father had not had her by his side perhaps life would have turned out a little differently for him. He went on to become the National General Secretary of the Miners Federation and in that same period was elected to the Legislative Council. It was not until 1976—all credit to Tom Lewis—that those members had electorate secretaries: your home was your electorate office and your wife was your electorate secretary. I recall my first interview for my father when I was about 17 years of age in 1960. Come June next year I will have been a member of the Labor Party for 40 years and I will have been 42 years in the work force. That came about because my old man caught me smoking and said, "You will pay for them yourself or you will keep on going to school."

I took a rash decision, which is regrettable in many ways. Ultimately he was elected to the Legislative Assembly in 1959 and resigned in 1978. Most people think that it was a dynasty. It was certainly no dynasty when there was no contiguity. I have no children; I am not even married. Of course, from 1946 my mother has stood valiantly alongside my father and me. She will be well advanced in age next year and I think it is potentially pay-back time for me. I do not want to soul search. I have enjoyed my time in politics. I have enjoyed my time in this Chamber. As has been suggested by many other speakers, friendships are moulded here.

I recall Harold Mair, a former member for Albury, as being a man that I regarded with high esteem. I think from the perspective of the Opposition there could be no finer man than the current member for Murray, Mr Jim Small. They are men of unimpeachable character, but we on this side of the Chamber have had our characters as well. Not many could match the wit in this Chamber. Honourable members have heard some of the contributions this afternoon. There have been many good operators in this Chamber and by far the best operator in the period I have been a member was Neville Wran.

A great deal of hypocrisy has been displayed in politics, most of it not in this Chamber but in the election field. I have certainly attended a number of meetings where I have been one out, like a shag on a rock, and others where I have been a vociferous participant. Perhaps the most difficult meeting that I attended was held in 1988 and was associated with firearms. I had to saddle up for a meeting that was attended by between 1,500 and 2,000 persons, depending on which newspaper one read. I ran on

what I believed to be the party line. I spoke, and responded to every question put to me. Members of the audience did not want to hear any views different to their own. The shadow minister for police, Ted Pickering, was standing in the background. He had helped to organise the meeting and he helped to fuel the fire. What has transpired in the last couple of years compared with the proposals put forward at that time shows the hypocrisy that exists.

The proposals back in 1988 were not nearly as strict as the current enactments of this Parliament—and I guarantee that they will not become less strict. Despite the friendship that exists between members of Parliament, it is unfortunate that when we are on the election trail, instead of using logic, reason and advocacy in the best interests of the State, we will use anything in the book to get over the line. The fixed four-year parliamentary term might modify some of the behaviour of the past, but I suspect that the next three months will see the emergence of some past practices. If we are going to have good government in New South Wales and good national government we should agree on the core matters apolitically. Those matters on the fringe on which we cannot come to an accord should be the matters that we deal with in Parliament.

Within the Westminster system there is the capacity to divide the operations of Parliament between those matters on which we can reach accord outside the arena of Parliament and matters on which concurrence cannot be reached. We can publicly battle those matters out in the Parliament. Despite what I have been told in the past—it has been supported in my electorate—I believe that the Legislative Council is an anachronism. The Legislative Council and the Senate are frustrations for present parliaments and parliaments into the future. I conclude by stating that the media does not do credit to the establishment of parliament. I have never been a media hunter, nor have I sought coverage by the media. The media portrays politicians as inept, having their snouts in the trough, and not servicing the people.

I deny such assertions. I point out that in almost 39 years of the Neilly family being in the New South Wales Parliament neither George Neilly, my father, nor I had an overseas trip. During the past 14 years, until recently when I was told that I could use it, I had not used an interstate travel warrant. My mother, who has been the spouse of a politician and the authorised relative of a politician, has never been on an aeroplane in her life. For more than 30 years my mother has not even been to Sydney, save for going to North Sydney following

the death of her grandson. We live for the people we represent. It has been a joy to represent them. My successor will be preselected next Saturday. Irrespective of who that successor is I will willingly give my support to see that person elected to this Chamber, which I believe is one of the best Houses in the world. [*Time expired.*]

Mr KINROSS (Gordon) [7.13 p.m.]: I speak with mixed emotions. I will continue my tradition in this House of never having written a speech since my maiden speech, thereby causing Hansard innumerable frustrations and difficulties because I do not have verbatim notes. My notes consist of many points across the page. I speak with mixed emotions because I am the only member of Parliament who is seeking to return in some other form, as a member of the Legislative Council, "another place" as we fondly refer to it. Therefore one has to be all the more careful in what one is saying. The honourable member for Oxley referred to a comment by the member for Port Macquarie that members of Parliament are more entertaining in these types of speeches because at last they can free themselves of the shackles of policy and perhaps speak with their heart and mind—something I have always tried to do in my public life.

I am not too sure whether I can say that in this case for this Saturday and Sunday—it may even run into Monday—I will face preselection with 28 other candidates. So one is not too sure what truths one should speak. This morning's *Sydney Morning Herald*—my maiden speech on 13 October 1992 also referred to that newspaper—provides assistance or food for thought. This morning's headline was a sad one, "Stop the muckraking, I quit". I would be less than honest if I did not admit to thinking of quitting in June this year in connection with my seat. However, I did not.

If not successful this weekend I must consider how best I can continue what I have always regarded as my principal and primary duty—public and community service in the best interests of the people of Gordon and the people of New South Wales. There were difficulties and some undermining, but I acted in the best interests of the party. If the party honours me with preselection this weekend I propose to go to the Wollongong and Illawarra region, where the coalition can differentiate its policies from those of Labor. I know that this is not the time to score political points, but a real factional brawl is about to commence. We have not followed that path.

John Hannaford said to me in a quieter moment earlier this year in connection with the

preselection, "Mate, bite your tongue." I asked, "What happens if I don't bite my tongue?" That was good advice but one is not too sure for how long one can bite one's tongue. It was almost 6½ years ago that I entered this place. I did not take much time to consider the change from the Bar to a parliamentary career. In the by-elections for Gordon and Ku-ring-gai held on 22 August 1992, John Fahey had his first electoral test. I apologise to my colleague Stephen O'Doherty for making the point, but I did score what was an unprecedented swing at that time—a 5½ per cent swing when the neighbouring seat, Ku-ring-gai, had an 18.5 per cent swing. I am pleased to say that since that time those results have been turned upside down by the honourable member for North Shore—although I think the record is held by the honourable member for The Hills who had a positive swing towards him in a by-election—something that is very unusual!

[*Interruption*]

I stand corrected. The record is held by the honourable member for Strathfield, my friend Bruce MacCarthy. In my maiden speech I spoke about a number of issues, one of which is best summed up by the initials I gave it: IVF—institutions, values or our goals and the future. They refer to the technology in-vitro fertilisation, which will be with us for many years and which will in turn impact on our value system and cause us to question the contribution we have to make to the future. Those issues were, in order: the school, the family, the Parliament, the church, religion, the media—about which I will have a few words to say later. I probably cannot speak the truth, given my position on Saturday and Sunday—and the unelected bureaucracy. In terms of values I ranged through a whole spectrum of material from sport to our goals and systems. Indeed, I would like to quote from Lord Randolph Churchill on modern politics. I think this sums up the way that all members of the Legislative Assembly work hard for their constituents. He said:

The noise and confusion of election crowds, the cant of phrase and formula, the burrowings of rival caucuses, fill with weariness, and even terror, persons of exquisite sensibility. It is easy for those who take no part in the public duties of citizenship under a democratic dispensation to sniff disdainfully at the methods of modern politics and to console themselves for a lack of influence upon the course of events by the indulgence of a fastidious refinement and a meticulous consistency. But it is a poor part to play. Amid the dust and brawling, with rude weapons and often unworthy champions, a real battle for real and precious objects is swaying to and fro. Better far the clamour of popular disputation, with all its most blatant accessories, hammering out from month to month and year to year the laboured progress of the common people in a work-a-day world, than the poetic tragedies and violence of chivalric ages.

When I was elected to this House nearly 6½ half years ago as the member for Gordon I took over from my predecessor the Hon. Tim Moore—who has coincidentally assisted the coalition on other issues of late. I can still say that in many essential respects the area that I represent and in which I have lived for over 30 years still possesses some of those core values and characteristics which have always distinguished it. St John's Church, situated on the Pacific Highway at Gordon, celebrated its 125 years last year and I was present at the launch of the commemoration book. St John's is still going strong and indeed is a landmark, not only for Gordon, but for most of the north shore. It is ably led by Rev. Jim Pettigrew. It is the second oldest church north of the Harbour Bridge after St Thomas at North Sydney. However, the area faces great change in the coming years.

For example, we have a residential strategy which this Labor State Government has forced upon the Ku-ring-gai Municipal Council. There is an enormous amount of development taking place and whilst that is clearly welcomed by us, we want to see business and development generally thriving, it nevertheless must be undertaken in consultation with the community. I believe the people of Gordon demonstrate the best qualities of the Australian spirit. I do not wish to point-score, but I have found some of the class warfare adopted by the Labor Party, which is on the record, very sad. I remember the Hon. Michael Knight often saying, "We are happy to rob the rich to pay for the poor." You do not make the poor rich by making the rich poor! I remember working with the honourable member for Lane Cove in issuing a joint press release to attack that issue.

I remind honourable members, as I have said many times when I have spoken in my electorate and beyond, Labor has no monopoly over the word "compassion". Indeed, the Liberal Party can pride itself on the work it has done. After all, it was Menzies who stated that the Liberal Party was a party as much for the forgotten people. Not least was the generous spirit of the people of my electorate manifested in a recent ranking of the electorate of Gordon in the 1997 analysis of "Sydney's most generous top ten suburbs". Three came from the electorate of Gordon. St Ives came second, Killara—where I have spent many years and where my parents currently reside—came fourth, and Pymble came sixth.

The electorate has indeed changed. For example, the latter two areas will to some extent remain in the new electorate of Ku-ring-gai. St Ives will become part of the electorate of Davidson. Prior

to the 1991 redistribution South Turramurra was in Northcott electorate and St Ives was in the old electorate of Ku-ring-gai which was represented by the former Premier, the Hon. Nick Greiner. Until the next election St Ives is in the electorate of Gordon and after 1999 it will be in the electorate of Davidson. While I believe we have a job to educate and inform the public to some extent, they too have a job to become aware of their electorate. It is not simply up to us to inform them. If they are truly interested in the democratic process, as people should be, they should be involved in that process.

One way is to find out the who local member is. I make some exception, however, in cases where the electorates have not had fixed terms, but have moved in and out three times at least, as St Ives has. I accept that there may be some misgivings as a result. I believe the right to vote is something we sometimes take for granted. In the by-election for Gordon 20 per cent of those enrolled did not vote. I am pleased that that happens less often in general elections. I do not think that was the case in Sutherland and I am pleased about the resounding victory for the honourable member for Sutherland who has worked hard, as I did in trying to assist her. There have been times when politicians have fallen in the public's estimation.

Last night in the Greenway Room, at the launch of my campaign for the upper House, Alan Jones, the broadcaster, thought it was a bit overstated to suggest that politicians have diminished in stature, but the facts to some extent speak for themselves. In a current affairs rating last year politicians were ranked 37 out of approximately 40 vocations or professions. Who were we above? Drug runners. Who were we below? Journalists. By only one in each case! I am not sure what our task must be to overcome that. I have, as I think we all have, experienced the brunt of the media's pen. I say pen because I have not suffered at the hands of radio or television. I have taken much interest in the television program *Media Watch*, hosted by Stuart Littlemore, the originator of that program, and my friend Richard Ackland, with whom I have since kept in touch. I think they have kept a good watch because, as I said in my maiden speech, the media has an incredible power over all of us and indeed over the public. They must be accountable when reporting fact and where they fall into error.

One regret I have always had is that they do not have to apologise or at least reprint the correction in the place where the article was given prominence. I think we must all take that into account. Indeed, some preselectors have said, "You should stand up to the media more often." I

sometimes feel that as well in my heart, but I am conscious of the extent to which that may affect my party. As well, I am concerned about grudges that might linger longer than necessary. Given the limited time in which I have to speak I will mention a few other achievements and the highs and lows for the people of Gordon. I have been beside them throughout.

Who could forget the January 1994 bushfires, the massive devastation in and around Killara and the many homes in Albert Drive that were burnt to the ground? This was also the case in Winchester Avenue in the electorate of the honourable member for Lane Cove, which will revert to the electorate of Ku-ring-gai after 1999. However, to this day, 4½ years later, many people are trying to ascertain what they can do to protect their backyards. A constituent of mine, Mort Dowling from St Ives, wrote to the Minister for the Environment over six months ago seeking permission to undertake burning off at the back of St Ives. That still remains to be done and that would be systemic throughout the State. I would have thought that hazard reduction would be welcomed by the Government.

Many honourable members have placed motions on the notice paper that reflect the huge increase in crime. Statistics show that for the 12 months until September 1997 there was an increase of more than 100 per cent in the crime rate in the Gordon electorate in the categories of burglary, assault, robbery and offences relating to drugs. I know that that rate has not abated. One high note has been Gordon's rugby win and its premierships in 1992 over Warringah, in 1995 over Canberra and in 1998 over Northern Suburbs. I turn now to my personal achievements. Who could forget the 600 hours that were ploughed into the HomeFund committee. Taking a 50-hour week—though the average is 37½ hours—that committee involved three months full-time work on top of our other parliamentary and electorate duties.

The HomeFund committee could have demolished a Premier and one of his senior Ministers, but I am pleased it did not do so. I recall that John Hatton said in one of our first briefings that he believed it was the honourable member for Ku-ring-gai, the honourable member for Coffs Harbour and I—then members of the Government—who were winning the difficult perception about HomeFund at that time. [*Extension of time agreed to.*]

The honourable member for Cessnock had a slight dig at John Hatton but on reflection and in

consultation with the community, a number of the reforms by the Independents during our hung Parliament have now been welcomed. They were tough days and I worked 95 hours a week, much harder than I worked at the bar in Phillip Street—not the bar in Parliament House or in any hotel—where I worked 70 to 75 hours a week. I mention those figures because the public should acknowledge the time and effort that members of Parliament and, in particular, those from the lower House, put into their electorates.

I also recall the honourable member for Myall Lakes saying that the public one-on-one does not mind politicians and their teachers but they tend to slag off at all politicians and teachers generally. However, when they approach their local member one-on-one they praise and commend their hard work. The whistleblowers legislation, which was also a product of the charter of reform and negotiated between the Independents and the coalition in government, was a positive initiative. Whistleblowers Australia has expressed its support for the hard work that I have undertaken to ensure that people who uncover substantial waste, corruption and maladministration are not victimised.

Many government departments pay thousands of dollars in consultancy fees, including this Government, towards uncovering these types of errors. People who have exposed corruption should not suffer as a result of their actions, and that matter should be addressed. That ties in with my work on the Committee on the Office of the Ombudsman and the Police Integrity Commission. Irene Moss has worked bloody hard, as depicted in the *Sydney Morning Herald* this morning. She is trying to detect the level of accountability to the public by a number of government enterprises. That committee, under the chairmanship of the honourable member for Newcastle, has operated harmoniously and in a bipartisan way following on from its good work under the former chairmanship of the honourable member for Coffs Harbour.

Other achievements or highs for Gordon were the enhancements to Arterial Road; the Gordon railway station upgrade and car park, which I opened with the Hon. Bruce Baird; the \$750,000 upgrade towards the Killara railway station; improved library facilities; increased bushfire funding during the coalition's term in government; and the financial rescue of the Marian Street Theatre. I hold the arts community in high regard. The Marian Street Theatre is regarded as a jewel in our own backyard, the reputation of which extends right across Australia. Sadly, many theatres are closing down and the Marian Street Theatre has had

its share of difficulties, but with the right planning and input I know that it will go from strength to strength.

I also fought off the closure of the Gordon police station in November 1996. Many honourable members have notices of motion on the business paper about the substantial reduction in resources. I am pleased with the new building for St Ives High School, which was five years in the making. I lobbied the Hon. Virginia Chadwick in her last year as Minister for School Education and Youth Affairs and I was present when the facility was opened earlier this year. Another achievement was the traffic lights for the children of the Sydney Grammar Preparatory School at St Ives, which was opened in June 1997. That is a cross-section of the work that I have fought for. However, it is sad that nearly all of the capital works were undertaken when the coalition was in government. One wonders whether that is a reflection of a mind-set of class warfare, because since the election in 1995 the electorate of Gordon has received no allocation for capital works, but when the coalition was in government the funding averaged about \$9 million per year.

I have also tried to pursue my role in public life beyond the electorate of Gordon. I refer to my time on the Law Foundation as formerly the representative of the Hon. John Hannaford and now the representative of the Leader of the Opposition, Peter Collins. I have consistently involved myself at board meetings and our role as to input into how to improve access to justice. I have also worked with the Ku-ring-gai Career Transition Centre, which has tried to assist a number of people to be re-employed, to gain confidence and to set themselves on a new path when their jobs in middle management have been terminated.

I refer also to the victims of crime advisory group, which I established to assist victims of crime. Concern has been expressed as to where we stand as politicians and I have made a passing reference to that. I do not know if the other place runs the way this one does, but I shall leave any comments on that to later. However, I would rate the performance of this Government in running this House—and the public would agree—as three out of 10. This Government has a majority, yet it runs as if it is a loser with its lack of planning, and calling on legislation at the last minute in its haphazard way. In 1995 the coalition Government had to contend with a hung parliament, but the coalition was able to run the Parliament more smoothly than this mob. I trust that the coalition will be able to correct that in March next year.

I always recall Sir Laurence Street saying, "If you don't sing your praises, no-one else will."

Therefore, I shall conclude by putting on the record a few quotes. I shall quote first from a letter written by a constituent after the good work I had done for him and which is reproduced in a brochure that I sent to all preselectors in connection with my upper House preselection. The letter stated:

For some time I have wanted to find an appropriate way to thank him for the manner in which he has assisted me through an extremely difficult period in my life. For the past year I have been in frequent contact with Mr Kinross and found him to truly be a fighter for tough causes and the interests of his constituents. He was the only person who has taken any note of my situation and his assistance has been invaluable to me. I have been amazed at his ability to digest and understand the complicated facts of my case and, rather than take the easy option of putting it in the too-hard basket, Mr Kinross chose to believe in me. He has treated me with dignity and respect and has proven himself to be a true fighter for a cause—not least those of his constituents.

Mr David Wainstein, Commercial Leasing Manager, Hallrock Property Solutions

I was honoured and, indeed, overwhelmed with the number of unsolicited comments made by people across a range of areas in public life, including business and finance, such as Nick Greiner, the local community, church, charities such as the Royal Blind Society and the Red Shield Appeal—I know that the honourable member for Baulkham Hills also works tirelessly for the Red Shield Appeal and the Salvation Army—arts and heritage, to which I have already referred, and politics and government. I am actively involved in the Royal Blind Society and the Red Shield Appeal as well as Rotary. I was honoured when Sir James Rowland, whom I see regularly when I host luncheons for the Institution of Engineers Australia, said:

I have known Jeremy, initially through his friendship with my daughter Ann, since about 1982. He is a very pleasant and personable young man and was a welcome visitor to Government House during my incumbency there. He has been very helpful to a number of charitable and professional organisations, including the Red Shield Appeal, the Royal Blind Society and the Institution of Engineers, Australia and his generosity is greatly appreciated and is widely recognised.

His leadership qualities are attested to by his curriculum vitae and I have no hesitation in commending him.

Modesty prevents me from continuing with my mission statement! Perhaps I shall leave that to questions this weekend. In conclusion, I hope to continue to work for the betterment of this State as a member of the Legislative Council. Whatever form my continued interest in the welfare of New South Wales may ultimately take, I believe that almost 6½ years as the member for Gordon has provided an invaluable foundation and will simply be the beginning of that mission, not the end.

Debate adjourned on motion by Mr Brogden.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Statute Law (Miscellaneous Provisions) Bill (No 2)
Superannuation Legislation Further Amendment Bill

**CRIMES LEGISLATION FURTHER
AMENDMENT BILL**

Second Reading**Debate resumed from an earlier hour.**

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [7.42 p.m.]: I advise the House that a clerical correction has been made to the bill as introduced into the House. At page 10 the words "or penal servitude" have been added after "imprisonment" at lines 15 and 24. The same correct has been made at line 21 on page 11. Parliamentary Council advise that the clerical correction is required.

Mr KINROSS (Gordon) [7.43 p.m.]: As I said in the previous debate, this is the last bill on which I will speak. I lead for the Opposition on this bill, as I did on the five previous bills. I do not wish to dwell on this, but it must be said that while in the main this bill simply makes amendments of a practical and procedural nature, it is disappointing that it was second read at 1.35 p.m. today by the Minister for Community Services and the Minister for Police, the Leader of Government business in the House, asked the Opposition to agree to it at 4.00 p.m. today. At least that was his first attempt. The Opposition must express the overriding caveat as it has had insufficient time in which to consider the bill.

The amendments to the Crimes Act concerning self-induced intoxication in relation to voluntariness in criminal matters are most welcome and clarify the position. Indeed, the shadow minister for police, the honourable member for Eastwood, tried to correct this error in a private member's bill. I say "error" because the High Court pronounced that the defence of self-induced intoxication could occasionally arise as a defence against liability. Basically, the community was outraged about that because in this day and age it is slowly realising that people should be responsible for their own actions. If people tank themselves up, hop in a car and then injure or maim

someone, or indeed lash out at a person as a consequence of their state of intoxication, they will be responsible for their actions.

The judicial system becomes a mockery when it allows persons to go free because of their self-induced intoxication. That matter was brought to the attention of the Government by the honourable member for Eastwood, and I am pleased that the wording has been clarified. I do not wish to dwell on the amending provisions. I thank the officers in the criminal law division of the Attorney General's Department for briefing me on the antiquated common law prohibition against a husband and wife being liable to be convicted of conspiracy to commit an offence. This follows on from amending legislation introduced earlier this year which sought to remove the anomaly whereby a wife who was regarded as one with her husband could not be charged with criminal conspiracy. As I said, this amending bill removes that prohibition, and the Opposition supports that move.

The amendments to section 578B of the Crimes Act will ensure that persons in possession of child pornography can be charged with that offence prior to the material being classified by the Office of Film and Literature Classification. I trust that the police will use these provisions wisely. The Opposition welcomes the amendments, following on as they do from some of the evidence before the royal commission. However, I am concerned—and I raised this concern with officers in the criminal law division of the Attorney General's Department—that police should not invade a person's privacy and charge the person unnecessarily because of an alleged belief about the nature of the material.

Finally, the Coroners Act will be amended to bring it into line with the Justices Act so that the Coroner may refer matters to the Director of Public Prosecutions after having regard to whether there is evidence capable of satisfying a jury beyond reasonable doubt that the person has committed an indictable offence and, further, that there are reasonable prospects that a jury would convict the person of the indictable offence. That changes the test to be applied in coronial inquiries to that which applies in committals in relation to a prima facie case. The provisions in the Justices Act relating to the test were amended a few years ago. The amendment is welcome for no reason other than that the wording was phrased in a double negative and was unintelligible even to newly admitted practitioners.

On that basis the Opposition does not oppose this series of procedural and practical amendments.

Given the short time available to consider the bill, I trust that the Government will give an undertaking—requests for these amendments came from a variety of sources, including the courts, court administrators, the Director of Public Prosecutions and the Youth Justice Advisory Committee—that operation of these provisions will be monitored and that steps will be taken to ensure that any substantive or inadvertent error will be readily corrected.

Mr PRICE (Waratah) [7.50 p.m.]: I support the Crimes Legislation Further Amendment Bill. Paragraph (c) of new section 10(1) in schedule 2.1[1] provides that any family victim is entitled to enter or remain in the place where the proceedings are being heard. In June a horrific accident occurred near Metford and East Maitland in which a young couple were tragically killed. The accident was not their fault. Andrew Lojszczyk and Maryann Cameron lost their lives when some young people in a stolen car crashed into them at a set of traffic lights. The trauma the families suffered is horrific. My family suffered because of a similar accident many years ago. Therefore, I have some understanding of what the Lojszczyk and Cameron families went through, although I have not lost a child in such circumstances. I certainly would not presume to understand exactly how they felt.

At my invitation the Attorney General visited my electorate in late September and met with members of local neighbourhood watches, sporting groups, victims' families—including Maryann's parents—and local branch officers of the Victims of Crime Assistance League [VOCAL]. At the meeting the Attorney did two significant things. First, he took on board the complaints and concerns of those present and listened to their frustration at the dispensing of justice, particularly juvenile justice. He also presented a \$70,000 cheque to VOCAL to set up its Hunter office.

The Government's reaction was prompt. Two months after this tragedy the Government provided funding and introduced a legislative response to the request of parents at that meeting. The Government has been forthright about the rights of victims. To date only the New South Wales Government has undertaken any serious consideration of victims' rights. The charter of victims rights, which is enshrined in legislation, has been introduced. The Government then provided funding to victims' organisations and provided for compensation to victims of crime. Those Labor Government initiatives have been well received by the community and they have been applied skilfully by the Government.

The Government has not got everything right, but it is proceeding along the path to doing so. Members of Parliament cannot interfere with the judiciary, as many people believe we can, because of the separation of responsibilities—and I believe those responsibilities should be separate—but we can encourage a better response to circumstances, such as with the accident that I outlined. The amendment to schedule 2.1 means that new section 10 of the Children's (Criminal Proceedings) Act 1987 will be varied so that immediate families of deceased victims are entitled as of right to be present in court during proceedings concerning the young offender charged in connection with the death.

The bill amends also the Criminal Appeal Act 1912 to ensure that the Court of Criminal Appeal has the power to stay an imprisonment sentence when the court has granted bail pursuant to the Act. Nothing can be done to lessen the hurt occasioned to those families, but at least we can try to correct the wrong. If conferencing does not give the response required, perhaps witnessing the wheels of justice in court is a step towards resolving the problem and easing the hurt and anguish.

Up until now grieving families have had to suffer the humiliation of seeking permission to attend the court hearing of a juvenile offender. Under this bill grieving families as of right will be able to attend court hearings to witness the action taken by the courts, and that will help the grieving process to take its course. We cannot bring back Andrew and Maryann, but we can try to correct the system to ensure that justice is not only done but is seen to be done. I commend this bill to the House.

Mr BLACKMORE (Maitland) [7.54 p.m.]: I also refer to paragraph (c) of new section 10 in schedule 2.1[1], which provides for amendments to certain Acts. On the Queen's birthday weekend in June two local people who were innocent victims lost their lives when a juvenile, who was accompanied by other juveniles, in a stolen motor vehicle failed to stop when chased by police. He proceeded through a red light and on impact with another vehicle caused the death of Andrew Lojszczyk and Maryann Cameron. Andrew and Maryann were close friends who were spending the night at home. They decided to get some takeaway food to break the monotony of sitting at home on the weekend. There was a great deal of excitement that weekend over football matches but, sadly, the weekend ended in tragedy.

Mr Charlie Cameron approached me on his own behalf and on behalf of his wife and the Lojszczyks to find out what could be done to bring this matter to the attention of the public. He requested that a meeting be called so that they could publicly express their feelings in the hope that someone would listen to their plight. Though it would not bring Andrew and Maryann back, they hoped the meeting might lead to a change in the legislation. The bill makes that change. Approximately 460 people attended Maitland Town Hall for the meeting. We heard not only from the Lojszczyks and the Camerons but also from other speakers who had lost loved ones. Families of victims were not entitled to enter or remain in the place where court proceedings in relation juvenile offenders were being held.

I refer also to the tragic death of Phillip White, a resident of Metford. Brothers, brothers-in-law, sisters and sisters-in-law at the meeting knew only too well the pain Mrs Wendy White and her children were facing at the loss of their husband and father, who was killed after getting off a train and walking home from work. Two juveniles were subsequently tried, convicted and sentenced in relation to his death. However, no-one was allowed to enter or remain in the place where the proceedings were heard. No victim impact statements could be used and those at the meeting felt every bit of pain and torture that Mrs White was experiencing. The family spoke of the barbeques and the great pride Mr Phillip White had in buying the first family home into which they had moved 12 months prior to his tragic death.

That family was devastated by this event. Family members had to read in the newspapers about the events that resulted in the loss of life of their husband and father. It would be hard to imagine their feelings as they read in the newspaper of the discussion that reportedly took place as the offenders stood on the body of the deceased and tried on his glasses. No-one would allow those statements to be read in court and the deceased's family were not allowed to be present in court to express their feelings. No-one heard that Phillip White's daughter had lain awake until 2.30 a.m. waiting for her father to come home after he had rung earlier to discuss wedding plans. She went to bed that night dreaming that she would find her father. At 5.30 a.m. she found her father's body in a creek.

It has taken until now for these amendments to be made. I believe the changes do not go far enough. The bill is not as thorough as one would like. It is not perfect. Why must it apply only to

cases involving children and not to all criminal cases? Mr and Mrs Eastley lost their son on 26 August 1996 when a person driving a semitrailer travelling in a westerly direction at Lochinvar crossed onto the wrong side of the road and crashed into a station wagon, causing the death of their son and, through impact with another vehicle, the death of Mr Paul Peter Melon. Because of technicalities in the law Mr and Mrs Eastley were not allowed to make a comment to the court. The magistrate apologised to them afterwards. He explained that he had also lost a child and tried to defend what had happened in the court. That driver walked away on a technicality. Mr and Mrs Eastley are only too well aware of how it feels to be helpless family victims.

The bill achieves something but it has come too late for a number of people in our community. I remember talking to Mr Peter Simpson about the loss of his daughter, Ebony. We talked about victim impact statements and the fact that they were not used. One can only imagine the feelings these people must endure. Thank God I have been fortunate enough not to have had that experience. If honourable members spoke to the Lojszczyk family or the Cameron family or the Eastley or White families they would understand the pain and torment they suffer. They would ask themselves whether, as members of Parliament, they could do something to ease that pain. While this bill is a step in the right direction, it is not perfect; it should go further. We hope that the things that happened to the families I have mentioned will not happen to anyone else, but we know they will.

I hope the Government will take these remarks on board in the dying days of this Parliament. I hope this Government or future governments will address the matter because the provisions of the bill do not go far enough. Although this legislation will be passed with amendments that have been made to it in the upper House I hope the Government re-examines it. I hope it will not take five or 10 years to improve it. I do not want to see more people to go through what the people I have referred to went through before further changes are made. Honourable members should ask themselves whether, if the tragedies did not occur to the Lojszczyks, the Camerons, the Eastleys and the Whites, would this legislation now be before the House? That is something that does not sit too comfortably with me and I believe it does not sit too comfortably with other members of this House. They believe the Government waited until something happened before it addressed the problem.

Mr MILLS (Wallsend) [8.03 p.m.]: I am pleased to support the Crimes Legislation Further

Amendment Bill. The bill has many parts, but, like the honourable member for Waratah and the honourable member for Maitland, I will speak particularly to the amendment to the Children (Criminal Proceedings) Act 1987, outlined in schedule 2 at page 7 of the bill. The amendment to section 10 of that Act will entitle the immediate family of deceased victims as of right to be present in court proceedings concerning young offenders charged in connection with the death of that victim. Those people will be entitled to attend as of right rather than at the discretion of the magistrate or other judicial officer, as was previously the case. That is the key amendment in the bill. While I have no knowledge of similar cases where the judicial officer's discretion has been exercised, I can only assume it was rarely used. In other words, in the past families probably were excluded. I apologise to the House for speaking in relation to something about which I do not have the details.

Arising out of the cases that have been mentioned by the honourable member for Waratah and the honourable member for Maitland, the Government has changed the law for the benefit of the families of victims. The honourable member for Maitland commented on a particular case. I believe he was referring to adult offenders rather than child offenders. In the case of adult offenders there is no limitation on the right of the families of victims to be present in court when proceedings against offenders are being conducted. As a result of legislation introduced by the present Government victim impact statements have been admissible in court for some time.

I attended public meetings from the early days of the formation of the Victims of Crime Assistance League [VOCAL]. Jeff Jay, the former talkback host on radio 2HD, whom I know well, was one of the founders of the league about nine years ago. I remember the Minister for Police attending a meeting. These were hot issues and it was left to this Government to introduce victims' rights legislation. I do not want to be too partisan about this issue but the Carr Government can be proud of what it has done to meet community demands. I commend the Attorney General for the response he has taken to those demands.

I know something of the case involving the Lojszczyk and Cameron families and the deaths of their children in this horrendous car crash in June. George and Irene Lojszczyk are constituents of mine. I commend their response and the response of the Cameron family to this tragedy. They have been very positive in directing the community towards a better way of helping families of the victims of

crime to cope with their grief. In this case they have helped themselves and the families of future victims of crime to have the right be in court when a juvenile offender is facing serious charges. The details of the amendment relating to this point are clearly set out in the bill, but it is important to put on the record that new section 10(1) provides:

While a court is hearing proceedings to which a child is a party:

...

(c) any family victim is entitled to enter or remain in the place where the proceedings are being heard.

New section 10(4) defines a "deceased victim" and a "family victim", and lists those who are to be considered to be members of the immediate family of a deceased victim.

They include the victim's spouse, the victim's de facto spouse or partner; a parent, guardian or step-parent of the victim; or a child or a step-child of the victim or some other child for whom the victim is the guardian; or a brother, sister, step-brother or step-sister of the victim. That is a good clear definition. This bill is an important step in dealing with family members of victims who in the past have been left out of the process of grieving—and I am referring to my constituents, George and Irene Lojszczyk and their family. I rarely receive votergrams from people who live in the Wallsend electorate but this morning I received one dated 19 November from Irene Lojszczyk. It states:

A mother's birthday wish

For five months the State's responses after two sudden, violent deaths have made things worse for us.

How can you influence positive reform? Will you help us?

Will sentencing focus only on the killer's needs—as conferencing did?

It's Andrew's birthday. And mine.

Hug your kids today, just in case.

I commend the efforts of the Lojszczyk family to improve matters for future victims. The Government has taken a step down the path to positive reform to which Irene Lojszczyk has referred in her votergram. I commend the bill to the House.

Mr YEADON (Granville—Minister for Information Technology, Minister for Forestry, Minister for Ports, and Minister Assisting the Premier on Western Sydney) [8.11 p.m.], in reply: The Minister for Community Services, Minister for

Ageing, Minister for Disability Services, and Minister for Women comprehensively outlined the provisions and objectives of this bill when she gave her second reading speech earlier today, so I will not bore the House by reiterating its terms. However, I will respond to one item raised by the honourable member for Gordon relating to the ability of police to act and charge people who have child pornographic material that has not yet been the subject of classification. The concern is that that practice may be abused and needs to be monitored. All judicial activity and trends are monitored by the Government and this issue will be no exception. I undertake to monitor that matter and if any action is necessary the Government will take action in the future. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**COMMISSION FOR CHILDREN AND
YOUNG PEOPLE BILL (No 2)**

**CHILD PROTECTION (PROHIBITED
EMPLOYMENT) BILL (No 3)**

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

In Committee

**Consideration of the Legislative Council's
amendments resumed from an earlier hour.**

Mr WHELAN (Ashfield—Minister for Police)
[8.16 p.m.], by leave: I move:

That the Committee agree to the Legislative Council's amendments, with the exception of amendment No. 32.

Unfortunately there has been some confusion in the recording of the decision of the Legislative Council in relation to amendment No. 32. The Government rejected that amendment. The Opposition did not support the amendment. Both the Government and the Opposition are in agreement that the Legislative Council does not agree to the amendment. *Hansard* and the records of the Parliamentary Clerks, however, show that the Legislative Council agreed to the amendment. The amendment needs to be returned to the Legislative Council in order to clarify this matter.

The Government rejected the amendment, which was moved by the Greens in the other place,

for the following reasons. The amendment would mean a change to current employment rights, and employers are under no obligation to notify the reasons for non-employment. Clause 35(3) of the bill already provides for applicants to be notified about any information obtained about an applicant during employment screening that may have adversely affected them. Obviously these amendments need to be clarified. I ask honourable members to support the motion.

Motion agreed to.

**Legislative Council's amendments to the
Commission for Children and Young People Bill
(No 2), with the exception of amendment No. 32,
agreed to on motion by Mr Whelan.**

**Legislative Council's amendment to the
Child Protection (Prohibited Employment) Bill
(No 3) agreed to on motion by Mr Whelan.**

**Legislative Council's amendment to the
Ombudsman Amendment (Child Protection and
Community Services) Bill (No 3) agreed to on
motion by Mr Whelan.**

**Resolutions reported from Committee and
report adopted.**

**Messages sent to the Legislative Council
advising it of the resolutions.**

**POLICE SERVICE INTERNAL WITNESS
RESEARCH PROJECT**

Ministerial Statement

Mr WHELAN (Ashfield—Minister for Police)
[8.21 p.m.]: The Wood royal commission graphically illustrated the problems associated with the way Police Service internal witnesses, whistleblowers, were treated. Whistleblowers could expect to be ostracised, threatened, have promotional opportunities stymied, be transferred against their will, and have payback complaints made against them. Justice Wood found the old "internal informers policy" launched by the last coalition Government "failed to provide the support and protection promised". Under the Carr Government the situation is changing. In September 1996 I launched the new internal witness support program and unit. As part of this new approach an internal witness advisory council was established.

The council includes representatives from ICAC, the St James Ethics Centre, Whistleblowers Australia, the Ombudsman's office and senior police.

A further part of the improvement plan included independent external reviews of the new program and unit. Last year I released the first such review. It showed that there was a significant improvement in the way the Police Service was dealing with whistleblowers' concerns and complaints whilst still noting that there was a long way to go. A key recommendation of the first review was a follow-up in 12 months time. I am pleased to advise the House that this recommendation was implemented and the second review was conducted. The most recent review, undertaken by the St James Ethics Centre, indicated that the situation is still improving.

The review showed that more than 90 per cent of internal witnesses are satisfied with the internal witness support unit, its staff, and the Police Service response overall; sick leave by whistleblowers has been cut in half; workers compensation claims have been reduced by 15 per cent; the number of internal witnesses who would report misconduct again has increased by 18 per cent; and of those, 98 per cent said they would register with the program again. The report found that that was a "clear indication that the new Police Service approach is well designed". There is still work to be done. Problems continue with harassment of whistleblowers and pay-back complaints are not yet a thing of the past. However, the fact remains that now a whistleblower is more likely to report harassment and to be satisfied with the way that that report is handled. The report made 11 recommendations to continue the improvements in this area. I am pleased to advise that all 11 recommendations are either implemented or being implemented.

A crucial recommendation related to the provision of support for whistleblowers in country areas. I am pleased to advise that resources have been boosted to ensure that this can occur. I acknowledge the ongoing, outstanding work being provided by police in this area. Initial work in establishing the unit was undertaken by Superintendent Carolyn "CJ" Smith, now in charge of the protective security group. Recently retired, and no relation, Chief Inspector Bill Smith continued her impressive start. I also thank Detective Sergeant Glynnis Lapham and all other members of the unit; without their efforts the new internal witness support program could not have been so effectively implemented. We have strengthened the legislative protection for police whistleblowers. The Police Service Act now contains a specific protection against reprisals and the Protected Disclosures Act has been amended to ensure that police officers are covered by its protections. I seek leave to table the report entitled "Report to NSW Police Service—Internal Witness Research Project" dated March 1998.

Leave granted.

Mr HARTCHER (Gosford) [8.23 p.m.]: On behalf of the New South Wales Opposition I acknowledge the importance of appropriate protection for whistleblowers, subject to statutory requirements in respect of whistleblowers and the internal witness support program. The coalition introduced the original Protected Disclosures Act to ensure that whistleblowers who acted appropriately received statutory protection, and that extended to the public service. Of course, this item which has arisen from the police royal commission and audited by the St James Ethics Centre relates to protected disclosures within the New South Wales Police Service.

The Opposition is concerned that this process continue and that reports are regularly monitored by the St James Ethics Centre and received by Parliament. The Opposition will support the internal witness support program and ensure that it does not undermine police morale or discipline but acts as the appropriate safety valve to ensure that matters which should be ventilated are properly ventilated and that the public interests are served at all times. The coalition will continue to support the implementation of the Wood royal commission and will continue to support proper protection for the internal witness support program. The Opposition is keen for the Minister to assure the 11 recommendations by the St James Ethics Centre be implemented. We hope that the report to be tabled in Parliament next year shows how effective that undertaking has been and that the 11 advices from the centre have been implemented.

SHELLFISH QUALITY ASSURANCE PROGRAM

Annual Report

Mr Martin, by leave, tabled the annual report for the year ended 30 June 1998.

Ordered to be printed.

PRIVATE MEMBERS' STATEMENTS

Motion, by leave, by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow for the taking of private members' statements forthwith with no divisions or quorums to be called.

SCOTTS REFRIGERATED FREIGHTWAYS

Mrs BEAMER (Badgerys Creek) [8.26 p.m.]: I inform the House of the activities of Scotts Refrigerated Freightways. The concerns I have relate to information supplied by a constituent of mine regarding the practices of this trucking company.

Each year there are tragedies on our roads which involve heavy vehicles. One of the many reasons for heavy vehicle accidents is driver fatigue. The Transport Workers Union has informed WorkCover New South Wales of alleged breaches of the Occupational Health and Safety Act concerning Scotts Refrigerated Freightways and its drivers working hours and their failure to have proper rest breaks.

One former employee of Scotts Refrigerated Freightways wrote in a statutory declaration, "I left the company because I couldn't keep up with the hours expected." He went on to say, "Scotts drivers were forced to drive up to 28 hours without a break." This is an appalling situation in which both drivers and the general public have been placed at grave risk. A storeman for Scotts Refrigerated Freightways wrote about the pressure that drivers were under, "The lack of pay, the excessive hours for what they receive" put them under this stress. His opinion, gained from regular contact with Scotts drivers, stated:

The management at Scotts, which is a family affair, treat the drivers with neglect, short-change their wages, push them to meet deadlines, et cetera, with no regard for driver and road safety. The operation is an accident waiting to happen.

One driver gave an account of the hours he worked in a Sydney to Melbourne run. On Monday he started work at 6.30 a.m. After numerous pick-ups and deliveries in Sydney he was loaded up for Melbourne and left at approximately 6.00 p.m. and was told to be at Tullamarine by 5.00 a.m. Tuesday. He arrived at 5.15 a.m. for his first delivery. After this he spent the day making various deliveries until he was loaded again for Sydney. At 6.00 p.m. he was told he had to be back at the Scotts yard at 4.30 a.m. on Wednesday. He informed Scotts that he had not slept for 36 hours. He eventually told the company that after 40 hours without sleep he was pulling into a motel. On his return to Sydney he was informed by RTTR, a company contracted to Scotts, that it had no intention of paying him.

The company had no intention of paying him because he had the audacity to sleep after 40 hours straight work. It is absolutely appalling that drivers and the general public are held in such contempt by this company. The times that drivers were required to be with their trucks when they were being loaded and unloaded were recorded in log books as rest times. This should be of great concern to us all. Numerous drivers have informed WorkCover of the long hours being driven without proper breaks. A WorkCover investigation has made the following findings. One, there is evidence that drivers are working excessive hours, contrary to Roads and

Traffic Authority requirements. Those requirements are designed to ensure that drivers do not suffer from fatigue.

The second finding is that, on the evidence compiled for the report, it would appear that the company was not complying with section 15 of the Occupational Health and Safety Act in that it failed to ensure the health and safety of drivers by not providing adequate supervision. Employees are allowed to work long hours, and they are allowed to work without quality rest breaks. The third finding is that the evidence also suggests that the company was not complying with section 16 of the Occupational Health and Safety Act in that contractors it employed were put at risk because they were required to work excessive hours without appropriate rest periods.

It is the drivers who face all the blame and responsibility. While I do not exempt from blame any driver who breaks the law, the instances I have outlined clearly show that responsibility extends up the chain, to the transport companies. It should be noted therefore that the recent measures taken by the New South Wales Minister for Transport, working in co-operation with the Transport Workers Union and industry bodies, have seen a widening of the focus of enforcement beyond just the drivers, to include transport operators.

It is often a tragedy when a heavy vehicle is involved in an accident. The sheer size of the vehicle may mean that a smaller vehicle is crushed in the accident. It is criminal if trucking companies force their drivers into unsafe, downright dangerous, work practices which put the whole community at risk. I commend the Transport Workers Union for taking this matter to WorkCover for the benefit of all the people of New South Wales. I have seen many a company take its responsibilities in the trucking industry seriously. Those companies abhor such practices. It is my hope that this company is made to account for its practices and the actions of its drivers.

HUNTER REGION SUPERDUMP PROPOSAL

Mr BLACKMORE (Maitland) [8.31 p.m.]: I bring to the attention of the House the holding of a public meeting at the East Maitland Bowling Club on Monday, 23 November 1998. This meeting was organised by the Hunter Residents Against Sydney Garbage Dump. Mr Acting-Speaker, I acknowledge that you, as the member for Wallsend, were present along with the honourable member for Waratah, the honourable member for Cessnock, the shadow minister for the environment, the shadow minister

for planning and I. It was estimated that some 400 people attended the protest meeting.

Thiess Environmental Services and Waste Services of New South Wales propose that the site for the depositing and handling of approximately 400,000 tonnes of Sydney garbage is to be the Bloomfield Colliery site near Ashtonfield. I raised this matter only last week in a private member's statement. However, at the public meeting we heard a number of residents voice their concerns about that proposal. A number of resolutions were passed at that meeting. I place on record the most pertinent of those, resolution 6:

We call on State Parliamentarians to take the following actions in relation to this proposal:

- (a) We call on all State Mps to publicly oppose this proposal and to pass their objections to the relevant ministers (Pam Allan and Craig Knowles) and/or shadow ministers (Kerry Chikarovski and Peter Debnam), in the light of strong community opposition.
- (b) We call on State Government and Opposition parties to scrap plans to bring SYDNEY'S GARBAGE to country areas.
- (c) We call on Hunter MPs to approach their respective leaders, Premier Bob Carr and Opposition Leader Peter Collins to state publicly their opposition to this proposal. The public needs to know the position of both parties before the election.
- (d) We call on Craig Knowles to reject this Development Application as a tender has already been approved by Northern Sydney Waste Board. Hence, this Development Application does not satisfy the "justifiable need" requirements of State Environmental Planning Policy (SEPP) 48.
- (e) We call on the Special Minister for the Olympics, Michael Knight, to lobby the State Government about the hypocrisy claiming "The Green Games" and then trucking its garbage into the Hunter.

Mr Acting-Speaker, as the honourable member for Wallsend you would be aware that all members of Parliament present at the meeting had the opportunity to speak, and did so to voice their support for the residents against this proposal. It is virtually beyond belief that anyone would consider sending about 400,000 tonnes of putrescible waste per annum from Sydney into the Hunter region for the next 35 years. That is not something that the people of the Hunter will take lightly. They are most vehement in their opposition to the proposal.

I have had the opportunity to talk to the Leader of the Opposition. We have announced already that if the community does not want the megadump, then the proposal will not proceed. I call

on the Government to give a similar assurance to the concerned residents of the lower Hunter. The Premier, when he visited Cessnock in March this year, made a statement that if the community did not want the superdump, it would not get a superdump. That is fine for the people of Cessnock. We now make a similar call for the people of the lower Hunter, namely, in the electorates of Wallsend, Waratah, Cessnock and Maitland.

I realise that those electorates are within the Cessnock City Council area, but the residents of those communities are still very concerned. These are ordinary people who fear that this megatip will be thrust upon them. These people should be able to get on with their lives. To do that, they need an assurance from the Government and the Premier that if they do not want the megadump the proposal will not proceed, ending once and for all speculation about a superdump being established on this site at Bloomfield.

MOTOR VEHICLE REPAIR WARRANTIES

Mr GIBSON (Londonderry) [8.36 p.m.]: I speak about a David and Goliath situation. The Goliath in this instance is the Ford Motor Company; the David is my son Gregory and all the little people who deal with the Ford Motor Company and other such companies in this State and country. Some years ago Greg bought a KC Laser motorcar. It was his pride and joy. He looked after it and kept it for quite a few years. He paid top money for the car because it was a top motorcar at the time.

The Ford dealer who sold Greg the car was more than helpful, and at the time we thought it was a great buy and everything was all right. However, some years after he bought the car he found out that it had been in a serious car crash some time before he bought it. Greg took no action at the time because the car was going all right, and he thought that the dealer may not have known about that at the time.

A year or two later Greg noticed a problem with a wheel bearing. The bearing was fixed. He hoped the car would be all right from then on. He was wrong. The bearing went a second time. It is unusual for car bearings to fail a second time. The bearing was fixed again by the Ford Motor Company. However, the bearing again failed some months later. This was extremely unusual. Lo and behold, the bearing failed a fourth time. It is virtually unheard of that a bearing in a car, especially a Ford, would fail four times in the life of the car.

Finally, Greg was given a lifetime guarantee by the Ford Motor Company for the bearings. That guarantee was given about two years ago. Just recently he had trouble with the car once again. He now lives in Townsville, Queensland. Greg went along to the local Ford dealer, who had a look at the problem. Sure enough, the bearing in the car had gone again. The dealer told him that he would have to replace the bearings once again.

He told the dealer that Ford had given him a lifetime guarantee for the bearings of this car. The dealer would not believe that the car had had five sets of bearings and replied that there was rust in the bearings and that it was not covered by the Ford lifetime warranty. As I said, the bearings of this motorcar have not gone once or twice. This was the fifth time and each time the bearings have shown some form of rust. It is logical to assume that the crash the car had been involved in before Greg purchased it may be the reason for the bearings going. As I say, it is unusual for back bearings to go more than once in the lifetime of any car.

In the past couple of days Greg got in touch with Ford in Melbourne and told them of the situation. Ford telephoned him from Melbourne today and told him the sad news, that although he had a lifetime guarantee from Ford, it would not be enough to cover the new bearings. We are not talking about a great deal of money. We are talking about \$500 or \$600 to do the job. I thought it was very poor of Ford and it would be very poor of any motorcar company to give a lifetime guarantee and then to renege on that guarantee—to renege on a kid who is trying to do his best to make ends meet.

I wonder how many little Gregs are being stood over every day by companies like Ford, who give lifetime guarantees and do not stand by them. It is bad enough when something goes wrong with a motorcar and has to be fixed, but the workmanship is always checked and if the job is not done properly the car is taken back and repaired free of charge. I have been a Ford man all my life; the last seven or eight new cars I have bought have all been Fords. But I will think seriously about whether to buy another Ford if the company is going to treat people in that way. It is not the Australian way and it is not the way that Ford normally operates.

NEW ENGLAND WOOL INDUSTRY

Mr CHAPPELL (Northern Tablelands) [8.41 p.m.]: I bring to the attention of the House a salutary message about the wool industry. Over recent months we have all been concerned about the dramatic drop in income to wool producers. I now

advise the House how serious this problem is. Last week Stuart St Clair, the new Federal member for New England, and I met with some representatives of the New South Wales Farmers Association, a couple of bankers, a member of the New England Rural Counselling Service, a couple of accountants and a representative of Centrelink to discuss the plight of people in the wool industry, and whether anything could be done about it.

Over the past several years wool production as an industry has been marginal, and in the past 12 months or so wool prices have decreased by between 35 per cent and 45 per cent for most producers—say, on average, 40 per cent—and that is far below the cost of production. People who rely entirely on wool and do not have off-farm income or diversified agricultural production are feeling intense pain, and if they are carrying any debt load in running their enterprises they are at serious risk. From anecdotal discussions and based on average performance—we did not talk about any one producer because it would have been improper to do so—it was identified that up to half of New England wool producers, some of the best fine wool producers in the world, may go to the wall in the next 12 months.

Many of those people, particularly those who are carrying some debt load and have no off-farm income to support them, are likely to be in a cash drought by February or March next year. They will be wondering whether they can literally put bread on the table. It is as serious as that. The drought relief payments that operated until recently covered about 2,400 farm enterprises. But when the drought relief payments finished, only about 160 people out of those 2,400 met the criteria for farm family income support.

There is an urgent need for a serious overhaul of assistance packages, including those that are intended to support people out of the industry as well as those who are suffering an immediate short-term crisis because of drought and other exceptional circumstances. Those who have until recently been marginally profitable will no longer be profitable unless there is at least a 40 per cent upturn in wool prices in the next 12 months, and that is extremely unlikely on current trends. Producers who have a debt load are in immediate and grave crisis and are likely to fail in their enterprise over the next 12 months. To give an example, figures from the Primary Industry Bank of Australia Ltd show that over the last five years it has cost wool producers an average of \$5.66 per kilo to produce wool for a return of \$5.83. One would have to produce a lot of wool to be able to live off that income. The return on invested capital is just a joke.

It was agreed that 30 per cent at the top end of the industry do not want, do not need and would never ask for government assistance in any shape or form. The bottom 20 per cent or 30 per cent of the industry have literally already failed. Some of them will not lay down, and that is a testimony to their great persistence and character. Those in the middle, who would normally be expected to survive a downturn, will not survive during the next 12 months unless something is done. My colleague the Federal member has already raised this with the new Federal Minister for Primary Industries. We are doing whatever we can to help but I report to the House that at present the fate of the wool industry in the New England area and throughout the rest of the State is absolutely grave and it is a matter that all responsible Ministers at Federal or State level must take on board and do something about urgently.

COMPUTERS IN SCHOOLS PROGRAM

Mr McBRIDE (The Entrance) [8.46 p.m.]: I advise the House of the progress of the computers in schools program in my electorate and in particular the fantastic impact of this program at Brooke Avenue Public School. Some 573 computers were allocated to the electorate in the previous three phases of the program. In phase 4 an additional 221 computers have been allocated—a total of 794 new computers in the electorate, or a 39 per cent increase. When the 90,000 computers have been allocated throughout New South Wales and the program is completed early next year, the smallest primary school with fewer than 25 students will have received as many as five computers, and the largest high school with more than 1,000 students will have received as many as 140 new computers.

The computers in schools program is a major education initiative of the Carr Government and one that reflects the commitment of the Premier in particular and also of the Minister for Education and Training to improve public education. On 13 November at the invitation of the school principal, Paul Day, I visited Brooke Avenue Public School to inspect its information technology centre. Since 1985, when Brooke Avenue Public School was first established, it has had a commitment to computers in school. Brooke Avenue students, parents of students and the community got behind the Coles computer promotion. Coles dockets were exchanged for Apple 11GS computers. Approximately eight computers were earned for the school in this manner. The school and the parents and citizens purchased printers to accompany the computers.

In 1996 a decision was made to try to combine the computer resources into one central location to

maximise their use and to minimise management issues. As part of a disadvantaged schools initiative, a Macintosh LC computer and LaserWriter Printer were purchased to allow students to more professionally publish their writing. The computer co-ordinator maintains all the hardware and software and also teaches the class. The Coles computer promotion was repeated and the school earned six additional Apple Macintosh computers. However, a recurring problem related to maintenance of the hardware and software.

The school purchased eight additional PowerMacs for the laboratory. In 1996 it was decided that to gain the most benefit from the ever-increasing number of computers in the school the computer co-ordinator should provide the release from face-to-face component for teachers and take classes in the computer laboratory. That proved to be successful and timely as the Department of Education and Training began a roll-out of computers based on school enrolments and the school received 50 computers. During this period the school also connected to the Internet with one computer, phone line and modem to service 500 students, 25 staff and the community. From 1996 to 1998 the school spent approximately \$48,000 on network components, including file servers, ethernet hubs and routers. As computers continue to become more important in education, it was decided to branch the network out and establish a node of 11 computers in the library with access to the Internet and the many research resources provided by the network.

The computer program has been important to this school, especially as it is disadvantaged. Without the computers provided by the Government's program, the young kids in this school would not have the same access to computers. All classes have now been given rostered times for exclusive access to the computer room, where the computer co-ordinator, Geoff Attrill, who has been at the school since 1985, provides a structured curriculum of keyboard and computer skills, and manages all computer services at the school. All classes have a library session once a week, at which the librarian utilises the computers to teach the students by participating in a training program provided by Geoff Attrill.

How do we manage this fantastic roll-out of computers in the school system? Clearly, it is necessary to establish management of information technology [IT] in our schools. I am aware of problems relating to the management of a small network, and I can imagine the problems that may occur in a network as large as that which is now

part of the New South Wales education system. The next phase of the computer program should be the design and implementation of an IT management program for schools. Without doubt the computers in schools program is a one of the great new initiatives for schools.

However, it is necessary to build on the success and reach a new level of computer services in schools by establishing effective management of this vital new service in our schools. I congratulate Paul Day on his leadership in this matter. I congratulate also the teachers and staff, especially Geoff Attrill. His contribution to IT in the school goes unrecognised by the department and he is not paid for it. However, he believes that as a teacher he is doing the right thing for his school community and the young people attending this school.

SOLICITOR ESTATE MANAGEMENT

Mr HUMPHERSON (Davidson) [8.51 p.m.]: A constituent, Mr John McMullen, has expressed concern to me about a relative's estate. In particular, his concerns relate to the action or inaction of the solicitor responsible for managing the estate. He has questioned the role of the Law Society and, indeed, the Attorney General in ensuring that solicitors observe a reasonable standard of conduct. Mr Bryan McMullen of East Lindfield wrote a letter dated 22 November to the relevant solicitor, Mr George Betts, who is listed as a consultant on the letterhead of A. O. Ellison and Company, Solicitors, which is based in Sydney. The letter stated:

I refer to your letter of 10 November, 1998 . . . regarding the estate of Veronica Isabella Hyndes deceased.

Your letter states "any beneficiary may make application for a grant of administration in respect of the monies in trust so that the estate may be wound up."

Your letter further states that "the deceased had four bank accounts totalling \$4,748.89 the proceeds of which at Mrs Wright's request were paid into our trust account where they remain to this day."

When my Aunt, Veronica Isabella Hyndes died on 23 March 1972, her sister Linda Wright requested that you undertake the carriage and finalisation of her estate. At that initial meeting—within a couple of weeks of her death—the bank accounts in question were handed to you.

In 1998 (26 years later) you still hold the money from these accounts despite numerous requests from the beneficiaries to have the money distributed. (See letters of 25/3/1983—Mary McMullen and Linda Wright, 13/1/1984 and 31/7/1984—Bryan McMullen, 18/9/90 Linda Gay).

I am talking about the estate of someone who died more than 26 years ago. At that time the estate amounted to less than \$5,000, which clearly would

be of substantial value in today's terms. Apparently, Mr Betts and the firm or firms with which he has been associated have failed to ensure that the money was distributed to the recipients of the estate. As a consequence of Mr Betts' inactivity for more than 26 years the money has remained in the firm's trust account. To give honourable members an indication of the value of the money in today's terms, if an opportunity value of some 10 per cent per annum compound over 26 years were applied the amount would be worth something like \$56,600 in today's terms.

Clearly that is a substantial amount of money for most people. For the solicitor to fail to ensure that the money was dispersed to those who should have received it is a gross dereliction of responsibility. I am most bemused that apparently neither the Law Society nor any other responsible entity is unable to force Mr Betts to disperse this money. I would have thought that solicitors had an automatic obligation to ensure that beneficiaries received their money. The letter further stated:

The beneficiaries have been requesting finalisation of this matter since my Aunt, Linda Wright handed you my Aunt Veronica Hyndes' bank books in 1972.

Many people in the community have a degree of cynicism about the role of solicitors from time to time, and the matter I have raised only highlights that. I ask the Attorney General to review the circumstances and, indeed, the Law Society, which I understand holds all the relevant documents in this case, to ensure that the money is not only repaid but repaid with interest. To repay the money without interest would offend those who should have received it. Importantly, this shows that the beneficiary of the interest over 26 years has been the solicitor and/or his company. Those who should have received the money have not benefited. Many of the people involved are on relatively low incomes.

ONE NATION WATCH APPOINTMENT

Mr WATKINS (Gladesville) [8.56 p.m.]: Honourable members would be aware of my recent appointment by the Premier as the One Nation Watch spokesperson. That appointment has been welcomed by many of my local constituents, who are justifiably concerned about the impact One Nation has had on Australian politics and its potential impact on New South Wales politics if One Nation has any electoral success in the 1999 State election. Twice in recent days I have been asked by local constituents about the report in last Sunday's *Sun-Herald* regarding my appointment to the One Nation Watch post.

The questions arose from an article by Frank Walker headed "Liberals woo ethnic voters". In that article the Leader of the Opposition is reported as saying that my appointment was a sham. He justified that attack by alleging that I was elected to Parliament in 1995 on the back of preferences from Australians Against Further Immigration [AAFI]. He suggested that there has been a show of attacking One Nation while taking the preferences of racists. That argument is a total fabrication, and it is important that the truth is made clear to my constituents. It is important that the lies peddled by the Leader of the Opposition be revealed.

The fact is that the Liberal Party received the majority of preferences from the AAFI candidate for Gladesville in the 1995 election, Mr Ken Malone. At the 1995 election the Labor Party deliberately put the AAFI candidate last on its how-to-vote card, and I will do the same for the One Nation candidate in the upcoming March election. Analysis of the 1995 election results in Gladesville clearly shows that the Liberal candidate received the majority of AAFI preferences. When AAFI candidate Malone was eliminated 307 of his votes were exhausted. Of the remaining AAFI preferences, 211 went to the Liberals and 164 went to Labor.

The Liberals received 47 more AAFI preferences than I did. As I won the seat by more than 260 votes, it is clear that I was not elected on AAFI preferences. If any political party's preferences assisted, they were from the Australian Democrats. The Leader of the Opposition is trying to discredit my attempts to expose the coalition's preference deals with Pauline Hanson's One Nation Party. He is trying to deflect attention from the coalition's policy with One Nation. When it comes to One Nation, the coalition has one policy in the city and another in the country. It condemns racism in the city but allows its members to enter into preference deals with One Nation candidates in regional New South Wales.

At the 1995 State election the Leader of the Opposition received 545 preferences from the AAFI candidate for Willoughby, Michael Wiseham, while Labor's candidate received a mere 243 preferences. Instead of spreading lies, the Leader of the Opposition should get his own house in order. He has four renegade candidates standing for election in March 1999 who have said they will swap preferences with One Nation. They are the Liberal member for Maitland; the National Party candidate for Clarence, Steve Cansdell; and the National Party members for the electorates of Ballina and Murwillumbah.

The Leader of the Opposition should take a lead from former Liberal candidate Clive Jensen, who told ABC radio on Saturday morning that he voted Labor in the Newcastle supplementary Federal election to make sure that One Nation was placed last. The Leader of the Opposition should heed the advice of the Queensland Government that 11 One Nation candidates were elected to that State's Parliament on Liberal and National Party preferences. The Leader of the Opposition has been critical of One Nation in the past. In doing so he has appealed to the tolerant and fair-minded people of my electorate.

The Leader of the Opposition has also made clear his desire to appeal to the different ethnic communities of New South Wales. I can tell him what he should do to achieve both of those objectives: take the only decent and honourable course of action and show leadership by declaring that in all seats in New South Wales the coalition will reject the message of One Nation by placing that party last on the Opposition's how-to-vote card. If he does not do that, he will stand accused of gross deception and hypocrisy.

CROWDY HEAD TO LAURIETON ROAD

Mr OAKESHOTT (Port Macquarie) [9.01 p.m.]: I raise an issue of continual frustration to me, the Government and, in particular, the Port Macquarie branch of the National Parks and Wildlife Service. The road from Crowdy Head to Laurieton, which is known locally as the Harrington back road, is potentially a valuable and important asset to the Harrington community and the mid-north coast region. If that road were properly gazetted, the start of a genuine coast road to Crescent Head would be possible. What a tremendous tourism opportunity that would present!

Unfortunately, despite consistent lobbying and negotiation, the Harrington back road remains a road with a stretch of approximately 150 metres that is owned by the Murphy family. This means that all sorts of complications develop with private access, including lack of road maintenance and lack of access at times due to the erection of private fences at both ends of the 150-metre stretch. The Government has been working hard to negotiate an outcome with the Murphy family. Over the past few years seven offers of purchase are reported to have been made at various times. That is commendable, but it is all the more frustrating that nothing has been achieved. This frustration was expressed by the local Harrington-Crowdy Head Tourist Association in its letter of 17 February 1997 as follows:

Closure of this road has a detrimental effect on the local economy and the Tourist Industry and is certainly not in keeping with the present Government Policy of making National Parks open to the people for their enjoyment.

The closure of this road is certainly against the spirit of the vast amount of monies being paid for promotions for the HOLIDAY COAST TOURIST advertising campaign.

I know the Government is pushing hard to achieve a resolution to this problem and has entered into negotiations to purchase the land that has been zoned 8(b) open space. I appreciate that the Government has a policy of no forceable resumption of land for additions to National Parks and Wildlife Service estate. The Government intends to resheet the road with high quality gravel. Despite all that, it is not acceptable to allow this stalemate to continue. I encourage, urge and prompt the Minister for the Environment to be vigilant in her pursuit of a resolution. At the same time, I urge the Murphy family to come to the table to consider its important private interests and those of the Harrington and Crowdy Head communities.

The local community and I want a resolution of this issue. I am not a great advocate of forced acquisition of private land and I strongly believe that private land is private, but in this instance when the situation has clearly reached a stalemate, I would be happy to at least discuss my principles on private land and those of the Government's policy on forced resumption. I do not make these comments lightly and I ask the Minister to at least consider the option. I would like the issue to be resolved, as I am sure the Minister would. All options should be considered to reach a solution. This problem has dragged on for far too long. I urge the Minister to consider all options and to be vigilant in closing the deal on behalf of the Harrington and Crowdy Head communities.

NORTH COAST LAND INVESTMENT

Mr GAUDRY (Newcastle) [9.04 p.m.]: I refer honourable members to an advertisement in the *Daily Mirror* of Tuesday, 13 November 1982, the feature "Moneywise North Coast Investment". Under the headline "A Little Piece Of Paradise" the advertisement stated:

Over the past few years, the price of land at choice coastal spots like Tea Gardens, Soldiers Point, Nelson Bay and Shoal Bay, just beyond Newcastle, has escalated alarmingly . . .

With that in mind, it's easy to predict what is going to happen to the remaining blocks in a large parcel of land at North Arm Cove at Port Stephens.

In the first few months since the North Arm Cove plots were put on the market more than 700 have been snapped up.

One appealing thing about these blocks is that the buyer gets Torrens Title with his property, just as a suburban landowner does. The only difference is that the North Arm Cove man cannot put up a building straight away.

Then there are the succulent prices. The North Arm Cove plots are going for between an incredibly low \$5,950—

and upwards. The advertisement points out also that in the Port Stephens area land was sold from between \$30,000 and \$150,000 for prime water frontage. At that time it sounded like a wonderful opportunity. Of course, the advertisement promoted Port Stephens city, which was a 1919 proposal by Walter Burley Griffin. The following appeared at the bottom of the advertisement, underneath the map:

This map is the original sub-division plan and dimensions should be checked against the deposited plan. Other notes contained on the plan are of historical interest only and should **not** be considered as an indication of any proposed development.

Of course, thousands of people took up the opportunity to purchase this cheap land, thinking they would be able to build dwellings on it. My constituents Maria and Gerry Mafredas responded to the advertisement. Mrs Mafredas explained to me that her husband saw this as an opportunity to have a country place to go to with lovely fresh air near beautiful Port Stephens, and that it would be a great retirement place. She told me that, unfortunately, Mr Mafredas died three months after they purchased the land.

Mrs Mafredas diligently paid the Great Lakes Council approximately \$200 a year in rates until this year when, on 30 October, she received from Leary and Company, solicitors, a notice of intention to commence proceedings. According to the solicitors she owed North Arm Cove Landowners Limited \$1,169.82 for road maintenance. The letter stated:

We act for North Arm Cove Landowners Limited and have been instructed that the above amount as referred to in the attached Invoice remains unpaid.

Mrs Mafredas had no knowledge of this until the letter arrived. Great Lakes Council told me that many people were in the same situation. The council said it too owned some blocks of land and had approached the North Arm Cove Rezoning Association, which issued a statement of levies charged to my constituents from 1984 to 1997 totalling \$1,396.50. There is no evidence of road building or road maintenance. I understand that the Mafredas block sits in the middle of this mythical development surrounded by hundreds of hectares of forest. Certainly that shows no signs of road building.

I ask honourable members whether they have constituents in similar situations. Are they being defrauded by groups like the North Arm Cove Rezoning Association, which was formerly the Port Stephens City Progress Association that was leading the way to rezone the North Arm Cove. My understanding is that this proposal will not go ahead. Thousands of people have invested their funds in the scheme. They are now being charged a road maintenance levy for roads that have not been maintained. This is an absolute fraud on these people.

ST GEORGE RESIDENTS MEDICATION EDUCATION

Ms FICARRA (Georges River) [9.09 p.m.]: I commend our local general practitioners, our pharmacists and the many ethnic representative groups in the St George area for their combined efforts. I particularly want to thank Dr Richard Hurst from the St George division of general practice and the South Eastern Sydney Area Health Service and Dr Ven Tan of Hurstville. Dr Hurst is very active in Mortdale and Dr Tan is very popular in the Chinese community in Hurstville. They have combined to alert seniors who regularly take more than five medications to the possibility of confusion with those medications, the contra-indications and the complications they may have when taking so many mixed medicines. These people were targeted during National Medicine Week, that is the week between 8 and 14 November.

The St George division of general practice took a very active role in alerting senior citizens to the dangers of storing old drugs in their medicine cabinets. Local doctors will be on the lookout, along with pharmacists, for medicines that are out of date or that are no longer appropriate for the patients' conditions. They will be on the lookout for drug combinations that may be harmful. Patients who visit more than one doctor should have their medicines reviewed, and pharmacists, through their computer database, will be on the lookout for that. Often patients buy over-the-counter drugs which clash with prescribed medication, and pharmacists will be on the lookout for that also. The Chinese community in the St George area has a cultural practice of sharing medicines or presenting medicine to friends as gifts. There is a community education program to alert them of the dangers of that practice. The *St George and Sutherland Shire Leader* of 5 November referred to Dr Tan as saying that:

... herbal medicines could be quite toxic if they were not prepared properly and vitamin supplements could also be harmful if combined with certain medications.

Patients on heart medication, anti-depressants and blood pressure tablets should be especially careful about using extra medicines.

A patient on blood pressure medication and aspirin to thin the blood could develop gastrointestinal ulcers if they also took a non-steroidal anti-inflammatory for muscular-skeletal aches.

People on blood pressure medication should avoid cold and flu medications and cough syrups containing pseudoephedrine because it can elevate blood pressure.

Warfarin, a drug used to thin the blood and prevent clot formation—

a drug that is frequently prescribed—

can cause problems if combined with Vitamin C supplements or the traditional Chinese medicine, danshen.

Even the common herb ginseng—used to counter stress and improve vitality and libido—can cause problems for people on digoxin heart medications.

These are all commonly prescribed medicines. I know from my time as a sales manager for the Hoechst pharmaceutical company that general practitioners need to regularly remind their patients of those precautions. I congratulate also Dr Gary Franks from the St George division for his very successful education program to alert the community to the value of immunisation and to improve compliance rates. I also congratulate the Southern Region Chinese Association in Hurstville, its President, Terence Tang, and secretary, Shirley Chan, for their involvement. The Chinese Australian Social Services, or CASS, under the leadership of Henry Pan, who is assisted by Bee Koh, and the Australian Chinese Community Association, or ACCA, and its President, Benjamin Chow, and local St George region worker, Kim Chung, deserve congratulations for their active involvement and participation in alerting new settlers to the St George area to the precautions they need to take to look after their health and wellbeing. Again, I congratulate the doctors, pharmacists and the community service organisations within the St George area for using their great community spirit for the benefit and welfare of our constituents.

COMMONWEALTH BANK INDUSTRIAL RELATIONS

Mr IEMMA (Hurstville) [9.14 p.m.]: On 11 November I received a letter from a person named Jill Lester, who is the head of corporate relations at the Commonwealth Bank. The letter was in response to the urgent motion about bank closures that was moved in this place. The letter also referred to some comments I made in a private member's statement on 20 October about an employee of the

Commonwealth Bank named Stuart Morris, who resides at Hurstville, and a letter he wrote to the *Daily Telegraph* concerning bank closures. In her letter Miss Lester stated that I had made some inaccurate and unfair comments about the Commonwealth Bank and its employment record. The letter from Miss Lester said that I was very unfair in the criticisms I made of the Commonwealth Bank in relation to maternity leave provisions and the subsidised housing loan provisions. It is obvious from her letter that she had not read the speeches I made in this place.

For the record, and to repeat what I said then, I was an employee of the Commonwealth Bank Officers Association between 1984 and 1986. Two of the biggest industrial issues I had to deal with when I was with the union related to attempts by the Commonwealth Bank to unilaterally and—as it was considered at the time—very unfairly take away the maternity leave entitlements of female employees of the bank. The mass meetings of members, including those that took place in regional parts of New South Wales—where in some cases the votes were 400 to 1, 350 to 1 or 250 to 1—were not figments of my imagination. If Miss Lester cares to discuss the issue with some of her managerial colleagues who have been around longer than she has, she will see the truth of that in bank records.

The second issue that attracted attention while I was there but which really blew up after I left in 1986 was an attempt by the Commonwealth Bank to take away or scale down the subsidised housing loans provisions that staff enjoyed. That led to mass meetings of members at the Sydney Town Hall and to the first ever strike action Commonwealth Bank staff had ever taken. Those mass meetings and the industrial action gained widespread publicity in the newspapers and on television. Again, they were not concoctions or figments of the imagination of a former industrial officer.

The comments I made in relation to Mr Morris fly in the face of everything Miss Lester put in her letter. She stated that the bank was a model employer and was striving to do the best for customers and staff in a competitive environment. If the bank is as big-hearted as Miss Lester claims, it would never have attacked an individual staff member, Mr Morris, for the comments he made about bank closures and customer service that appeared in the *Daily Telegraph* article. It would not have acted in the jackbooted manner it did by presenting him with a letter asking him to explain his actions within 24 hours or be dismissed. If it was the benevolent employer Miss Lester claims in her letter, the Commonwealth Bank would have

allowed the sorts of criticism Mr Morris made and would not have acted in the jackbooted way it did by threatening to railroad Mr Morris, a longstanding employee, out of the service of the Commonwealth Bank.

I refer Miss Lester to a survey that appeared recently in the *Sydney Morning Herald* which was conducted by the Finance Sector Union and which clearly shows that bank closures have followed a similar pattern to those in North America. In North America bank closures are based on profitability rather than claims of delivering services to customers and changing customer needs. The survey also showed that bank closures have taken place in areas of expanding population, not declining population. That is further evidence that bank closures are all about profitability and making mega profits and not about changing customer needs. In the letter the excuse has been dressed up in the argument of an economic rationalist and in the defence by the bank that has been advanced during the last few weeks. The recent rises in bank charges are yet another attack on customers. [*Time expired.*]

MANLY ELECTORATE PRE-SELECTION

Mr BROGDEN (Pittwater) [9.19 p.m.]: It is appropriate that I address the following matter in the House on the last sitting day before the March 1999 election. On 31 October the *Manly Daily* heralded the nomination by residents and friends in the Manly electorate of their candidate to succeed the retiring honourable member for Manly. The article stated:

Manly deputy mayor David Barr yesterday was anointed heir apparent to fly the flag of independent for the seat of Manly at next year's State election.

... key local residents and community groups gave Mr Barr their ... endorsement yesterday ...

Mr Barr ... is a member of the ... Residents and Friends group ...

Mr Barr spoke of the role of Independents. Indeed, he has been endorsed and runs officially as the candidate of the residents and friends in the Manly electorate in the next election. It will be of some interest to this House, and most importantly to residents of the northern beaches, specifically those in Manly, that on the web page for Manly council, www.manly.nsw.gov.au, the name of Mr David Barr, the deputy mayor of Manly council appears, as do the names of all the other councillors.

Indeed, the site lists information about each of the councillors—their party, occupation, when they were first elected to council, the committees they currently serve on, telephone and fax numbers and

e-mail address. Mr David Barr describes himself as an Australian Democrat. It is disturbing, to say the least, that whilst Mr David Barr has been put forward by the residents and friends to succeed the current member for Manly, he is described on the web page of Manly council as an Australian Democrat. It is a simple and straightforward matter: the people of Manly and the northern beaches need to know whether Councillor Barr is indeed a member of the Australian Democrats.

Mr Martin: Point of order: On the last night of Parliament I do not like to take a point of order but a private member's statement is not meant to be used by the honourable member for Pittwater to make an attack on a candidate who is standing outside his electorate.

Mr ACTING-SPEAKER (Mr Gaudry): Order! I remind the honourable member for Pittwater that a private member's statement should relate to a matter within the member's electorate or to a matter raised by his constituents. The honourable member is now discussing a matter relating to the electorate of Manly.

Mr BROGDEN: In your ruling, Mr Acting-Speaker, you have indicated that I am able to refer to a matter that has been raised by a constituent in my electorate. This matter falls within that category. It is a simple matter and I am happy to conclude briefly. I ask Mr Barr to indicate to the people of Manly and the northern beaches if he is or ever has been a member of any political party, be it the Australian Labor Party, the Australian Democrats or any other party.

ACTION FOR TRANSPORT 2010

Ms ANDREWS (Peats) [9.24 p.m.]: The Premier and the Minister for Transport, and Minister for Roads travelled from Sydney to Woy Woy by train on Tuesday, 24 November, to announce Action for Transport 2010 for the central coast and Hunter regions. Action for Transport 2010 is a fully funded 10-year construction plan which will result in marked improvements to public transport. It will bring about better roads and create new jobs in both the central coast and Hunter regions. It is an integrated transport plan, a massive construction program that will create 28,000 jobs across the State and, in particular, for central coast residents. The Premier, when launching Action for Transport 2010, announced the Carr Government's commitment to a \$1.2 billion high-speed rail link between Sydney and Newcastle by the year 2010. The link will dramatically slash the travelling time to and from Sydney.

The first stage of the new 68-kilometre high-speed rail link which is scheduled to be completed by 2007, will cut travelling times between Warnervale and Sydney by 15 minutes—a 20 per cent reduction. It is important to note that services to existing stations will be retained with express services using the new line. The second stage of the link from Warnervale to Newcastle will commence in 2010. I am proud that the Carr Government is totally committed to improving public transport in this State. The decision to build a rail link into the Homebush Bay site has been a resounding success and clearly illustrates that only a Labor Government has the foresight and courage to embark upon such projects. The eastern suburbs railway, which was built during the Wran era, is another monument to a Labor Government which achieved major improvements in all modes of public transport.

The Minister for Transport, and Minister for Roads recently announced that the Government will construct a rail link from Parramatta to Epping and Chatswood. The link will be completed by 2006 and will mean an improved rail service for daily commuters from the central coast. Each day, thousands of central coast residents commute to their workplaces in the metropolitan area. Many commute to the city of Parramatta and beyond. The Parramatta to Epping link will substantially reduce travelling times for central coast commuters. The announcement of a high-speed rail link between Sydney and Newcastle will reduce average travelling times per week for daily central coast commuters by a massive 2½ hours. That means they will have more time to spend with their families and will ultimately mean a reduction in the fatigue factor, which is perhaps the major health hazard affecting commuters.

That good news follows the recent completion of the upgrading of Woy Woy railway station. The provision of two lifts at Woy Woy has made it possible for many local residents who were formerly precluded from doing so to now access this facility and use CityRail and Countrylink services. That has, without a doubt, made a big difference to their daily lives. The provision of two security guards to patrol all trains from 7.00 p.m. each night has instilled confidence in our CityRail system by train patrons. It means that train travellers from Woy Woy and stations beyond can travel to Sydney for an evening out and return home on a late-night train service in the knowledge that there will be not only a guard on the train but that two security guards will walk through the carriages, guaranteeing passengers a safe journey home.

In conjunction with the railway upgrading, the Premier and the Minister for Transport, and Minister for Roads announced that \$88 million would be spent on central coast road improvements. Further upgrading of the Pacific Highway will be included in that program. I applaud and welcome the recent announcements. They will result in central coast train commuters enjoying reduced travelling times with more frequent services conveying more passengers, while services to all existing stations are retained. Central coast motorists will benefit from the injection of funds into improving main arterial roads within the region. The emphasis on that upgrading program is on supporting road-based public transport and access to the rail network. The major roads projects will not only improve road conditions, but will streamline traffic flow and remove trucks from local roads. Overall, the recently announced rail and road improvements are great news for the Peats electorate, and will ensure a brighter future for families using the central coast transport system.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [9.28 p.m.]: The Government is proud of the honourable member for Peats and her tireless efforts for the people of her electorate. The fact that the honourable member for Peats never stops working for the people of her electorate should be placed on the public record. The work she did with the railways employees union prior to becoming a member of this Parliament is a credit to her. The people of Peats get full marks for having such a fine member representing them.

LAKES WAY LINK ROAD

Mr J. H. TURNER (Myall Lakes) [9.29 p.m.]: I raise an important issue concerning the colloquially named link road in my electorate—a section of road that since 1988 has been the subject of a proposal to link Bulahdelah to the Coolongolook deviation across to the Lakes Way, thus cutting out the bad sections on the Koolonock and Meyer ranges. The Minister for Roads, and Minister for Transport gave the project \$3 million, subject to the roadwork being delayed until the budgets for the years 1999, 2000 and 2001. About six months ago I brought a deputation to him consisting of the mayor of Great Lakes, John Chadban; the chairman of the Foster-Tuncurry Chamber of Commerce, Graeme Dixon; John Morley from the Pacific Palms Progress Association and Bunny Gardiner-Hill, a citizen from Coomba Park.

Although the local Labor Party branch claimed that it was solely responsible for the grant I have referred to, I assure the House that not one member of the Australian Labor Party accompanied that delegation. But that is another story. During the Federal Government's election campaign the then Minister for Transport granted \$3.5 million to construct an intersection between the deviation and the link road. The State Minister for Roads was obliged to match that, and he granted another \$3 million, making a total of \$6 million, but that was over two years. So we are now talking about a four-year project. I do not care how the money is obtained, so long as it is obtained. The Minister has not yet signed off on this money. I spoke to the former Federal Minister for Transport, Mark Vaile, who assured me that he signed off on it and that the Federal money is locked in, but the Federal Government will not fund a roundabout to anywhere until the State Government makes a commitment.

The Roads and Traffic Authority is, of course, vehemently opposed to this project, notwithstanding that the Minister has promised \$6 million. That creates a conflict in the Minister's department. The RTA will do anything to delay, and even abort, this project, although its Minister has allocated \$6 million for it. The purpose of my private member's statement tonight is twofold: first, to try to get the Minister to acknowledge in writing that the money is available, that is, \$6 million starting with \$3 million in 1999-2000 and another \$3 million two years after that. I have asked him on seven occasions, either personally or by letter, but I cannot get the Minister to sign off on that money. I wonder how sincere he is. The second purpose of my private member's statement is to show that the council, which will be thrown in at the deep end and will have to administer this contract, has written to the Minister and asked for an advance of \$200,000: \$200,000 out of a \$6 million scheme is not unreasonable. The council wants that money for design and estimate work.

Bearing in mind the initial grant there will now a five-year delay in the completion of this project. The council wants \$200,000, probably as a sign of goodwill that there will be no further delay with the project. That is a reasonable request. About 1¼ hours ago I sent a note to the Minister advising him that I would raise this matter tonight. He has not come into the Chamber. I have had a private conversation with him, which I will not repeat. On behalf of my constituency—the people who have spent a lot of time lobbying for this road, the 6,000 petitioners, those who have written thousands of

letters and the deputation—I express extreme disappointment that the Minister has not come into the Chamber to address this issue. I am also extremely disappointed that the Minister has indicated to me that he will not advance the \$200,000. I am even more disappointed that he still will not, despite my seven requests, sign off on the \$6 million. Can we trust the Minister to deliver that money if the Government is returned next year? God willing, it will not be.

Mr MARTIN (Port Stephens—Minister for Mineral Resources, and Minister for Fisheries) [9.34 p.m.]: God is on our side and we will be back next year. The honourable member for Myall Lakes has raised matters relating to the sum of more than \$140 million signed off by this Government for the Bulahdelah roadworks. The Government, under an agreement between Laurie Brereton and the former Minister for Roads, signed off \$1.5 billion on a dollar-for-dollar basis for the Pacific Highway. The Commonwealth Government has now reneged and reduced that to \$600 million. My electorate adjoins that of the honourable member for Myall Lakes and I was present when the Minister for Transport, and Minister for Roads made the offer. The National Party has taken away the money for the Bulahdelah crossing. It was not until the ugly member for Paterson, Bob Baldwin, started playing politics that it was fixed. I am proud to say, on behalf of the Government, that it is now fixed.

NORTHCOTT ELECTORATE

Mr O'FARRELL (Northcott) [9.35 p.m.]: I want to use the last opportunity in the Fifty-first Parliament to make a private member's statement to say something about the electorate of Northcott, which will cease to exist at the end of this Parliament. The electorate has been in existence for a little over 30 years and has been represented by three members. Jim Cameron, the first Northcott representative, served with distinction in this Chamber and is commemorated on the Chamber's wall for his term as Speaker. Bruce Baird was one of the major achievers of the Greiner and Fahey governments who served Northcott well. He now serves the people of the Sutherland area in Federal Parliament. While I have the distinction—one not sought after—of being the last member for Northcott, I have expectations of returning to this place in the Fifty-second Parliament.

The Northcott electorate is a terrific part of Sydney and its people have helped create great local communities. Education is the key issue in Northcott, and many families move into the area to access the many fine government and non-

government schools. I have enjoyed working with those schools over the past four years. Margaret Malone, Gerard Say, David Phipps, Colin May and other primary school principals do a great job for pupils and families. Similarly, the efforts of people like Hedley Mooney, Olga Johnstone, Leoni Degenhardt, Ian Paterson and Terry Blanchard in educating high school students is acknowledged each year in the higher school certificate honour lists. Communities like those in Northcott would not function well if people were not prepared to give of their time and effort through residents' groups.

I have enjoyed working with groups like the Beecroft-Cheltenham Civic Trust and the Thornleigh-Normanhurst Residents' Association. Betty Grant and Margaret Murray provide great civic leadership. Similarly, Geoff Nadin does a tremendous job at the Pennant Hills Civil Trust. There are other people who serve their community through Neighbourhood Watch groups and other local and service organisations—people like Alan Stark, Peter Waite, Rod Jackson, Leo Glockerman—and I pay tribute to them all. The Northcott electorate is fortunate to have the Cherrybrook Chinese Community Association. I am proud to be life member of that association, which demonstrates through its daily community work the many benefits and advantages migrants can bring to Australia. Through its annual Lantern Night Festival and other activities, it practises practical multiculturalism.

Two weekends ago, the association helped supply the food at the Pennant Hills police station open day. I pay tribute to people like James Chang, Patrick House, Stephen Law, Wilson Ton and those who drive the organisation. The electorate is also served by a terrific Lebanese community which is centred in Thornleigh. I again pay tribute to that community, as I have on previous occasions. There are many sporting groups across the Northcott electorate who enhance the quality of local life. Over the past four years I have had a happy association with the Hornsby-Ku-ring-gai Basketball Association, the Thornleigh Sports Club, the Northern Suburbs Hockey Association, the victorious Pennant Hills Australian Football Club and others. The Scout Association has a major facility at the bottom of Pomona Street, in the Northcott electorate. As the local member of Parliament I have always lent my support to local scout and guide groups. They are great outlets for young people and provide good citizenship training to our young.

I pay tribute to those who give up their time and devote their effort to ensuring that this important activity for our young can continue. On a personal level few of us would be in this place

without the support of our loyal party members. With the abolition of the electorate of Northcott came the reorganisation of the local Liberal structure. The seven Northcott branches have been split between four electorates. Happily the Northcott Young Liberals have retained their name in their move to the electorate of Hornsby. I thank those dedicated Liberals who have worked hard to support me and who gave similar support to Bruce Baird and Jim Cameron. At Cheltenham credit goes to the Wallace family, especially the late Les Wallace. I also thank Ken and Jeanette Frank, Dot Graham and Leila Baker and other members.

The Beecroft branch revolves around Betty Grant and Pam and Bob Conrow. I am indebted to them and to people like Sam and Nina Nucifora, Roly and Denise Cook, Patti Payne, and Vick Batten. Robin Timmins, Ross Barwick, the Campbells, Turners and Waites have given stalwart support through the Pennant Hills-Thornleigh branch. At Normanhurst, Judy Hopwood, David Love, the Troys, Trevor Macmillan, Mary MacFarlane and John Truscott have been tremendous in their support of the party. Doug Tear, Bill Dixon, Bill Southern and Nahid Aziz have given loyal service in Cherrybrook.

The Young Liberals have been outstanding. Though it was on its knees when I was first elected, Fiona Cummins and others have managed to increase its membership four-fold. Stewart Cummins, Juliana Horvat, Anthony Chappel, Jade Catherall and others are great young people whose support has always been appreciated. For better or for worse, Fox Valley branch travels with me to Kuring-gai. Nevertheless, they have always strongly supported Northcott's activities, for which I am very grateful.

There are a couple of regrets I have about the abolition of Northcott. Firstly, Northcott was named after General Sir John Northcott, the first Australian-born person ever to be appointed to a State vice-regal position. His daughter, Mrs Elizabeth Nash, lives in the electorate. Labor Premier McKell had to battle long and hard to ensure an Australian was appointed Governor. It is a piece of history that I am proud of and I believe we should treasure. I regret that Sir John's place in our history will diminish over time with the removal of his name from a State electorate.

Secondly, I regret some unfinished business. I regret that Hornsby ratepayers still have not got to the bottom of the bioremediation saga. More than

\$5 million of ratepayers' funds have been wasted on this project, and no-one has been brought to account. Hornsby ratepayers deserve better than that, both from senior council officers and from some ostrich-like councillors. I look forward to pursuing this issue in government.

Private members' statements noted.

ONE NATION WATCH APPOINTMENT

Personal Explanation

Mr BLACKMORE, by leave: I wish to make a personal explanation. Earlier in private members' statements, the honourable member for Gladesville made statements pertaining to me. Those statements were incorrect. I have not made public statements of the nature to which the honourable member for Gladesville referred.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Reports

Mr Gibson, as Chairman, tabled the following reports:

- Addendum to Staysafe 39—Young Drivers
- Staysafe 43—Electronic Drivers Licences, dated November 1998
- Staysafe 44—Developing Safer Motor Vehicles for Australia, dated November 1998
- Staysafe 45—Injury Prevention and Infection Control in the Taking of Blood Samples from Drivers Suspected of Alcohol or Other Drug Impairment, dated November 1998
- Staysafe 46—Falling Asleep at the Wheel—Legal and Licensing Implications of Driver Fatigue, dated November 1998
- Staysafe 47—Review of the Road Safety Situation in New South Wales in 1997, dated November 1998

Ordered to be printed.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Collation of Evidence: General Aspects of Operations

Mr Nagle, as Chairman, tabled a collation of evidence of the Commissioner of the Independent Commission Against Corruption, the Hon. B. S. J. O'Keefe, AM, QC, on general aspects of the commission's operations, taken on Tuesday, 7 July 1998 and Thursday, 9 July 1998.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Speaker announced, pursuant to the Independent Commission Against Corruption Act 1983, receipt of the report entitled "Investigation into The Department of Corrective Services—Second Report: Inappropriate relationships with inmates in the delivery of health services," dated November 1998.

OFFICE OF THE OMBUDSMAN

Annual Report

Mr Speaker announced, pursuant to section 31 of the Ombudsman Act 1974, receipt of the annual report for the year ended 30 June 1998.

PRIVACY AND PERSONAL INFORMATION PROTECTION BILL

Message received from the Legislative Council agreeing to the Legislative Assembly's amendments.

[Mr Speaker left the chair at 9.45 p.m.]

Friday, 4 December 1998

[Continuation of the sitting of Wednesday, 25 November.]

[The House resumed at 2.00 p.m.]

BUSINESS OF THE HOUSE

Routine of Business

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow for the tabling of papers, committee reports, reports received out of session, statutory instruments, the presentation of petitions and a ministerial statement.

MEDICAL PRACTICE ACT 1992

Report

Dr Refshauge tabled, pursuant to section 199 of the Medical Practice Act 1992, a report entitled "Review of the Medical Practice Act 1992", dated November 1998.

Ordered to be printed.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Reports

Mr Gibson, as Chairman tabled the following reports:

Staysafe 48—Pedestrian Safety IV. Aspects of child pedestrian safety in New South Wales, dated December 1998
Staysafe 49—Concerning the Development of Uniform Road Traffic Law in Australia—the 'Australian Road Rules', dated December 1998.

Ordered to be printed.

TABLING AND PRINTING OF PAPERS

Mr Whelan, by leave, tabled the following papers:

Report of the Attorney General's Department entitled "Review of the Financial Transaction Reports Act 1992," dated December 1998
Review of the Attorney General's Department entitled First State Superannuation Act 1992, Dated 16 November 1998
Report of the Independent Pricing and Regulatory Tribunal of New South Wales entitled "Charges for Streetlighting Services," dated November 1998
Report of the Independent Pricing and Regulatory Tribunal of New South Wales entitled "Report to Government: Inquiry into Gaming in NSW", dated November 1998
Report of the Attorney General's Department entitled "National Competition Policy Review of the Legal Profession Act 1987," dated November 1998
Report and Determination of the Statutory and Other Offices Remuneration Tribunal in relation to the Remuneration of the Chairperson of the Board of the Aboriginal Housing Office, dated 26 October 1998

Ordered to be printed.

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY

Report

Mr Speaker tabled the report of the Department of the Legislative Assembly for the year ended 30 June 1998.

Ordered to be printed.

AUDIT OFFICE OF NEW SOUTH WALES

Report

Mr Speaker announced, pursuant to the Public Finance and Audit Act 1983, receipt of the performance audit report entitled "Rural Fire Service—The Coordination of Bushfire Fighting Activities" dated December 1998.

PETITIONS**Governor of New South Wales**

Petitions praying that the office of Governor of New South Wales not be downgraded, received from **Ms Ficarra, Dr Kernohan and Mr MacCarthy.**

Macleay District Hospital

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

Singleton District Hospital Needle and Condom Vending Machine

Petition praying that a needle and condom vending machine not be installed at Singleton District Hospital, received from **Mr Neilly.**

Wagga Wagga and Albury Radiotherapy Clinics

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

Ryde Hospital

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

Land Tax

Petitions praying that land tax on the family home be abolished, received from **Mr Collins and Mr Phillips.**

Land Tax

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

Hurstville Policing

Petition praying that increased police presence be provided in the Hurstville local area command, received from **Ms Ficarra.**

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.**

Sir David Martin Reserve

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

Juvenile Age and Accountability

Petition praying that the juvenile age be lowered to 16 years of age and that juveniles be held accountable, received from **Mr Beck, Mr Cruickshank, Mr Fraser, Mr Jeffery, Mr Peacocke and Mr J. H. Turner.**

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.**

Manly Cove Foreshores

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

Northside Storage Tunnel

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

Hurstville Youth Centre and Commuter Parking

Petition praying that State Rail Authority land adjacent to Hurstville CBD be used for a multipurpose youth centre and a commuter parking facility, received from **Ms Ficarra.**

Cooranbong F3 Noise Reduction Barriers

Petition praying that noise reduction barriers be erected on the F3 at Cooranbong, received from **Mr Hunter.**

Wodonga Bypass Hume Highway Link

Petition praying that further planning and any construction of an inner route option linking the

Wodonga bypass to the Hume Highway at Mullengandra generally via a route immediately east of the main railway line be stopped, received from **Dr Macdonald**,

Manly Wharf Bus Services

Petition praying that plans to move bus services from Manly wharf to Gilbert Park be abandoned, received from **Dr Macdonald**.

Moore Park 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**.

Oxford Street Pedestrian Crossing and Traffic Lights

Petition praying that an additional pedestrian crossing and traffic lights be installed on Oxford Street, Paddington, in the vicinity of Verona Street and West Street, received from **Ms Moore**.

Mount Kuring-Gai Railway Station Staffing

Petition praying that Mount Kuring-gai railway station staffing not be reduced, received from **Mr O'Doherty**.

Commuter Cycleways

Petition praying that a feasibility study be undertaken of construction of a high quality commuter cycleway along the land within the current easements of the Milsons Point to Asquith and Hornsby to Meadowbank railway lines, received from **Mr Watkins**.

Battery Hen Egg Production

Petition praying that battery hen egg production be phased out, received from **Mr Harrison**.

Wallsend Park Environs Rezoning

Petition praying that consent be refused for proposed rezoning and/or extension of use for construction of a car wash, service station and fast

food outlet at the corner of Thomas Street and Brooks Street, Wallsend, adjacent to Wallsend Park, received from **Mr Mills**.

ASSENT TO BILLS

Assent to the following bills reported:

Parliamentary Remuneration Further Amendment Bill
 Statute Law (Miscellaneous Provisions) Bill (No 2)
 Marine Safety Bill
 Motor Accidents Amendment Bill
 Police Service Amendment (Complaints and Management Reform) Bill
 Carbon Rights Legislation Amendment Bill
 Irrigation Corporations Amendment Bill
 Residential Tenancies Amendment (Social Housing) Bill
 Weapons Prohibition Bill
 Food Production (Safety) Bill
 Meat Industry Amendment Bill
 Workers Compensation Legislation Amendment (Dust Diseases and Other Matters) Bill
 Crimes Legislation Amendment (Child Sexual Offences) Bill
 Mines Legislation Amendment (Mines Safety) Bill
 Privacy and Personal Information Protection Bill
 Victims Compensation Amendment Bill
 Appropriation (1997-98 Budget Variations) Bill (No 2)
 Public Finance and Audit Amendment (State Accounts) Bill

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Appropriation (1997-98 Budget Variations) Bill (No 2)
 Public Finance and Audit Amendment (State Accounts) Bill
 Crimes Legislation Further Amendment Bill
 Children and Young Persons Legislation (Repeal and Amendment) Bill
 Liquor and Registered Clubs Legislation Amendment (Gaming) Bill
 Traffic Amendment (Speeding Anti-evasion Measures) Bill
 Benevolent Society (Reconstitution) Bill
 Law Enforcement and National Security (Assumed Identities) Bill
 Waste Minimisation and Management Amendment Bill

The following bills were returned from the Legislative Council with amendments:

Administrative Decisions Tribunal Legislation Further Amendment Bill
 Children and Young Persons (Care and Protection) Bill
 Consumer Claims Bill
 Criminal Procedure Amendment (Sentencing Guidelines) Bill
 Drug Court Bill
 Drug Misuse and Trafficking Amendment (Controlled Operations and Integrity Testing Programs) Bill
 Fair Trading Tribunal Bill
 Forestry and National Park Estate Bill
 Industrial Relations Amendment (Federal Award Employees) Bill
 Periodic Detention of Prisoners Further Amendment Bill
 Police Powers (Vehicles) Bill

Protection of the Environment Administration Amendment
(Environmental Education) Bill
Residential Tribunal Bill
Retail Leases Amendment Bill
Sydney Harbour Foreshore Authority Bill
Sydney Water Catchment Management Bill

BUSINESS OF THE HOUSE

Consideration of Legislative Council's Amendments.

Motion, by leave, by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the consideration of the proposed Legislative Council amendments in the following bills in one Committee of the Whole:

Administrative Decisions Tribunal Legislation Further Amendment Bill
Children and Young Persons (Care and Protection) Bill
Consumer Claims Bill
Criminal Procedure Amendment (Sentencing Guidelines) Bill
Drug Court Bill
Drug Misuse and Trafficking Amendment (Controlled Operations and Integrity Testing Programs) Bill
Fair Trading Tribunal Bill
Forestry and National Park Estate Bill
Industrial Relations Amendment (Federal Award Employees) Bill
Periodic Detention of Prisoners Further Amendment Bill
Police Powers (Vehicles) Bill
Protection of the Environment Administration Amendment (Environmental Education) Bill
Residential Tribunal Bill
Retail Leases Amendment Bill
Sydney Harbour Foreshore Authority Bill
Sydney Water Catchment Management Bill

PRINTING OF PAPERS

Motion by Mr Whelan agreed to:

That the following papers be printed:

Voting shareholders' approval under section 20W of the State Owned Corporations Act 1989 to allow Integral Energy Australia to form a subsidiary company Infomet Pty Ltd
Determination by the Treasurer regarding Variations of the Payment Estimates and Appropriations in terms of section 24 of the Public Finance and Audit Act 1983 in relation to the restructure of Agency Consolidated Fund Appropriations flowing from both the amalgamation of former agencies into the Department of Education and Training and the Ministerial portfolio structure and consequent transfer of functions between agencies
Fifth Report of the Council on the Cost of Government, dated June 1998
Report of the Independent Pricing and Regulatory Tribunal of New South Wales entitled "Bulk Water Prices for 1998-99 and 1999-2000", dated 16 July 1998
Report of the Independent Pricing and Regulatory Tribunal of New South Wales entitled "Hunter Water Corporation—Prices of Water Supply, Sewerage and Drainage Services—Review of Medium Term Price Path: 1996-2000", dated June 1998
Report of the Independent Pricing and Regulatory Tribunal of

New South Wales entitled "Review of Fees for Development Control Services—A Consultation Paper", dated July 1998
Report of the Independent Pricing and Regulatory Tribunal of New South Wales entitled "Review of Sydney Water Corporation's Stormwater Charges and Expenditure", dated August 1998
Report of the Independent Pricing and Regulatory Tribunal of New South Wales entitled "Sydney Water Corporation—Prices of Water Supply, Sewerage and Drainage Services—Review of Medium Term Price Path and Determination from 1 July 1998", dated June 1998
Report of the New South Wales Treasury Corporation for the year ended 30 June 1998
Determination by the Treasurer—Variations of the Payment Estimates and Appropriations in terms of Section 24 of the Public Finance and Audit Act 1983, in relation to the restructure of Agency Consolidated Fund Appropriations flowing from the Ministerial portfolio structure and consequent transfer of functions between agencies
Determination by the Treasurer—Variations of the Payment Estimates and Appropriations in terms of Section 24 of the Public Finance and Audit Act 1983, in relation to the restructure of Agency Consolidated Fund Appropriations flowing from the transfer of the Community Services Appeals Tribunals from the Community Services Commission to the Civil, Administrative and Professional Tribunal within the Attorney General's Department
Report of the Inquiry into Sydney City Council Election Procedure, dated October 1998
Report of the Anti-Discrimination Board for the year ended 30 June 1998
Report of the New South Wales Youth Advisory Council for 1997
Interim Report of the Committals Review Committee, dated June 1998
Report of the New South Wales Coal Compensation Board for the year ended 30 June 1998
Report of the Financial Institutions Commission for the year ended 30 June 1998
Report of the FSS Trustee Corporation for the year ended 30 June 1998
Report of the Internal Audit Bureau for the year ended 30 June 1998
Report of New South Wales Lotteries for the year ended 30 June 1998
Report of the Port Kembla Port Corporation for the year ended 30 June 1998
Report of the Australian Museum for the year ended 30 June 1998
Report of the Sydney Opera House Trust for the year ended 30 June 1998
Report of the Department of Energy for the year ended 30 June 1998
Report of TransGrid for the year ended 30 June 1998
Report of the Mine Subsidence Board for the year ended 30 June 1998
Report of the Building and Construction Industry Long Service Payments Corporation for the year ended 30 June 1998
Report of the Sporting Injuries Committee for the year ended 30 June 1998
Report of the Darling Harbour Authority for the year ended 30 June 1998
Report of the Sydney Organising Committee for the Olympic Games for the year ended 30 June 1998
Report on Forest Industry Restructuring Expenditure for the six months ended 30 June 1998
Report of the Motor Vehicle Repair Industry Council for the year ended 30 June 1998

Report of the New South Wales Bar Association for the year ended 30 June 1998
 Report of the New South Wales Law Reform Commission entitled "Circulation of Legal Advice to Government", dated March 1998
 Report of the Public Trustee New South Wales for the year ended 30 June 1998
 Report of the Sydney Ports Corporation for the year ended 30 June 1998
 Report of the Community Services Commission Community Visitors Scheme for the year ended 30 June 1998.
 Report of the Guardianship Tribunal for the year ended 30 June 1998
 Report of the Mines Rescue Board for the year ended 30 June 1998

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the passage through all remaining stages of the following bills:

Courts Legislation Further Amendment Bill
 Crimes at Sea Bill

COMMISSION FOR CHILDREN AND YOUNG PEOPLE BILL (No 2)

Message received from the Legislative Council not insisting upon its amendment No. 32, disagreed to by the Legislative Assembly.

JUSTICES LEGISLATION AMENDMENT (APPEALS) BILL

Message received from the Legislative Council agreeing to the Legislative Assembly's amendments.

COURTS LEGISLATION FURTHER AMENDMENT BILL

Bill received and read a first time.

Second Reading

Mr WHELAN (Ashfield—Minister for Police) [2.22 p.m.]: I move:

That this bill be now read a second time.

The Government seeks to amend certain Acts relating to the courts and court procedures. These amendments are necessary to improve the operation of the courts of New South Wales. The first proposal at schedule 1 to the bill provides for amendment to the District Court Act 1973 to extend the District Court's jurisdiction so that it may hear matters where the cause of action arises entirely

outside New South Wales. The District Court currently has jurisdiction to hear matters where a material part of the cause of action arose in New South Wales, where the defendant was resident in New South Wales at the date of service, and where the defendant is not within New South Wales but the whole of the cause of action arose within New South Wales.

This causes inconvenience where a resident of New South Wales has a cause of action arising interstate. It also creates problems in transferring cases from the Supreme Court to the District Court. The reform proposal arises from recommendations of the Court of Appeal in the matter of *Falls Creek Ski Lifts Pty Ltd v Leonie Fay Yee*. The reform is not designed to open the District Court to matters where all parties are from, and the cause of action arises, outside New South Wales. Schedule 2 to the bill proposes amendments to the Fines Act 1996 to provide for penalty reminder notices to include annexures or enclosures where necessary.

It also includes amendments to make it clear that once the State Debt Recovery Office has directed the Roads and Traffic Authority to suspend a licence, the licence will be suspended even if an extension of time is subsequently granted by the State Debt Recovery office to make payments or a time-to-pay arrangement has been entered into. A fine defaulter will not be entitled to have his or her driver's licence reinstated until such time as all unpaid amounts owing under a fine are paid or expiated. This will prevent a fine defaulter from arguing that he or she is entitled to have his or her licence reinstated where a time-to-pay arrangement has been entered into or where one fine has been paid but others remain outstanding.

Since approving the amendment proposed by the State Debt Recovery Office it has come to my attention that some people may be disadvantaged by the provision. As a result a Government amendment has been made in the other place which provides for the State Debt Recovery Office to direct the Roads and Traffic Authority to cease enforcement action even where a fine defaulter has not paid all fines in full. The suspension of a licence will be a discretionary matter for the State Debt Recovery Office. Once a licence has been suspended entering into a time-to-pay arrangement will not normally result in the suspension being lifted.

However, there are persons who need their licence to earn a living and it is proposed to allow them to enter into a time-to-pay arrangement and have the suspension lifted. If they default under the time-to-pay arrangement there will be no second chance and their licence will be suspended until the fines are paid in full. At schedule 3 to the bill the Industrial Relations Act 1996 is amended to allow interlocutory applications in relation to appeal

matters to be dealt with by the president of the Industrial Relations Commission or any other member nominated by the president. Currently such matters may only be dealt with by a Full Bench or a delegate of the Full Bench.

This can cause difficulties where members of the Full Bench are unavailable because of court commitments or one or more of the members are on leave. Schedule 4 to the bill provides for an amendment to the Judicial Officers Act 1986 to remove the age limit for appointed members of the Judicial Commission. Schedule 5 provides for a number of amendments to the Justices Act 1902 which provides the machinery for the commencement and conduct of actions in the Local Courts. These include amendments to provide the Local Courts with the power to issue a subpoena to give evidence or to produce documents. At present the Justices Act does not specifically enable the Local Courts to issue a subpoena. Instead, sections 26 and 61 provide for the issue of a summons for a witness to attend where it appears to a justice that a witness will not voluntarily attend a court hearing or produce documents required for a court hearing.

Such power is currently restricted to matters commenced by information or complaint. In practice the Local Courts deal with a wide variety of matters of both a criminal and non-criminal nature which are commenced in a number of ways including an information, complaint, court attendance notice, charge, appeal or application. Under the provisions, the Local Courts will have similar powers to the Supreme Court and District Court, and the Local Courts in their civil jurisdiction to issue a subpoena. The power will be available for the full range of Local Courts matters.

The Justices Act is also amended to provide that the definition of "public officer" includes employees of area health services and officers of the Commonwealth. This will enable summonses issued by these officers to be served by post rather than the Police Service, in the same way as summonses issued by State government agencies are served. The recommendation for amendment has been made by an inter-departmental committee on the review of police functions. At schedule 6 to the bill, amendments are made to the Land and Environment Court Act 1979 to provide for conciliation and technical assessors to be renamed commissioners.

The Local Courts Act 1982 is amended at schedule 7 to the bill to provide for a retirement age of 70 years to be included in the terms of appointment of acting magistrates. The general retirement age for magistrates is 65 years. The

amendment will enable the appointment of experienced judicial officers during periods when there is a temporary shortage of permanently appointed judicial officers. The Local Courts (Civil Claims) Act 1970 is amended at schedule 8 to provide for consequential amendments resulting from the establishment of subpoena powers in the Justices Act. Schedule 9 to the bill provides for amendment of the Sutor's Fund Act 1951 to provide for the Sutors' Fund to be relocated in the Attorney General's Department account. This amendment has been approved by the Audit Office of New South Wales.

The final schedule to the bill, schedule 10, includes amendments to the Supreme Court Act 1970 recommended by the Chief Justice, the Hon. Jim Spigelman. It will reduce the number of divisions of the Supreme Court from nine to two so as to achieve administrative efficiencies in the operation of the court. The two divisions of the court will be the Common Law Division and the Equity Division. The Common Law Division will encompass matters previously assigned to the Common Law Division, Administrative Law Division and the Criminal Division. The Equity Division will encompass matters previously assigned to the Equity Division, Admiralty Division, Commercial Division, Family Law Division, Probate Division and Protective Division. All the amendments contained in this bill will improve the operation of the courts of New South Wales. I commend the bill to the House.

Mr HARTCHER Gosford [2.27 p.m.]: The Opposition has no problem with this bill. We understand that the bill was introduced as a result of the recommendations of the Attorney General's Department and the courts. In relation to the Supreme Court Act 1970 the bill intends to reduce the divisions of that court from nine to two, as set out in schedule 10. We accept that provision on the understanding that that was the recommendation of the Chief Justice. I hope that these provisions do not have any deleterious effect on any of the chief judges of the various divisions; that chief judges in the various divisions will not receive any additional salary; and that no-one will be prejudiced because of these amendments. The Opposition does not oppose the other amendments as the Minister, in his second reading speech, said that they were essentially of a technical nature and that they were supported by the various courts. On that basis, the Opposition will not oppose this bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES AT SEA BILL**Bill received and read a first time.****Second Reading**

Mr WHELAN (Ashfield—Minister for Police) [2.29 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 18 November and the Minister's second reading speech appears at pages 1 to 3 of the *Hansard* proof of that day. The bill is in the same form as agreed to in the other place, and I commend it to the House.

Mr HARTCHER (Gosford) [2.29 p.m.]: This bill arises out of a High Court decision of some years ago which determined the demarcation of the powers of the States and the Commonwealth in relation to submerged lands and the sea. Essentially, the High Court decision was that the Commonwealth and the States have authority over lands below the high water mark, and that, clearly, the States have responsibility for land above the coastal low water mark. The States and the Commonwealth then entered into legislative arrangements in relation to their respective responsibilities and a regime was put in place to deal with criminal offences within territorial waters.

That regime has developed problems. As a result, the Standing Committee of Attorneys-General appointed a special committee of Solicitors-General to develop model legislation that provided a consistent regime for the States and the Commonwealth to deal with crimes below the coastal low water mark. This proposed legislation implements that model. As the bill is the result of a decision of the Standing Committee of Attorneys-General and is uniform with Commonwealth and other State legislation, the Opposition will not oppose it.

Motion agreed to.**Bill read a second time and passed through remaining stages.****EDUCATION ACT 1990****Report to Parliament**

Mr Whelan, by leave, on behalf of Mr Aquilina, tabled a report under section 18A(3) of the Education Act 1990 entitled "Report to

Parliament—Education Act 1990", dated October 1998, consisting of the following documents:

The submission of the NSW Chapter of the 1997 *National Report on Schooling in Australia*
Building the Foundations—the 1997 Report on the Basic Skills Test
Making a Difference—the Evaluation Report on the 1997 Pilot English Language and Literacy Assessment
1997 School Certificate—Report to Parliament
Higher School Certificate—Report to Parliament

Ordered to be printed.**CRIME STOPPERS****Ministerial Statement**

Mr WHELAN (Ashfield—Minister for Police) [2.32 p.m.], by leave: For almost a decade Crime Stoppers has helped make New South Wales a safer place to live. Its success is due to a great partnership—police and the community working together to fight crime. Rarely does a crime occur without someone in the community knowing about it. That is why each year thousands of people pick up the phone and dial Crime Stoppers—1800 333 000—to tell police the vital information they need to solve crime. People who ring Crime Stoppers are guaranteed anonymity and are provided with advice, as well as a safe channel for supplying information to police about any crime or criminal. Also, cash rewards of up to \$1,000 are paid for information that leads to an arrest.

Crime Stoppers formally commenced in New South Wales on 9 January 1989. Since then its successes have been many, and I shall highlight three examples. In August 1996 tiny Travis Walden was abducted from Westmead Hospital. What would have happened to him if one person had not picked up the phone and called Crime Stoppers? Thanks to the single caller's vital information, baby Travis was located safe and well in Nowra two days after he was abducted. In August this year a home invasion occurred at Maitland. Two calls were received with both providing vital information. The first call resulted in the recovery of a car stolen from the house, as well as an iron bar used in a serious assault. The second call helped police to locate and arrest two offenders, who were each charged with nine offences.

In February this year another caller phoned to provide vital clues about armed robberies. Police from Harbourside local area command subsequently arrested a man in his twenties for 18 armed hold-ups using a blood-filled syringe. A specialist crime stoppers unit operates within the State Intelligence

Command of the New South Wales Police Service. Crime Stoppers operates as an independent registered company and is managed by a board of directors comprising private sector and Police Service representatives. Over the past 10 years its worth has been more than proven. In the first 10 years Crime Stoppers has received more than 138,000 calls resulting in more than 37,000 vital clues provided to police, 2,300 arrests, more than 7,000 charges, \$5.8 million worth of property recovered, vital information helping to solve 20 murders, seizure of \$45 million worth of drugs and 3,500 drug arrests.

I am pleased to report that the number of calls to Crime Stoppers is increasing. During the first eight years the average number of calls per annum was between 10,000 and 15,000. In 1997 Crime Stoppers staff answered more than 30,000 calls, and another increase is projected for this year. Crime Stoppers is moving with the times. In 1996 a Crime Stoppers Internet site was introduced promoting its own valuable service and wanted persons. The site links Crime Stoppers nationally and averages 500 hits per day. Crime Stoppers is now an important part of the television program *Australia's Most Wanted*. I take this opportunity to thank everyone who has made Crime Stoppers the success story it is today. First, I acknowledge the foresight of the former police commissioner, John Avery, who actively supported the introduction of Crime Stoppers 10 years ago.

I thank also the crime stoppers unit in the Police Service: the commander, Larry McKittrick, and his team comprising Kevin Goodwin, Ben Higgins, Leanne McKewen, Joanne Richmond, Sue Thompson, Drew Willard, Monique Mikaere and Dianah Russell. Thanks also to the chairman, Matt Walsh, and the Crime Stoppers board members who provide strategic direction for the Crime Stoppers program, as well as corporate sponsorship for the payment of rewards. In conclusion, I am pleased to advise the House that I am contributing \$10,000 from my ministerial discretionary fund to support two new Crime Stoppers initiatives—a youth strategy and a community education program. These programs are aimed at raising the profile of Crime Stoppers by increasing awareness in the community, particularly among young people about the role they can play in helping to solve crime. Thanks to everyone involved in Crime Stoppers it is an outstanding success.

Mr HARTCHER (Gosford) [2.36 p.m.]: On behalf of the Opposition I pay tribute to those who have been involved in Crime Stoppers over the past 10 years. The law operates effectively only if the

community works with the Police Service to ensure that criminals are apprehended and brought to justice. Clearly, that is too large a task for 13,000 sworn police officers, who need the co-operation of the four million honest citizens of New South Wales. Crime Stoppers is a device enabling police and the public to work together to prevent and detect crime. The Minister acknowledged the role of the television program *Australia's Most Wanted*, which has been a valuable addition to the fight against crime. The high ratings for the program indicate the enormous public interest in assisting the police to apprehend serious offenders.

I also acknowledge the role of the then Minister for Police, the Hon. Ted Pickering, who was involved in establishing Crime Stoppers. He was particularly interested in involving the community in the fight against crime. Crime Stoppers is one of his fine legacies in the police-community effort to fight crime. The coalition will continue to support the existence of Crime Stoppers and to ensure that it is properly funded. I commend all the men and women in the Police Service who have been involved in this operation and the thousands of citizens who have contacted Crime Stoppers in an attempt to fight crime in our community.

VALEDICTORY SPEECHES

Debate resumed from an earlier hour.

Motion agreed to.

ADMINISTRATIVE DECISIONS TRIBUNAL LEGISLATION FURTHER AMENDMENT BILL

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) BILL

CONSUMER CLAIMS BILL

CRIMINAL PROCEDURE AMENDMENT (SENTENCING GUIDELINES) BILL

DRUG COURT BILL

DRUG MISUSE AND TRAFFICKING AMENDMENT (CONTROLLED OPERATIONS AND INTEGRITY TESTING PROGRAMS) BILL

FAIR TRADING TRIBUNAL BILL

FORESTRY AND NATIONAL PARK ESTATE BILL

**INDUSTRIAL RELATIONS AMENDMENT
(FEDERAL AWARD EMPLOYEES) BILL****PERIODIC DETENTION OF PRISONERS
FURTHER AMENDMENT BILL****POLICE POWERS (VEHICLES) BILL****PROTECTION OF THE ENVIRONMENT
ADMINISTRATION AMENDMENT
(ENVIRONMENTAL EDUCATION) BILL****RESIDENTIAL TRIBUNAL BILL****RETAIL LEASES AMENDMENT BILL****SYDNEY HARBOUR FORESHORE
AUTHORITY BILL****SYDNEY WATER CATCHMENT
MANAGEMENT BILL****In Committee****Consideration of Legislative Council's
amendments.***Schedule of amendments to the Administrative
Decisions Tribunal Legislation Further Amendment
Bill amendments referred to in message of
3 December*

- No. 1 Page 4, Schedule 1 [8], lines 21-26. Omit all words on those lines. Insert instead:

[8] Section 25 Functions of President

Omit section 25 (2). Insert instead:

- (2) The President is to facilitate the adoption of good administrative practices in the conduct of the business of the Tribunal.

Explanatory note

Item [8] amends section 25 of the *Administrative Decisions Tribunal Act 1997* to replace the current requirement that the President of the Tribunal is responsible for the management of the administrative affairs of the Tribunal with a requirement that the President facilitate the adoption of good administrative practices in the conduct of the Tribunal's business.

**[9] Section 28 Functions of Registrars and
Deputy Registrars**

Omit "managing the affairs of the Tribunal" from section 28 (1). Insert instead "exercising the President's functions under section 25".

Explanatory note

Item [9] makes an amendment to section 28 of the *Administrative Decisions Tribunal Act 1997* that is consequential on the amendment made by item [8].

- No. 2 Page 16, Schedule 2 [1], lines 8-11. Omit all words on those lines. Insert instead:

- (d) a decision not to conduct a review under section 15 or to conduct a review that is not in accordance with the requirements of that section,

- No. 3 Page 16, Schedule 2 [1], lines 16 and 17. Omit "relating to the provision of financial assistance".

**Legislative Council's amendments agreed to
on motion by Mr Whelan.***Schedule of amendment to the Children and
Young Persons (Care and Protection Bill)
referred to in message of 2 December*

- Page 112, clause 178, line 9. Omit "3". Insert instead "5".

**Legislative Council's amendment agreed to
on motion by Mr Whelan.***Schedule of the amendments to the Consumer
Claims Bill referred to in message of
1 December*

- No. 1 Page 10, clause 13, line 32. Omit "section 30". Insert instead "section 8".
- No. 2 Page 11, clause 13, line 2. Omit "senior referee". Insert instead "Tribunal".
- No. 3 Page 21, Schedule 2.4 [4], line 9. Omit "consumer". Insert instead "building".
- No. 4 Page 21, Schedule 2.4 [4], line 15. Omit "consumer". Insert instead "building".
- No. 5 Page 22, Schedule 2.4 [4], line 2. Omit "consumer". Insert instead "building".

**Legislative Council's amendments agreed to
on motion by Mr Whelan.***Schedule of amendments to the Criminal Procedure
Amendment (Sentencing Guidelines) Bill
referred to in message of 1 December*

- No. 1 Page 3, Schedule 1, line 5. Omit "Applications for sentencing". Insert instead "Sentencing".
- No. 2 Page 3, Schedule 1. Insert after line 5:

Division 1 Interpretation

- No. 3 Page 3, Schedule 1. Insert after line 11:

Division 2 Applications for sentencing guidelines

- No. 4 Page 3, Schedule 1, proposed section 26 (2), line 17. Insert "and may include submissions with respect to the framing of the guidelines" after "offences".
- No. 5 Page 3, Schedule 1, proposed section 26 (3), lines 18-21. Omit all words on those lines. Insert instead:

- (3) An application is not to be made in any proceedings before the Court with respect to a particular offender.

No. 6 Pages 3 and 4, Schedule 1, proposed section 26 (6), line 30 on page 3 to line 4 on page 4. Omit all words on those lines. Insert instead:

- (6) The Senior Public Defender, or a nominee of the Senior Public Defender who is a legal practitioner, may appear in proceedings under this section.
- (7) The Senior Public Defender or his or her nominee may do any one or more of the following:
- (a) oppose or support the giving of the guideline judgment by the Court,
 - (b) make submissions with respect to the framing of the guidelines,
 - (c) assist the Court by advising it on any matter relevant to the application.
- (8) Nothing in the Public Defenders Act 1995 or any other Act or law prevents, or in any way limits, the exercise of any function conferred on the Senior Public Defender or any nominee of the Senior Public Defender who is a Public Defender under this section.
- (9) Without limiting subsection (8), in exercising any function conferred on the Senior Public Defender under this section, the Senior Public Defender is not, despite section 4 (3) of the Public Defenders Act 1995, responsible to the Attorney General.

No. 7 Page 4, Schedule 1. Insert after line 21:

Division 3 Miscellaneous

29A Use of evidence in giving guideline judgments

- (1) Nothing in section 12 of the Criminal Appeal Act 1912 limits the evidence or other matters that the Court may take into consideration in giving a guideline judgment (whether or not on application under section 26) and the Court may inform itself as it sees fit.
- (2) The Court must not increase a sentence in any appeal by reason of, or in consideration of, any evidence that is used by the Court in giving a guideline judgment in the appeal and that was not given at the trial.

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

Schedule of amendments to the Drug Court Bill referred to in message of 27 November

No. 1 Page 6, clause 7. Insert after line 4:

- (e) that the person has been informed of the Drug Court's powers under Division 2 and of the

respective consequences, as regards the sentence to be imposed under section 12, of the person's compliance or non-compliance with a program.

No. 2 Page 9, clause 12. Insert after line 9:

- (4) The final sentence determined for a drug offender in relation to an offence is not to be greater than the initial sentence imposed on the drug offender in relation to that offence.

No. 3 Page 10, clause 16, line 22. Omit "a decrease". Insert instead "an appropriate change".

No. 4 Page 10, clause 16. Insert after line 29:

- (f) a change in the nature of the vocational and social services attended by the drug offender or the frequency with which the drug offender is required to attend vocational and social services.

No. 5 Page 10, clause 16, line 35. Omit "an increase". Insert instead "an appropriate change".

No. 6 Page 11, clause 16. Insert after line 10:

- (g) a change in the nature of the vocational and social services attended by the drug offender or the frequency with which the drug offender is required to attend vocational and social services.

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

Schedule of amendment to the Drug Misuse and Trafficking Amendment (Controlled Operations and Integrity Testing Programs) Bill in message of 1 December

Page 5, Schedule 1 [8], line 3. Insert "and is subject to a further condition to the effect that the prohibited plant or prohibited drug to which the direction relates is to be kept securely until it is used in connection with a controlled operation or integrity testing program" after "appropriate".

Legislative Council's amendment agreed to on motion by Mr Whelan.

Schedule of amendments to the Fair Trading Tribunal Bill referred to in message of 1 December

No. 1 Page 7, clause 12, line 18. Omit "General". Insert instead "Consumer".

No. 2 Page 19, clause 33. Insert after line 18:

- (2) In cases where an amount is claimed or disputed, representation by a legal practitioner is not allowed if the amount does not exceed \$10,000 (or such other amount as may be prescribed by the regulations) unless the Tribunal is of the opinion that the exceptional circumstances of the case warrant such representation.

- No. 3 Page 26, clause 46, line 20. Insert "a notice of the decision or" after "text of".
- No. 4 Page 26, clause 46, line 22. Insert "notice or" before "statement".
- No. 5 Page 26, clause 46, lines 24 and 25. Omit all words on those lines. Insert instead:
- (2) If the text of a notice or statement is so altered, the altered text is taken to be the notice of the Tribunal's decision or the statement of its reasons, as the case may be.
- No. 6 Page 26, clause 46, line 26. Insert "a notice of a decision or" after "text of".
- No. 7 Page 26, clause 46, line 29. Insert "notice or" before "statement".
- No. 8 Page 27, clause 48, lines 19-22. Omit all words on those lines. Insert instead:
- (2) In cases where an amount is claimed or disputed, costs are not to be awarded if the amount does not exceed \$10,000 (or such other amount as may be prescribed by the regulations) unless the Tribunal is of the opinion that the exceptional circumstances of the case warrant an award of costs.
- (3) Except as otherwise provided by the regulations or by any other Act or law, in cases where an amount is claimed or disputed in the Commercial Division or the Home Building Division, the Tribunal may award costs if:
- (a) the amount claimed or disputed exceeds \$10,000 (or such other amount as may be prescribed by the regulations), and
- (b) the parties were granted the right to legal representation.
- No. 9 Page 27, clause 48. Insert after line 24:
- (a) in respect of expenses incurred in obtaining professional or expert services (other than legal services), if the amount ordered to be paid by the Tribunal exceeds the amount prescribed for the purposes of this paragraph, or
- No. 10 Page 27, clause 48, line 30. Omit "The".
- Insert instead "If costs are to be awarded, the".
- No. 11 Page 35, clause 63, line 36.
- Insert "the applicant may have suffered a substantial injustice because" after "that".
- No. 12 Page 36, clause 63, line 4. Omit all words on that line. Insert instead:
- (c) evidence that is now available was not reasonably available at the time of the hearing.
- No. 13 Page 67, schedule 5. Insert after line 16:

7 Transfer of jurisdiction to Administrative Decisions Tribunal

On and from the commencement of section 11 of the Administrative Decisions Tribunal Act 1997,

the jurisdiction of the Tribunal is vested in the Administrative Decisions Tribunal.

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

Schedule of amendments to the Forestry and National Park Estate Bill referred to in message of 26 November

- No. 1 Page 6, clause 11 (2) (b), line 24. Insert ", to correct any inaccuracy in relation to land tenure included in the land description" after "access to land".
- No. 2 Page 9, clause 14. Insert after line 15:
- (4) The relevant Ministers are required to make forest agreements in respect of the Eden region, the Lower North East region and the Upper North East region within 120 days after the commencement of this section or as soon as possible thereafter.
- No. 3 Page 10, clause 15. Insert after line 4:
- (4) For the purpose of making forest agreements with respect to the Eden region, the Lower North East region and the Upper North East region, assessments:
- (a) that are in existence on the commencement of this section, and
- (b) that the parties to any such forest agreement consider relevant, are taken to satisfy the requirements of this section with respect to the relevant forestry assessment for that region and no further assessments are required under this section in connection with that forest agreement.
- No. 4 Page 10, clause 16 (2), lines 10 -12. Omit all words on those lines. Insert instead:
- (2) A forest agreement must contain (but is not limited to) the following provisions with respect to land in the region:
- No. 5 Page 10, clause 16 (2) (e), line 23. Insert "that the relevant Ministers consider appropriate and" after "other provisions".
- No. 6 Page 11, clause 17. Insert after line 15:
- (3) This section does not apply to the making of forest agreements with respect to the Eden region, the Lower North East region and the Upper North East region (other than the making of a forest agreement for any such region to replace any earlier such agreement).
- No. 7 Page 11. Insert after line 18:

19 Public consultation on amendment or revocation of agreement

- (1) The Ministers who are parties to a forest agreement are required to ensure that the

- public is given an opportunity to participate in connection with any amendment or revocation of the forest agreement.
- (2) The public participation under this section is to include:
- (a) giving notice of the proposed amendment or revocation (including notice of the place at which and times during which any proposed amendment will be available for public inspection) in a newspaper circulating throughout the State and also in a newspaper circulating in the region concerned, and
 - (b) making any proposed amendment available for public inspection, at the place and during the times specified in the notice, for at least 28 days after the notice is given in both of those newspapers, and
 - (c) inviting representations in connection with the proposed amendment or revocation within the time specified in the notice, and
 - (d) consideration of any such representation before the agreement is amended or revoked.
- No. 8 Page 11, clause 19. Insert after line 23:
- (2) A review is to be undertaken for the purposes only of assessing:
- (a) the implementation of the provisions of the agreement, and
 - (b) whether integrated forestry operations approvals are effective in achieving the purpose of those approvals.
- No. 9 Page 12, clause 19. Insert after line 19:
- (5) Despite section 18, a forest agreement may not be amended as a result of a review under this section until the report on the outcome of the review has been tabled under subsection (4).
- No. 10 Page 13, clause 20 (3), lines 3 and 4. Omit "tabled in each House of Parliament within 3 sitting days of that House". Insert instead "furnished to the Presiding Officer of each House of Parliament within 7 days after the relevant matter arises".
- No. 11 Page 13, clause 20. Insert after line 13:
- (4) A copy of any document furnished to the Presiding Officer under subsection (3) is to be laid before that House within 15 sitting days of that House after it is received by the Presiding Officer.
 - (5) The Presiding Officer of a House of Parliament is to make a document furnished to the Presiding Officer under subsection (3) public as soon as practicable after receiving the document if it has not been sooner laid before that House, whether or not the House is in session.
- (6) If such a document is made public by the Presiding Officer of a House of Parliament before it is laid before that House, it attracts the same privileges and immunities as if it had been laid before that House.
- (7) In this section, *Presiding Officer* means the President of the Legislative Council or the Speaker of the Legislative Assembly. However:
- (a) if there is a vacancy in the office of President, the reference to the President is a reference to the Clerk of the Legislative Council, or
 - (b) if there is a vacancy in the office of Speaker, the reference to the Speaker is a reference to the Clerk of the Legislative Assembly.
- No. 12 Page 13, clause 21 (2), line 28. Insert "and each regional office" after "head office".
- No. 13 Page 14, clause 21 (3), lines 12 and 13. Omit "reasonable" on line 12 and insert "actual" before "cost" on line 13.
- No. 14 Page 14, clause 21. Insert after line 15:
- (5) An obligation under subsection (1) or (2) is to be complied with within 7 days after the relevant matter arises.
- (6) Copies of documents required to be made available under subsection (2) must also be made available, as soon as practicable, on the Internet by means of the website of the Department of Urban Affairs and Planning.
- No. 15 Page 17, clause 28 (2), line 1. Omit "may". Insert instead "must".
- No. 16 Page 18, clause 31 (6), lines 14-16. Omit all words on those lines.
- No. 17 Page 20, clause 34 (2), line 2. Omit "may". Insert instead "must".
- No. 18 Page 20, clause 34 (2), line 3. Insert "(of which it becomes aware)" after "contravention".
- No. 19 Page 20, clause 35 (1), line 11. Insert ", or the granting of approval in relation to," after "the carrying out of".
- No. 20 Page 20. Insert after line 35:
- 36 Application of National Parks and Wildlife Act 1974 and Threatened Species Conservation Act 1995**
- (1) Part 6A (Stop work orders and interim protection orders) of the *National Parks and Wildlife Act 1974* does not apply to the carrying out of forestry operations during any period that an integrated forestry operations approval applies to those operations.
 - (2) However, subsection (1) does not prevent the making of an order for the purpose of protecting any Aboriginal relic or place.

- (3) Division 1 of Part 7 (Stop work orders) of the *Threatened Species Conservation Act 1995* does not apply to the carrying out of forestry operations during any period that an integrated forestry operations approval applies to those operations.

No. 21 Page 21, clause 38 (1) (b), line 19. Omit "any member of the public". Insert instead "any person".

No. 22 Page 22, clause 38 (2) (d), line 9. Omit "the carrying out of".

No. 23 Page 24. Insert after line 4:

45 Amendment of Land and Environment Court Act 1979 No 204

The *Land and Environment Court Act 1979* is amended as set out in Schedule 12.

No. 24 Page 96. Insert before line 1:

Schedule 12 Amendment of Land and Environment Court Act 1979 No 204

[1] Section 20 Class 4 - environmental planning and protection and development contract civil enforcement

Insert before section 20 (1) (cd):

(cc) proceedings under section 31 of the *Forestry and National Park Estate Act 1998*,

[2] Section 20 (3) (a)

Insert in alphabetical order:

Forestry and National Park Estate Act 1998,

Mr WHELAN (Ashfield—Minister for Police) [2.42 p.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

Mr HARTCHER (Gosford) [2.42 p.m.]: This legislation will be seen as one of the epitaphs of the Carr Labor Government. The Minister for Forestry, when he came into office in 1995, promised that he had an agreement with the Construction, Forestry, Mining and Energy Union and with the timber industry which would resolve the problem of the south-east and north-east forests. This legislation, which has taken four years to get before this Parliament, has now alienated major sections not only of the trade union movement but also of the green movement. The Minister for Forestry has not delivered an agreement that is satisfactory to the timber industry, the environment movement or the Federal Government. The Australia Labor Party and the Carr Labor Government hoodwinked the people of this State when it promised, through the Hon. K. M. Yeadon, in 1995 that it would deliver a

settlement on the forests that would please all parties. It has pleased no-one.

[Interruption]

The Minister may insult the green movement by calling the people who are fighting for the environment professional greens. He promised in 1995 to support them, but he has not. We will hear a great deal about this issue over the next four months.

Motion agreed to.

Legislative Council's amendments agreed to.

Schedule of amendment to the Industrial Relations Amendment (Federal Award Employees) Bill referred to in message of 3 December

Page 4, schedule 1[3], proposed section 90A. Insert after line 25:

- (6) Regulations may not be made for the purposes of subsection (5) unless the Minister certifies to the Governor that the Commonwealth Minister administering the Federal Act has been consulted about the proposed regulations.

Legislative Council's amendment agreed to on motion by Mr Whelan.

Schedule of amendment to the Periodic Detention of Prisoners Further Amendment Bill referred to in message of 1 December

Page 6, schedule 1, lines 11-22. Omit all words on those lines. Insert instead:

25C Minimum and additional terms of imprisonment may be set for existing periodic detainees whose orders for periodic detention are cancelled by Parole Board

- (1) This clause applies to a sentence of imprisonment that is being served by way of periodic detention where the sentence was imposed before the commencement of this clause.
- (2) If the Parole Board cancels an order for periodic detention with respect to a sentence of imprisonment to which this clause applies, the Parole Board, in its discretion, may:
- (a) direct that any unexpired portion of the sentence to which the order applied (within the meaning of section 27) is taken to consist of a minimum term and an additional term set under Part 2 of the Sentencing Act 1989, and
- (b) make a parole order in accordance with section 24 of the Sentencing Act 1989,

or, on the application of the Commissioner, may make such other orders as the Parole Board considers appropriate.

- (3) Any such minimum and additional term and parole order have the same effect as if they had been respectively set and made under the Sentencing Act 1989.
- (4) The functions of the Parole Board under this clause are to be exercised:
 - (a) at a meeting convened in accordance with section 25AB (1) to reconsider the cancellation of the order, or
 - (b) if the Secretary of the Parole Board is not notified that the periodic detainee intends to make representations to the Parole Board in connection with the cancellation of the order, at a meeting convened on, or as soon as practicable after, the date fixed for the purposes of section 25AA (2) (a).
- (5) On setting a minimum term and an additional term for a sentence of imprisonment, the Parole Board is to issue a new warrant under section 26 (1A), being a warrant that specifies the minimum and additional terms so set, to replace the warrant issued under that subsection when the relevant order for periodic detention was cancelled.

Legislative Council's amendment agreed to on motion by Mr Whelan.

Schedule of amendments to the Police Powers (Vehicles) Bill referred to in message of 27 November

- No. 1 Page 10, clause 16 (1), lines 15 and 16. Omit "commencement of this section". Insert instead "date of assent to this Act".
- No. 2 Page 11, clause 17. Insert after line 3:
 - (4) In conducting a review under subsection (1), the Minister is to take into account any report received by the Minister from the Ombudsman under section 16.

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

Schedule of amendments to the Protection of the Environment Administration Amendment (Environmental Education) Bill referred to message of 3 December 1998.

- No. 1 Page 4, schedule 1 [9], proposed section 27, line 29. Insert "to ensure those contributions meet the specific needs of the community for environmental education" after "contributions".
- No. 2 Page 5, schedule 1 [9], proposed section 27. Insert after line 25:

- (h) to prepare advisory papers for environmental education providers to provide guidance so that their products, services and programs assist in furthering the principles of ecologically sustainable development and in meeting the cultural and other relevant needs of the community in relation to environmental education.

No. 3 Page 5, schedule 1 [9], proposed section 27, lines 26-31. Omit all words on those lines. Insert instead:

- (2) No later than 6 months after the substitution of this section by the *Protection of the Environment Administration Amendment (Environmental Education) Act 1998* (referred to in this section as the **substitution date**), the Council is to publish a discussion paper setting out:

(a) the process to be followed for developing environmental education plans, and

(b) an outline of the proposed contents and structure of environmental education plans.

No. 4 Page 5, schedule 1 [9], proposed section 27, lines 33 and 34. Omit "that substitution". Insert instead "the substitution date".

No. 5 Page 5, schedule 1 [9], proposed section 27, line 37. Omit "that substitution". Insert instead "the substitution date".

No. 6 Page 5, schedule 1 [9]. Insert after line 37:

- (5) An environmental education plan is to be tabled in each House of Parliament as soon as practicable after it is submission to the Government.

No. 7 Page 6, schedule 1 [9], proposed section 28, lines 2-5. Omit all words on those lines. Insert instead:

- (1) The Council is to consist of an independent Chairperson, and twelve other members chosen from the categories referred to in subsection (5) (a)-(j). Those twelve other members are to be appointed by the Minister following consultation with the Minister for Education and Training.

(2) The Chairperson is to provide strategic leadership, vision and corporate governance to the Council in the exercise of its functions.

(3) The Chairperson is to possess relevant tertiary qualifications and have knowledge, skills or experience in 2 or more of the following:

(a) environmental education,

(b) environmental sciences,

(c) education program planning,

(d) working with government departments and agencies and community and business groups,

- (e) public relations and promotion,
 - (f) strong communication and interpersonal skills,
 - (g) capacity to equitably involve all relevant stakeholders,
 - (h) demonstrated skills in dealing with the media.
- (4) The Chairperson is to be appointed by the Minister as follows:
- (a) the Minister is to make a public call for nominations for the office of Chairperson,
 - (b) the Chairperson is to be selected on merit by a panel chosen by the Minister and consisting of the following:
 - (i) a senior officer of the Department of Education,
 - (ii) a senior officer of the Authority,
 - (iii) a person holding a senior university appointment in the field of environmental education,
 - (iv) an independent person to represent community interests.
- (5) The other twelve members of the Council are to be as follows:

No. 8 Page 6, schedule 1 [9], proposed section 28, lines 30-33. Omit "by any other body that in the opinion of the Minister is a professional organisation concerned with environmental education". Insert instead " by a successor of either of those bodies".

No. 9 Page 8, schedule 1 [9]. Insert after line 13:

28C Scope of "environmental education"

For the purposes of this Division, *environmental education* is a process that:

- (a) seeks to give a person an understanding of the inter-relationship between the elements of the total environment, a positive attitude towards it and the skills that will enable the person to actively promote its well-being, and
- (b) takes into account the particular needs of the person being educated, such as his or her age, cultural background and ability to learn, and
- (c) is a lifelong learning experience that integrates the activities of environmental education providers (such as, schools, TAFE establishments, universities, local government authorities, community organisations and industry), and
- (d) includes any process by which a person may be educated (for example, a course or a media awareness program).

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

*Schedule of amendments to the
Residential Tribunal
Bill referred to in message of 1 December*

No. 1 Page 15, clause 27, lines 6 and 7. Omit "or at the request of the applicant". Insert instead "(and must, at the applicant's request, allow the applicant to withdraw the application)".

No. 2 Page 18, clause 34, line 12. Insert ", or participating in any alternative dispute resolution procedure under Part 5," after "evidence".

No. 3 Page 20, clause 38, line 13. Insert "and of the tender to the person served of an amount in respect of the reasonable expenses of complying with its requirements" after "summons".

No. 4 Pages 22 and 23, clause 42, lines 32-34 on page 22 and lines 1-4 on page 23. Omit all words on those lines. Insert instead:

(b) if the decision of a member is set out in writing and signed by the member:

(i) by being delivered by a member of the Tribunal, or

(ii) by being delivered by the Registrar, at a time and place of which the parties have been given reasonable notice, or

(iii) by publication to the parties in a manner approved by the Chairperson.

No. 5 Page 24, clause 46, line 11. Insert "a notice of the decision or" after "text of".

No. 6 Page 24, clause 46, line 13. Insert "notice or" before "statement".

No. 7 Page 24, clause 46, lines 15 and 16. Omit all words on those lines. Insert instead:

(2) If the text of a notice or statement is so altered, the altered text is taken to be the notice of the Tribunal's decision or the statement of its reasons, as the case may be, and notice of the alteration is to be given to the parties to the proceedings in such manner as the Chairperson may direct.

No. 8 Page 24, clause 46, line 17. Insert "a notice of a decision or" after "text of".

No. 9 Page 24, clause 46, line 20. Insert "notice or" before "statement".

No. 10 Page 25, clause 48. Insert after line 16:

(a) in respect of expenses incurred by a party in being represented by an agent in accordance with section 33 (3) (c), or

No. 11 Page 28, clause 56, line 30.

Insert "if the Tribunal is satisfied that it would have the power to make a decision in terms of the agreement or arrangement or in terms that are consistent with the agreement or arrangement" after "session".

No. 12 Page 31, clause 61, line 31. Omit "District Court". Insert instead "Supreme Court".

No. 13 Page 32, clause 61, line 3. Omit "District Court". Insert instead "Supreme Court".

No. 14 Page 32, clause 61, line 5. Omit "District Court". Insert instead "Supreme Court".

No. 15 Page 32, clause 61, line 7. Omit "District Court". Insert instead "Supreme Court".

No. 16 Page 32, clause 61, line 9. Omit "District Court". Insert instead "Supreme Court".

No. 17 Page 32, clause 61, line 13. Omit "District Court". Insert instead "Supreme Court".

No. 18 Page 32, clause 61, line 15. Omit "District Court". Insert instead "Supreme Court".

No. 19 Page 32, clause 62, line 24. Omit "District Court". Insert instead "Supreme Court".

No. 20 Page 32, clause 62, line 27. Omit "District Court". Insert instead "Supreme Court".

No. 21 Page 32, clause 62, line 30. Omit "District Court". Insert instead "Supreme Court".

No. 22 Page 33, clause 62, line 3. Omit "District Court". Insert instead "Supreme Court".

No. 23 Page 33, clause 62, line 5. Omit "District Court". Insert instead "Supreme Court".

No. 24 Page 33, clause 62, lines 6 and 7. Omit "District Court". Insert instead "Supreme Court".

No. 25 Page 33, clause 62, line 10. Omit "District Court". Insert instead "Supreme Court".

No. 26 Page 33, clause 62, line 11. Omit "District Court". Insert instead "Supreme Court".

No. 27 Page 33, clause 62, line 12. Omit "District Court". Insert instead "Supreme Court".

No. 28 Page 33, clause 63, line 24. Insert "the applicant may have suffered a substantial injustice because" after "that".

No. 29 Page 33, clause 63, line 28. Omit all words on that line. Insert instead:

(c) evidence that is now available was not reasonably available at the time of the hearing.

No. 30 Page 34, clause 64, line 7. Insert "or Supreme Court" after "District Court".

No. 31 Page 38. Insert after line 10:

74 Extensions of time

(1) Despite any other provision of this Act, the Tribunal may, of its own motion or on application by any person, extend the period of time for the doing of anything under this Act.

(2) Such an application may be made even though the relevant period of time has expired.

No. 32 Page 55, schedule 4.5 [3], lines 3 and 4. Omit all words on those lines. Insert instead:

Part 6 Powers of Tribunal and Tenancy Commissioner

No. 33 Page 55, schedule 4.5, lines 5-8. Omit all words on those lines. Insert instead:

[4] Part 6, Division 1

Omit the Division.

[5] Part 6, Division 2, heading

Omit the heading. Insert instead:

Division 2 Powers of Tribunal

[6] Sections 83 and 84

Omit the sections.

[7] Part 6, Division 3, heading

Omit the heading. Insert instead:

Division 3 Powers of Tenancy Commissioner

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

Schedule of amendments to the Retail Leases Amendment Bill referred to in message of 1 December 1998.

No. 1 Page 31, schedule 1 [56]. Insert after line 29:

(6) If proceedings relate partly to a retail tenancy claim and partly to an unconscionable conduct claim, subsections (2)-(5) apply to those proceedings.

No. 2 Page 42, schedule 2.1 [2], line 17. Insert "or otherwise by or under this Act" after "subclause (3)".

No. 3 Page 43, schedule 2.1 [2], line 19. Insert "or, if the Divisional Head is not available, a judicial member," after "Head,".

No. 4 Page 43, schedule 2.1 [2]. Insert after line 23:

(2) If proceedings relate partly to an unconscionable conduct claim and partly to a retail tenancy claim, for the purposes of hearing and determining those claims the Tribunal is to be constituted in accordance with clause 4.

- No. 5 Page 43, schedule 2.1 [2], line 27. Omit "by the".
Insert instead "by a".

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

*Schedule of amendments to the Sydney Harbour
Foreshore Authority Bill referred to in message of
2 December*

- No. 1 Page 8, heading to clause 15, line 7. Omit
"Development of land". Insert instead "Exercise of
functions".
- No. 2 Page 8, clause 15, line 9. Omit "development". Insert
instead "of its functions".
- No. 3 Page 8, clause 15, line 10. Insert ", where relevant,"
after "consideration".

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

*Schedule of amendments to the Sydney Water
Catchment Management Bill referred to
in message of 3 December*

- No. 1 Page 3, clause 3. Insert after line 8:
- environmental flow* means a release of water from
storage so as to provide a flow of water in a river,
stream or other natural waterway that:
- (a) mimics natural seasonal flows, and
 - (b) restores and maintains the ecology of the
waterway concerned.
- No. 2 Page 3, clause 3. Insert after line 13:
- land* includes the following:
- (a) the sea or an arm of the sea,
 - (b) a bay, inlet, lagoon, lake or body of water,
whether inland or not and whether tidal or non-
tidal,
 - (c) a river, stream or watercourse, whether tidal or
non-tidal,
 - (d) a building erected on the land.
- No. 3 Page 6, clause 7, line 13. Insert ", one of whom is to
be a nominee of the NSW Farmers' Association and
one of whom is to be a nominee of the Nature
Conservation Council of New South Wales" after
"Minister".
- No. 4 Page 6, clause 7, line 15. Omit "such expertise".
Insert instead "expertise in the areas of protection of
the environment and public health, and such other
expertise".
- No. 5 Page 6, clause 7. Insert after line 16:
- (4) The Minister is to advertise publicly for
nominations for appointment to the Board.
- No. 6 Page 6, lines 19-26. Omit all words on those lines.
Insert instead:

8 Functions of Board

- (1) The Board has the following functions:
 - (a) determining the policies and long-
term strategic plans of the
Authority,
 - (b) endeavouring to ensure that the
Authority meets all public health
and environmental requirements set
out in the operating licence and any
relevant instrument,
 - (c) overseeing the effective, efficient
and economical management of the
Authority,
 - (d) preparing:
 - (i) the annual report of the
Authority required under the
*Annual Reports (Statutory
Bodies) Act 1984*, and
 - (ii) such reports as the Authority
is required to furnish under
this Act.
 - (2) In exercising those functions, the Board
has the duty of endeavouring to ensure that
the water supplied by the Authority
complies with appropriate standards of
quality.
- No. 7 Page 7, clause 10, line 3. Insert "in accordance with
the policies determined by the Board and any other
decisions of the Board, but subject to any directions
of the Minister under this Act" after "Chief
Executive".
- No. 8 Page 7, clause 11. Insert after line 19:
- (4) However, a request for a review may not be
made on the grounds specified in subsection
(3) in relation to a direction given in respect of
any alienation, mortgage, charge or demise of
land in a special area that is owned by or
vested in the Authority.
 - (5) The Board may also request the Minister to
review a direction if the Board considers that
compliance with the direction is likely to result
in environmental degradation, or that the
direction is otherwise inconsistent with the
principles of ecologically sustainable
development referred to in section 14 (1) (c).
- No. 9 Page 7, clause 11, lines 26-27. Omit "the direction".
Insert instead "a direction of the kind referred to in
subsection (3)".
- No. 10 Page 8, clause 11. Insert after line 12:
- (9) The Minister is to publish a direction given
under this section in the Gazette (and is to
make it available on the Internet) as soon as
practicable after it is given.
 - (10) A direction given under this section is of no
effect to the extent that it is inconsistent with
the terms and conditions of the Authority's
operating licence unless the Minister certifies
in the direction that it is given on such
grounds, specified in the direction and

- involving urgency, public health or public safety, as justify the direction's prevailing over those terms and conditions.
- No. 11 Page 10, clause 15. Insert after line 8:
- (2) The Authority has the primary function of protecting the quality and quantity of water in catchment areas.
- No. 12 Page 13, clause 20. Insert after line 11:
- (3) Sections 39, 40 and 41 of the *Interpretation Act 1987* apply to an order under this section as if it were a statutory rule to which those sections apply.
- No. 13 Page 15, clause 22. Insert after line 9:
- (8) Section 38 (Public exhibition of memoranda of understanding) applies, with the necessary modifications, to arrangements under this section in the same way as it applies to memoranda of understanding.
- No. 14 Page 15, clause 23, line 18. Omit "Minister". Insert instead "Premier".
- No. 15 Page 15, clause 23, line 21. Omit "Minister". Insert instead "Premier".
- No. 16 Page 15, clause 23, line 22. Omit "Minister". Insert instead "Premier".
- No. 17 Page 15, clause 24. Insert after line 32:
- (3) In furnishing such a report, the Tribunal is to take into consideration any public submissions made under section 22 (8).
- No. 18 Page 16, clause 24. Insert after line 4:
- (4) Section 33 (Presentation of report to Parliament) applies to a report furnished to the Minister under this section in the same way as it applies to a report of the Licence Regulator presented to the Minister under section 32.
- No. 19 Page 18, clause 26, line 9. Insert "(taking into account the catchment audits conducted under Part 5)" after "indicators".
- No. 20 Page 18, clause 26, lines 9 and 10. Omit "of the impact on the environment of the Authority's activities". Insert instead "on the ecological health of the catchment area (with particular reference to the vegetation cover, riparian zones and water quality) and of the impact of the Authority's activities (including polluting activities) on the catchment area".
- No. 21 Page 18, clause 26, line 17. Omit "Division 4". Insert instead "Division 5".
- No. 22 Page 20, clause 31, line 32. Omit "identified".
- No. 23 Page 20, clause 31, lines 33-34. Omit "any identified environmental planning instrument". Insert instead "the regional environmental plan or plans referred to in section 51".
- No. 24 Page 21, clause 31, lines 19-21. Omit all words on those lines.
- No. 25 Page 22, clause 34, lines 15-18. Omit all words on those lines. Insert instead:
- (1) The Board is to prepare a statement of financial framework for adoption by the Minister and the Treasurer. The statement of financial framework is to be complied with by and in relation to the Authority. It may be amended or replaced from time to time on the recommendation of the Board.
- No. 26 Page 23, clause 36, line 26. Omit "Minister". Insert instead "Premier".
- No. 27 Page 23, clause 36, line 27. Omit "Minister". Insert instead "Premier".
- No. 28 Page 24, clause 37, line 12. Omit "Minister". Insert instead "Premier".
- No. 29 Page 24, clause 37, line 13. Omit "Minister". Insert instead "Premier".
- No. 30 Page 25. Insert after line 29:
- 40 Other documents to be presented to Parliament**
- (1) In addition to the reports referred to in section 39, the Minister is to lay (or cause to be laid) before both Houses of Parliament copies of the following documents within the time specified in this section in relation to the document concerned:
- (a) any order varying the area of operations of the Authority - within 15 days after the order is published in the Gazette,
- (b) the operating licence (and any amendments to the operating licence) - within 90 days after the licence is granted (or amended),
- (c) the statement of financial framework referred to in section 34 - within 14 days after it is adopted,
- (d) each regional environmental plan referred to in section 51 - within 12 months after it is published in the Gazette.
- (2) Section 39 (3) and (4) apply to and in respect of a copy of a document referred to in this section in the same way as they apply to a report referred to in section 39 (1).
- No. 31 Page 26. Insert after line 9:
- 41 Catchment audits**
- (1) Within 5 months after the commencement of section 40 (2), the nominated person must:
- (a) conduct an audit (a *catchment audit*) of the state of the land constituting the catchment area of the Authority, and

- (b) present a report on that audit to the Minister.
- (2) The nominated person must conduct subsequent catchment audits, and report to the Minister on those audits, at intervals of no more than 2 years calculated from the date of the first report.
- (3) Section 39 (2)-(4) apply to and in respect of a report furnished to the Minister under this section in the same way as they apply to a report referred to in section 39 (1).
- (4) In this section, *nominated person* means a public authority, or other person, nominated by the Minister. However, the Minister is not to nominate the Authority for the purposes of this section.

No. 32 Page 27, clause 43, line 13. Insert "(at no cost to that Minister)" after "1974".

No. 33 Page 27, clause 43. Insert after line 14:

- (2) As soon as practicable after the commencement of this section, the Minister is to review all the land referred to in clause 5 (1) of schedule 6 that is owned by or vested in the Authority.
- (3) If, as a result of the review, the Minister determines that the objectives of the Authority would be more effectively attained if the land concerned were vested in the Minister administering the *National Parks and Wildlife Act 1974*, the Authority is to transfer the land under subsection (1) (a) as soon as practicable after the determination is made.

No. 34 Page 30. Insert after line 19:

Division 4 Regional environmental plan

51 Regional environmental plan to be made

- (1) For the purpose of making all land in the catchment area subject to a regional environmental plan, the Minister administering Division 3 of Part 3 of the *Environmental Planning and Assessment Act 1979* must ensure that one or more such plans are made as soon as practicable after the presentation (to the Minister administering this Act) of the report on the first catchment audit conducted under Part 5.
- (2) A regional environmental plan made pursuant to this section is taken to be made with respect to matters of significance for environmental planning for the region or part of the region to which it applies.
- (3) Without affecting the generality of any of the provisions of the *Environmental Planning and Assessment Act 1979*, a regional environmental plan required by this section is to make provision for or with respect to the following:
 - (a) imposing controls subject to which State agencies and local authorities (including

the local council, if any) may take action and make decisions concerning development of the land to which the plan applies,

- (b) setting water quality objectives for that land,

- (c) requiring consent authorities to refuse to grant development consent to a development application relating to land to which the plan applies unless the consent authority is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on the quality of water,

- (d) requiring the development of action plans to rectify any development of the land to which the plan applies that does not have a neutral or beneficial effect on the quality of water,

- (e) declaring that the regional environmental plan prevails over a local environmental plan made before or after the regional environmental plan to the extent of any inconsistency.

- (4) In this section, *consent authority*, *development*, *development application*, *development consent*, *region* and *regional environmental plan* have the same meanings as they have in the *Environmental Planning and Assessment Act 1979*.

No. 35 Page 48, schedule 2. Insert after line 6:

2 Performance criteria

The performance criteria dealt with in the Chief Executive's contract of employment under the *Public Sector Management Act 1988* are to include criteria that require improvement of the quality of the water in catchment areas.

No. 36 Page 54, schedule 4 [2], line 13. Insert ", but only for the purpose of conferring functions on the Authority or in consequence of conferring functions on the Authority" after "1998".

No. 37 Page 54, schedule 4, line 16. Omit "for the". Insert instead "for".

Mr WHELAN (Ashfield—Minister for Police) [2.45 p.m.]: I move:

That the Committee agree to the Legislative Council's amendments.

Mr HARTCHER (Gosford) [2.46 p.m.]: The Government introduced this proposed legislation in the dying days of Parliament in what was described in the *Sydney Morning Herald*—in fact, quoting me—as a knee-jerk reaction to the McClellan report. It was obliged to accept 37 amendments in the Legislative Council to try to improve the bill. The

bill did not even state the primary function of the catchment management authority, that being to clean up the catchment to ensure the provision of clean drinking water. There is still not an independent laboratory testing system to verify the quality of the water. The Minister rang the radio stations this morning—

Mr Knowles: Did Triple M phone you back?

Mr HARTCHER: Yes, it did. When I told the station reporter I was right, I was told, "We believe you, Mr. Hartcher." That is not exactly what was said. The reporter quoted to me the word, which cannot be used on the air, that the Minister used in a comment about me. There is no independent laboratory testing or a system to verify water quality. The Opposition did not seek to impede the passage of the proposed legislation but allowed it to go through the Parliament, but the bill required 37 amendments to make it satisfactory. We note that the bill has come back to the Parliament and accordingly note the failure of the Government to resolve this important issue.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolutions reported from Committee and report adopted.

Messages sent to the Legislative Council advising it of the resolutions.

SPECIAL ADJOURNMENT

Seasonal Felicitations

Mr WHELAN (Ashfield—Minister for Police) [2.48 p.m.]: I move:

That this House at its rising this day do adjourn until Tuesday 9 February 1999, at 2.15 p.m.

As Leader of the House it is my pleasant duty to extend the blessings of the season to all members of this House and to the staff whose efforts make our work possible. After the long days and late nights of recent times I hope the holiday season affords everyone a well-deserved rest with family and friends. I take this time to thank all the people who have worked so hard in the past year to serve the community of this State.

During the past year, the smooth running of this Parliament has been assisted particularly by the efforts of the Government Whips, the honourable

member for Rockdale and the honourable member for Broken Hill. Indeed, I wish the honourable member for Broken Hill the best in his coming retirement. He was Opposition Whip when we were in opposition and he did an admirable job. He exceeded himself in government and has certainly left his mark for his successor. He is one of a number of members retiring at the next election. I wish them all well and all the best for the future. I say without fear of contradiction that I look forward to meeting some of them outside Parliament; they are all wonderful people and they contributed vitally to their electorates.

I thank and extend the compliments of the season to the Opposition Whips, the honourable member for Bega and the honourable member for Coffs Harbour. I take this opportunity also to thank the former Opposition Whip, the honourable member for Cronulla, who recently relinquished his position as Opposition Whip after a distinguished period of service to this House and to his party. I congratulate you, Mr Speaker, for presiding over this Chamber with a firm but fair hand for another year.

I extend thanks also to the Deputy-Speaker, the honourable member for Waratah, to the various chairmen of committees and to the parliamentary secretaries—the honourable member for Keira, the honourable member for The Entrance, the honourable member for Bulli, the honourable member for Hurstville, the honourable member for Canterbury, the honourable member for Port Jackson and the honourable member for East Hills—for all their work for the Government.

I take this opportunity to thank the Acting Editor of Debates, Mark Faulkner, and the Hansard staff for their long hours maintaining an accurate record of our deliberations. It will not make much sense to someone reading this in the future but it appears that some Hansard staff have been here for so long that they have grown reindeer ears in the past few days! They are joining in the festive season. To the Parliamentary Counsel, Dennis Murphy, and his hardworking staff I offer my profound thanks for the accuracy and impartiality of their advice regarding the legislation that is the subject of those deliberations. Year after year for governments of all persuasions Dennis Murphy and his staff deliver to all sides of this House, no matter how unreasonable the deadlines we impose. However, I intend to do something about that process.

Our Parliamentary Librarian, Rob Brian, and his staff have likewise provided invaluable help to members as we seek to acquaint ourselves with all

of the issues to which we must turn our attention. The staff in the library ensure all members have access to high calibre, confidential advice. Our library is a professional service. Well deserved thanks are extended to Stafford Bennett, head of security, for ensuring the safety of members, staff and visitors. I must also gratefully acknowledge the work of David Draper, Manager of Food and Beverage Services, and his staff for providing a consistently high standard of fare to sustain us through the long hours of Parliament. For the efficient management of the Parliament's finances, thanks are due to the financial controller Greg McGill and his staff.

To the Serjeant-at-Arms, Merv Sheather, who has now received his new phone, and Deputy Serjeant-at-Arms, Greg Kelly, as well as their staff I give my profound thanks. Of course, our gratitude for another year of fine service goes out to the Clerk of the Legislative Assembly, Russell Grove, to Mark Swinson, Les Gönye, Ronda Miller, Patricia Broderick and the staff of the Legislative Assembly Procedure Office: Jeffrey Page, Jennifer Lamont, Gary O'Rourke, Cheryl Samuels, John Hatfield, Stephanie Hesford and Fiona Gow. They all provided invaluable assistance. We give our profound thanks for all the work they do in the busy Legislative Assembly procedure office.

Invaluable assistance was given throughout the year by the Cabinet Office and its director, Roger Wilkins, and deputy director, Kate McKenzie. I give my profound thanks also to the staff of the cabinet secretariat, in particular, Phillip Reed and Ryan Fletcher. Phillip was employed by former Leader of the House Tim Moore. He has carried out a professional job, as has Ryan Fletcher, who was a former employee of the Legislative Assembly procedure office. They each take with them to the Cabinet Secretariat a wealth of experience. I thank also Walter Seccord from the Premier's Office for his professional and enthusiastic approach to organising the Government's daily program in the Parliament. As Walt knows, a government's success in this place is largely assessed on the basis of its performance during question time and I must say he deserves great credit for his work.

At the end of the year we pause to remember the work of those who gave service to the community in the past. This year we mourn the passing of former members Richard Murden, former member for Ashfield, Clive Osbourne and Harry Jensen. I give special thanks to my own staff who assisted me during the long hours of each sitting and in my role as police Minister: my policy team,

Nicole Blundell, Jason Clare, Helen Noyes, Anne Purcell and Cassandra Wilkinson, and my newest recruit, David Hunt; my media advisors, Sandra Harvey and Ingrid Piper; my administrative staff, Lyn Cuneo, Rosemary Evans, Catherine Healy, Davina Langton and Kellie Weir; and my driver Bob Pullar.

Finally, I thank my chief of staff, Jane Fitzgerald. Since she very modestly did not include in this speech anything about herself I am pleased to say she is an outstanding chief of staff and an outstanding officer who leads at the front. I make special mention of Jason Clare, who for four years has put up with a challenging job. I know all memos join with me in thanking him for his professional assistance in the running of the House. Thank you Jason, you will go on to better and brighter things. To all my staff I say they have all worked hard over the past four years, they are making a difference. They should all be very proud of that.

Christmas and the coming New Year is traditionally a time for assessing the achievements and lessons of the previous 12 months. I am aware of those who will not be with us in the new year, in particular Deputy Commissioner of Police Bev Lawson. She will be sadly missed by the officers and staff of my department. I hope that her family will draw solace from the fact that an award now stands in her name to reward and encourage the efforts and participation of female police officers.

Tragically, again this year we lost other dedicated officers in the line of duty. Our thoughts and prayers are with the families and friends of Peter Forsyth and Ray Smith at this time. While there have been tragedies this year, I am also able to look back on the year with some satisfaction. This Christmas our streets will be patrolled by more dedicated, hard working police officers than ever before, with greater powers to keep the peace. In conclusion, I say Happy Christmas to all members of this House.

I wish Commissioner Ryan and his family, and all members of the Police Service, a happy festive season. I also say happy Christmas to my other agency heads: Police Integrity Commissioner Paul Urquhart, Crime Commissioner Phillip Bradley, and Ministry for Police Director-General Les Tree. I offer also my best wishes and thanks to the staff of those agencies. To the executives of the Police Association and the Commissioned Police Officers Association I wish a merry Christmas, and may we continue to work productively in 1999 to continue the reform of the Police Service.

Whatever our beliefs, we should take a moment to reflect on the true virtues observed at this time of year: charity, tolerance, faith and fellowship. Many in our community will mark the turning of the seasons with non-Christian celebrations and observances—be they Hanuka, Yule, Moon Festival, Ramadan or any number of others. We should value and celebrate the unique blend that we have in our nation that makes this possible. I hope the season brings us all peace.

Mr FRASER: I seek leave to table for incorporation in *Hansard* the seasonal felicitations of the Leader of the National Party.

Leave granted.

I join with fellow members in extending felicitations to all on the occasion of Christmas 1998. Given that Parliament will probably only sit today before we go to the 27 March election, this year's felicitations take on a very special meaning for the members on the Government side—some of them will not be coming back next year. And for those who do come back—they will not be in government.

So, in the spirit of Christmas and goodwill to all, may I say how much we on this side of the House look forward to our return to government next year. 1998 has seen a continuation of the deeply entrenched Labor bias against rural and regional New South Wales. The erosion of services, good jobs and facilities in country areas has continued unabated under this Government and has been coupled to a raft of legislation negative to the interests of farming and country business and jobs.

The Government's rural water policies are a shambles, the Native Vegetation Act is a nightmare for farmers, country hospitals are massively underfunded, understaffed and being forced to cut back on services and country police patrols are below strength and unable to cope with an increasing level of social disorder. The latest government blow against the rural sector is the Forestry and National Park Estate Bill which seriously threatens the very existence of the State's timber towns, towns such as Bombala. These towns will virtually cease to exist if the State Government has its way with this legislation. Hundreds of jobs will be scrapped. Most of those jobs are now held by men. Virtually every man has a family. That means hundreds of families will suffer from this massive onslaught against the timber industry.

There will be no merry Christmas for logging families, just a callous disregard for their future by a government that seeks to stay in office by creating more and more national parks to ingratiate itself with the ravenous timber wolves of the green movement, when it cannot even manage the existing parks. The Government has simply failed to find the necessary balance between the needs of the environment and the needs of the community—particularly the community which grows and harvests the foods and fibres which city people depend upon. Another thing that needs mention as we near the festive season is the manner in which the Government has belted morale within the parliamentary staff by reducing staff levels and refusing to fill vacancies.

Those of us who have been here a number of years have learned what a skilled and dedicated staff we have although the existing staff is being placed under extreme stress by being asked to do more with less. That having been said, I take this opportunity to extend the season's greetings to all and, in particular, to the members of the National Party for their dedication and co-operation during the year, all of which will be rewarded in March next year when we return to the Government benches. I thank the Liberal Party for their partnership and I extend my appreciation to Liberal Party leader, Peter Collins, and his staff for their teamwork. To you, Mr Speaker, I offer felicitations for your part in bringing order to the House with tolerance and good humour, although those of us on this side think the penalty count might have been a bit heavy at times.

I extend felicitations to the Clerks of the House and to the Clerk of the Legislative Assembly, Mr Russell Grove, and to the House staff for their support during the year. I make particular mention of the Hansard office, led by Acting Editor of Debates Mark Faulkner, a highly skilled team of dedicated people who operate under pressure to accurately record the business of the Parliament. They are a highly professional group who assist in making Parliament function efficiently. I extend best wishes to the press gallery and its president, Steve Chase, for the job they do for us—and sometimes on us. Politics and the press go together, just as the song goes: "like a horse and carriage". The press gallery provides a critical link between the Parliament and the people. It casts a critical eye on the performance of government, of Opposition and of the individual members. We are indebted to Steve and his colleagues for a professional job well done. Despite the great strides in communication technology, the public are increasingly dependent on the press for their opinion.

I extend season's greetings and best wishes to the Parliamentary Library staff: to Parliamentary Librarian, Mr Rob Brian; research services manager, Dr David Clune; the manager of the reference and information section, Mr Greig Tillotson; the press clipping section senior librarian, Mr Stewart Little; the media monitoring senior library technician, Ms Jan Duncan; Information Resources Manager, Mr Sybil Sinclair; and Systems Manager, Ms Kate Curr, and their staff. Without their skills we would be deprived of the information our researchers assemble to provide us for our speeches, our discussions and debates. I also thank Iris and the staff of the Accounts Department, as well as the administration staff.

On behalf of all members of the National Party, who are known generally to like a bit of tucker and occasionally a drink or two, I extend our appreciation to the dining room and catering staff under the excellent management of Mr David Draper; to the bottle shop manager, Mr Peter Doe; and to the cleaning staff who do such a wonderful job day in and day out to keep the offices of 93 Legislative Assembly members clean and tidy. Our best wishes to Mr Stafford Bennett, the Manager of Parliamentary Building Services, whose staff maintain the services we take for granted but without it we would find it impossible to operate.

To our security service team I say thank you for a very competent but unobtrusive performance of duty and to the attendants, under the guidance of Deputy Serjeant-at-Arms, Mr Greg Kelly, our thanks for your competence and civility. To the Serjeant-at-Arms of Members Services, Mr Merv Sheather, our thanks for your efforts on our behalf. To the management and staff of the Information Technology Services Department and to the Parliamentary Printing Services division I extend season's greetings and the thanks of our members. A particular thanks to Bob Willis, who suffered more than we did in moving us from floor 11 to floor 12.

My very special thanks go to my electorate staff in my Cowra office, Mrs Julie Harrison and Mrs Clare Taylor, who are my electorate eyes and ears when I am here in Parliament. I extend my party's best wishes to Carole Worland, our parliamentary stenographer, who provides such a professional service to our committees and members. I extend my appreciation and thanks to my parliamentary staff, a small group of multiskilled people who provide a vital support base. I mention Susan Foy, Regina McCulla, Laura Woolf, Olya Gurchenko, Bryce Osmond, Greg McFarland, Sean O'Connell, Tom Chesson, Andrew Innes, Russ Neal and Bill Myers.

I take this opportunity to extend my warmest felicitations and my gratitude to those of my parliamentary team who are resigning at the next election after giving years of service to the State. I refer to the honourable member for Dubbo, Gerry Peacocke, the honourable member for Oxley, Bruce Jeffrey, the honourable member for Lismore, Bill Rixon, the honourable member for Murrumbidgee, Adrian Cruickshank, the honourable member for Murray, Jim Small and the honourable member for Monaro, Peter Cochran, who recently resigned, and the Hon. R. B. Rowland Smith, the last World War II veteran to serve in this Parliament. I wish them and their families well and express the appreciation of the National Party for their unselfish contribution to the welfare of the constituents of their electorates.

As we draw towards the end of 1998 we should remind ourselves that it is a privilege and an honour for each of us who is elected to attend here and represent the people of our electorates. Despite political differences, we are all charged with the responsibility of truly and fairly applying ourselves to what is best for all who live in this great State. I extend to all honourable members my warmest and best wishes for a happy Christmas and a prosperous 1999,

Mr HARTCHER (Gosford) [2.57 p.m.]: Mr Speaker, in wishing all members of this House and their staff a happy Christmas, I pay tribute to you for the sterling service you have rendered over the past four years. Our disagreements with you inside the House are notorious and well known, but I will not dwell on them. However, it is your role outside the House that deserves special commendation, particularly your role in implementing information technology changes, and the fact that you drove those changes through in your determination to ensure that the staff who work for members and who work at Parliament House are properly looked after.

You have ensured that staff salaries have increased in recognition of the work that staff do. The way you have tried to value staff personally by inviting them to Parliament and visiting them in their electorate offices has not gone unnoticed. Many people feel that their work is all the more valued for the attention you have shown them. Your work in trying to ensure that the House runs smoothly and co-operatively between the Whips and the two House leaders is well respected and well known.

You have tried to ensure that the standing orders and procedure group was included as much as possible in meetings with other parliamentarians and you have been prepared to open up your rooms for the benefit of all members of Parliament. On behalf of the coalition and on behalf of all members it is appropriate that I pay tribute to you. Scott Davies and the other members of your staff have been an absolute pleasure to work with over the past four years. We have had our differences, but those differences have always been settled in a spirit of courtesy and good manners.

I acknowledge the role of the Clerks. They have a difficult task, but they undertake it conscientiously and impartially. Their advice has always been helpful, and they are always accessible and most co-operative. Both Opposition members and Government members welcome their assistance and we find them all very likable on a personal basis. We look forward to continuing to work with them in the years ahead.

The Hansard staff are remarkable people. The most unintelligible speeches in this House emerge as comprehensible and intelligible debate at the end of the process. When I read some of my speeches I think, "It could not have been that good", and, of course, it was not that good. The Hansard staff know how to reconstruct, rephrase and punctuate a speech so that the nuances are retained but all the silly asides are not. Congratulations to them. I am sure they are among the worthiest of Hansard staff to be found in any parliament.

To the general staff of the Parliament; the dining room staff, the cleaning staff, the attendants who operate inside this House, I say thank you. All of them in their work extend unceasing courtesy to members. All staff members assist members greatly by allowing them to discharge their role which, after all, is to serve the community. Without the staff of this Parliament I think we would all be the poorer. I would like to place on record my gratitude and that of the coalition parties to them. It has been a pleasure to work with the Leader of the House during the past three years since I took over from the Hon. Garry West. The Leader of the House has given me a book of precedents that I can work from if I am ever in his position. I will not say those precedents are always fair, but they are always interesting.

Mr Whelan: When you use them I won't be here!

Mr HARTCHER: I am sure that any person who holds the position of Leader of the House will find them valuable. I am always amused by the fact that he likes to say they are Tim Moore's standing orders, but that is when he is being particularly nasty. When he really wants to embarrass me in front of my colleagues he says, "By consent I move suspension of standing orders", knowing full well that that is vigorously opposed! Nonetheless, that is one of his own special little touches of humour with which he likes to amuse the House. I have to say in the past three years he has always been good-natured and good-humoured despite the pressures upon him, and he has been a pleasure to work with.

I acknowledge the two Government Whips, the honourable member for Broken Hill, Bill Beckroge, and the honourable member for Rockdale, George Thompson. We will miss that wonderful speech that Bill makes: "I move that the question be now put." We all look forward to it and it is something that Bill does with great relish. He has made a terrific contribution over the past 10 years. He was always good fun, he was always honest and always carried out his duties with integrity and ability. He has his own special personality, as we all do, but I think anyone who knows Bill would say he is a great guy.

I acknowledge the honourable member for Rockdale, George Thompson, who has also been an excellent person to work with and whom I know is well regarded by the Leader of the House. Anyone who knows George views him as a person of real integrity. I acknowledge my colleagues the honourable member for Coffs Harbour and the honourable member for Bega, each of whom has been very helpful to me and has tried to carry out his duties conscientiously and well. They were thanked by the coalition parties at their last meeting. Their predecessors, the honourable member for Cronulla, Malcolm Kerr, and the honourable member for Oxley, Bruce Jeffery, are outstanding.

One of the great experiences for me as a House leader has been the opportunity to work with so many excellent people. I have enjoyed working with them all and wish them well. On behalf of the Leader of the Opposition, I convey his heartfelt acknowledgements and extend his good wishes to all our coalition party colleagues, to members of the Government, and to all staff of the House. I wish them all a very happy Christmas. Christmas is a time of celebration. In our multicultural society Christmas is a time when many different groups celebrate, but above all it is a Christian festival—after all that is the very meaning of the word Christmas—to celebrate the birth of Jesus Christ, some 2,000 years, and the message he brought from

God to mankind. I hope we can all take on board that message of peace and goodwill. On that note I extend to the House my very best wishes for a happy Christmas.

Mr ROGAN (East Hills) [3.04 p.m.]: I join with other members, the Leader of the House and the honourable member for Gosford in participating in the felicitation debate today. In fact, in 25 years this is the first time I have actually spoken in this debate, but I particularly wanted to speak today, as I missed last Wednesday's sitting having been paired with the member for Lismore. I seek the indulgence of the House to make what will be my final remarks in this Chamber.

I join with the Leader of the House and the honourable member for Gosford in extending my best wishes and wholehearted appreciation to all staff in this Parliament, and to you, Mr Speaker. I fully support everything that has been said about you by both speakers who preceded me. In your term as Speaker you have set precedents which will be implemented by whoever follows you down the track—although I am sure you will occupy that chair for a number of years yet. You have opened up the Speaker's office and made it more accessible to members than I can ever recall it being. You have ensured that all members have the facilities in their offices to enable them to serve their constituents and electorates in the best way possible, and in that regard you have been a leader in this House.

Personally I am deeply grateful that you now celebrate the twenty-fifth anniversary of a member's election to this House. On 17 November I became the third member to speak in this House on the occasion of his twenty-fifth anniversary. I extend also my appreciation to Parliament House staff. I thank the administrative staff and the cleaners. Hansard staff enlivened the House with a little touch of humour earlier by wearing festive reindeer ears. They sit up there unsmiling taking their notes, often apparently without much humour, but today they have shown that they have a great sense of humour. They regularly turn mishmash speeches into readable and sensible prose, and often surprise grateful speakers by doing it so well.

Honourable members rely on the library. I was pleased to invite Dr Russell Cope to my twenty-fifth anniversary. Rob Brian is his very worthy successor. I thank all of the staff in the library. They go all out to assist members in every way possible and I know that is very much appreciated. I extend my gratitude to the Clerks at the table. They never stint assistance or advice when members ask them for it. Merv Sheather, Serjeant-at-Arms, at times is called upon

to carry out the onerous job of escorting members from the House, but if he is asked for assistance in the Chamber he is always there to provide it. Parliamentary Printing Services provide all the assistance that is ever asked of them.

I thank all other staff of the Parliament, and hopefully I have not missed too many of them. The attendants have been excellent. Over my 25 years as a member of this House I have seen many come and go, but their civility and courtesy towards, and their consideration for, members has always been a hallmark of their service to this Chamber. I am very grateful to them. As this is my last speech in this House, I want to acknowledge the support I have received locally from the Labor Party and from my branch members. In my 25 years as a member in this House nobody has challenged me in my electorate. That is a feat and a half. In my 25 years two Federal members have, proverbially, hit the wall. Branch members are not tame cats, and if a member is not doing the job they would certainly let him or her know by making a sudden challenge. I take the fact that no challenge was ever made as a great compliment.

I am most grateful to the electors of East Hills, who have continued to return me to this House. We have had our ups and downs. We have had the great years such as the Wran slide and the down times such as the 1988 elections, after which I did not think we would return to government in the time we did. I am most grateful to my wife, Eunice, and my two girls, Vicki and Courine, for their support over the years. As honourable members know, in this business it is impossible to do the job without a supportive family. Both my girls are married now but they were very young when I first came into Parliament. After my election to this place they did not go on the weekend picnics they used to enjoy. I am grateful to them and my wife, Eunice, for their unstinting support over the years.

My electorate secretary, Margaret Como, has been the longest serving electorate secretary. She joined me when members were first allowed staff and she has stayed with me ever since. I suppose it says something about me as a boss that she has put up with me for all those years. For the past 10 years she has commuted from up the coast. She has been ably assisted by Jodie Wilshire, who is now married. I am grateful for their support. I acknowledge my colleagues, especially the Leader of the House, who has always indulged me when I have asked to speak. On occasions he has asked me to curtail my speeches but he has always been very willing to assist, and I am grateful to him for that.

The Leader of the House, Paul Whelan, has a unique style in running the House, but it is effective and gets results. It gets the legislation through. On occasions I have sat in the chair as Acting-Speaker—when 30 seconds can seem like five minutes—trying to work out what business should be dealt with when suddenly, after discussions between the Leader of the House and the Leader of Opposition Business a bill would appear and debate would commence. I am grateful for the Hon. Paul Whelan's friendship and assistance. The honourable member for Broken Hill, Bill Beckroge, is retiring also. I am very grateful to him for the assistance I have received from him and from his deputy, George Thompson. I am grateful to many other members as well.

The highlight of my time in this place was the celebration of my 25 years as a member of Parliament when you, Mr Speaker, were kind enough to host drinks and nibbles in your garden court, where I was surrounded by friends, colleagues and family. It was a great privilege to serve in this Chamber. I have had one great disappointment but I will not go into that except to say that it was the greatest disappointment of my life. But life goes on; anyone who dwells on the past is not helpful to themselves or anyone around them.

I have formed friendships with many members both in opposition and in government. We have shared a few jokes and told a few lies. The one side of Parliament that I will sorely miss is the camaraderie among members—and I do not exclude members of the Opposition from that because I have formed many friendships across the Chamber as well as many enemies in my own ranks. I wish everyone a very happy Christmas. I leave here very grateful for the opportunity I have had to serve for 25 years in this great Chamber.

Mr MILLS (Wallsend) [3.14 p.m.]: I am pleased to support the special adjournment motion. Like the honourable member for East Hills, I am participating in a debate to express Christmas felicitations for the first time. However, in my case I do so after only 10 years of service. I want to thank some people who do not often get thanked in debate on such motions. I start by referring to the parliamentary committees. I have the honour to chair the Committee on the Health Care Complaints Commission. I thank the director of the committee, Catherine Watson, and her staff Glendora Magno, Susannah Dale, Merryll James and Susan Watt. In its term the committee was served by Hillary Parker and Sally Girgis. To those hardworking people, who show a lot of imagination and who are of great assistance in organising details, I say thank you.

I have enjoyed chairing that committee in particular because of the high degree of interest in the Health Care Complaints Commission expressed by the members of the committee. The Deputy Chair, Marie Andrews, Jim Anderson, Jill Hall, Stan Neilly, Marie Ficarra, Patricia Staunton, Bill Rixon, Peter McDonald, Brian Pezzutti, Lis Kirkby and more recently Johnno Johnson, Jeff Hunter and Arthur Chesterfield-Evans have been a good bunch of people to work with; we reached a high degree of unanimity and multipartisanship in our deliberations. The members of the committee believe they can make a contribution, and they take their oversighting role very seriously.

Over four years we have developed an excellent relationship with the Health Care Complaints Commissioner, Merrilyn Walton; there is mutual respect between the commissioner and members of the committee. One report needs to be completed, and the committee met to finalise matters this morning. I had the honour to be a member of the Staysafe committee for eight years. The staff of that committee—Ian Faulks, Paul Adams, Cory de Vega, and earlier Gary O'Rourke and Chris Papadopolous—have all worked very hard. It is certainly one of the hallmark committees of Parliament and has a great reputation in New South Wales, around Australia and overseas for the quality of its work and its ability to make effective recommendations based on good research to save lives on our roads.

I say farewell to Bruce Jeffery after many long years of service on Staysafe. I say farewell also to Jim Small, Bob Harrison and Doug Shedden, former members of the committee who are leaving Parliament. The third committee I was involved with during the life of this Parliament is the Select Committee on Safe Injecting Rooms. I thank Kate Dolan and Susan Want, in particular, who worked for that committee, and also my colleague the Hon. Ann Symonds, a former member of the Legislative Council who brought great experience and commitment to the position of chairman of that committee.

I want to mention the staff of Hansard in particular and thank them for their attendance at committee meetings, including those who are not members of the permanent staff but who are engaged on contract. What they do at committee hearings is often unsung. Often committee hearings are more difficult to report than the House. Sometimes hearings go on for many hours without reporters getting a break until a frazzled chairman realises that the Hansard staff—and sometimes it is only one reporter—has not had a break in all that

time. I thank Hansard staff for their forbearance and for working so hard. While committee members can wander in and out during committee hearings, Hansard staff are not able to.

I have had the honour to serve in the position of President of the State Parliamentary Labor Party and chairman of caucus for a number of years. I am a great supporter of the party system in Parliament. The party system gives great strength to the workings of democracy, and I am a proud member of the Australian Labor Party. A great initiative of the Labor Party in government is the requirement for caucus to approve bills before they are introduced in the Parliament. That is very important for the movement that puts parliamentarians in Parliament—the rank and file. The measure has the support of the majority of people and encourages good government. The rank and file backbenchers won out from time to time in caucus meetings during this Parliament, and one of the reasons was Bill Beckroge's activities as Whip. The backbenchers in the incoming Labor Government will miss Bill Beckroge. Thank you, Bill, for the work you have done on behalf of the backbenchers in keeping up the backbench clout while Labor has been in government.

Another backbench member of Labor caucus who is retiring is Stan Neilly, the member for Cessnock. He has great insight into the organisation and finances of the public sector. He has the capacity to be a watchdog on executive government and he made a great contribution to the parliamentary superannuation committee. I will miss Stan's presence in caucus. My colleague Pat Rogan, who spoke before me, made interesting contributions as a temporary chairman of committees. I do not think enough people realise the great work that Pat did in having the Chelmsford royal commission into deep sleep therapy established. I thank Pat for the work he did for the health services of New South Wales. Pat has set a great example for parliamentarians to follow.

The member for Bathurst, Mick Clough, with Stan Neilly, was the champion of the battlers. He also will be missed, not least because of the wit he brought to caucus. Brian Langton, the member for Kogarah, was a very sociable socialist. He has an enormous love of public transport, and his story telling and guitar playing will be missed by his Labor colleagues and his National Party colleagues. Tony Stewart, the member for Lakemba, has big shoes to fill in that regard. Finally, I thank the parliamentary stenographers. Christine and Barbara have served me but they do not often get a mention. The parliamentary stenographers around the building

do a great job. Merry Christmas to all my parliamentary colleagues on both sides of the House and to all parliamentary staff. I thank you for your assistance in helping us to do our jobs as members of Parliament well.

Mr NAGLE (Auburn) [3.22 p.m.]: Unlike some of the other speakers I have contributed in this important debate, on other occasions. I wish to thank members of my committee. I particularly thank Ronda Miller for all the work that she has done. Often I would put a suggestion to Ronda in regard to matters on the ICAC joint parliamentary committee and the ethics committee. More often than not Rhonda would reply, "That is a good idea, Peter, but maybe we should do it this way." It is amazing how many times we do it her way as opposed to Peter's way. I thank Ronda for her dedication in helping me in a very volatile and always interesting committee. I thank Helen Minnican, Tanya Bosch, Russell Keith and Marie Swain for the work they did in regard to the code of conduct, the review on the ICAC and the report we are about to present to Parliament in regard to certain constitutional reforms on areas such as allegiance to a foreign prince. Of course, I have allegiance to a foreign prince, the Pope, but we are dealing with that as we go along.

The ICAC committee was a very volatile committee. Trust me, Mr Speaker, I have done my penance. I thank the three community members who sat on the ethics committee: Kim Wilson, who retired recently, Stan Hedges and Leonie Tye. As I have said in the House before, I originally opposed community members sitting on any parliamentary committee but I was wrong: those three members have seen the work that members of Parliament do which has gone unsung. We also saw the view of the community through their eyes. They became great supporters of the Parliament and members of Parliament. But when they saw us as being wrong they told us. I am indebted to those three people for the work they did in preparing the code of conduct, which may not have been the code of conduct that they would have liked. They will work with the Parliament again and other community members will work on committees in the future.

I thank the Leader of the House and his staff. I ask him for one concession: From now on may I have more than 60 seconds notice of having to deliver a speech. That might enable me to prepare a better speech. I thank Jason, Lyn and everyone else for their support. Mr Speaker, I thank you for opening your dining room and garden so that members may hold functions and meet people. You have shown great forward vision. I thank my

colleagues for their support and help. There are those whom, if I were Julius Caesar, I would go with to Pompey's statue on the Ides of March and there are some I would not. But to all of them, even those I would not go with, I wish a happy Christmas and all the best for 1999. I look forward to seeing many of them back here in Parliament after the election next year on the election of a Carr Labor Government.

I thank David Draper and his staff. As I said the other night in a speech in this House, *Hansard* reporters have a competition to see how fast they can write. It is only on the odd occasion that I read *Hansard* to correct them. I think the badge of courage should be worn by the reporters because of the speed at which I talk. I thank the Procedure Office—Jenny, Greg, John and everyone else—Pat and everyone in printing, and the guys in stationery. I thank the Clerks, Russell, Ronda, Les and Mark, the latter of whom saw me sneaking out to feed staff at the luncheon today and who said he would not tell anyone. I confessed; I am guilty. I thank them for their advice and help. I thank Russell for the advice he has given me on the important occasions when it has been needed. It has been a very stressful year for many members of Parliament. We appreciate his guidance and advice.

I thank Merv Sheather, the Serjeant-at-Arms for not throwing me out of the House. I thank all the people who work within Parliament. Brian Langton and I have had our arguments. I could never work out why Brian was always wrong—but occasionally he is right. I am very sad to see him go. It is a great loss to the Parliament and the people of New South Wales. He will be in my heart and the hearts of members of my family. I am indebted to Dorothy Isaksen and her husband Neville. He helps me on the campaign trail at every election. Jim Kaldis is a fine man. He has done well. God bless him. I hope God keeps him and that the disability Jim has, which he spoke about in the upper House this morning, will not beat him.

Anyone wanting to know how many overseas trips I have had should ask my great mate Stan Neilly. Every time I come back from overseas Stan Neilly gets a big packet of cigarettes from the duty free shop. I am indebted to Mick Clough. The House has heard the long and sometimes boring, in some respects, story about my uncle who died in Malaya in January 1942. I did not meet my cousins, my uncle's three daughters, until 1992. I met them because Mick Clough introduced me to an old postmaster by the name of Jim Casey, who produced a death notice from a newspaper that related to the death of the child of my uncle's wife in her second

marriage. From that we were able to trace my cousins. After being apart for 42 years we are now together. For that I thank Mick Clough, the fine member for Bathurst. The headlines of the *Western Advocate* "He's back" were correct. It is sad that he will not be coming back again.

I thank the Hon. Bryan Vaughan for all his help on my parliamentary committee. He has been a real godsend on the occasions when the Commissioner of the Independent Commission Against Corruption has been before the committee. Even though the Hon. Duncan Gay is a member of the National Party he has given me great assistance as a member of the committee. I could always trust him to do the right thing. In the four years we have been on the committee together we have had an argument only twice—one such occasion was in a Russian restaurant, and I will not say where we were. I thank Don Beck for his support. He could be relied upon for his vote. He knew what the system was about because he had suffered from it. I thank Marie Andrews, Paul Lynch and, particularly, Reba Meagher. Every time she went on an interstate trip with me someone would blow up her office or something else would happen and she had to return to Sydney.

I particularly thank my wife, Karen—whom I love dearly—for her tolerance towards me and the game of politics. I thank my lovely sons Nicholas and Alexander, who are both learning to talk now. They keep asking, "Daddy, when are you coming home?" To my son Anthony, who is a midshipman with the Royal Australian Navy at the Defence Force Academy at Canberra, I say I love you very much, son. To my daughter, Greer, who has done work experience at this Parliament and for some of the Ministers, I love you, my daughter, as I love my sons Nicholas and Alexander and my wife.

I extend my best wishes to my very good friend Bill Beckroge. It took me 2½ years to realise that the art of dealing with Bill Beckroge is to be on his right side and not on his wrong side. I learnt that lesson and have been on Bill's right side ever since. Bill, you will be a great loss to this Parliament. You knew how the system worked, you worked it, and you were fair, honest and decent in everything you had to do. We will miss you a lot. I extend my best wishes, too, to Pat Rogan. I remember a time when Pat and I were together in Oberon examining a powerlines issue. We had great times. Pat, you have done a great job. They forgive people for minor crimes after 20 years, but you decided to stay on and look after your constituents for 25 years. Your constituents have benefited from your ability to articulate and defend their rights in this Parliament.

I wish the very best for my friends Doug Shedden and Dr Peter Macdonald, who are also retiring. There are many families of lorry owner-drivers who owe Peter a great deal because their marriages and their families are still together. The same should be said for Joe Schipp and Gerry Peacocke. Many lorry owner-drivers would have been left without homes or families, in all likelihood, and could have ended up in divorce and bankruptcy had it not been for the work of those men.

I thank all my branch members, and extend special thanks to Chris Cassidy, Pat Curtin, Bob Murray and John Donnellan—who said that I could not even give away a seat in Parliament. I thank them very much for all their support and affection. I wish the Hon. Barry O'Keefe, Commissioner of the Independent Commission Against Corruption, and his staff a happy Christmas. I thank Linda and Nola, who have endured me for the past 12 months. I also thank all my constituents.

This has been a very good year for me in the Parliament. It has also been a year of sadness, because I have seen a great deal of pain and misery inflicted upon members of Parliament who are just here to do their jobs. We are not here to be prophets or to accentuate the concept of wisdom; we are here to do our best for the people and the State of New South Wales. We should not have that kind of pain inflicted upon us when it is said we are not doing a great deal that is wrong; we are only trying to do our jobs.

I thank the House and all members of Parliament. I thank all my constituents for the adventure that they have given me as a member of Parliament. I am indebted to them for being elected to represent the seat of Auburn in this Parliament and previous Parliaments. I am indebted to all my colleagues, all the staff and many others. God bless you all. I wish you all a happy Christmas and all the best for the new year.

Mr HUNTER (Lake Macquarie) [3.32 p.m.]: I join with other members who have spoken in these felicitations. We are rapidly reaching the end of the year and the end of this, the Fifty-first Parliament. I extend my thanks to all the parliamentary staff for ensuring the smooth running of this Parliament over the past 12 months. I extend my best wishes to you, Mr Speaker, and congratulate you on the way in which you have executed your role as Presiding Officer of this Chamber. Might I say, however, that in my opinion the House Committee may have been able to meet a few more times in the past 12 months. I shall wait another year to determine whether the position has improved.

I extend my best wishes to my electorate officers, Helen Bristow and Wayne Bristow, and to my relief staff for the past 12 months, Joshua Brown and Leigh Martin. Those people have undertaken some very hard work in my electorate. They are at the coalface and deal with the constituents. I recognise how stressful that can be at times, although it is very rewarding at other times. This afternoon I pay tribute to those honourable members who will not be returning to the Parliament next year.

I thank the honourable member for East Hills, Mr Pat Rogan, who spoke earlier, for the good advice he has given me during my 7½ years in this place. Pat has been in Parliament for some 25 years. He has a great deal of experience, much of which he has shared with me over the past 7½ years. Pat was in the Parliament with my father, the former honourable member for Lake Macquarie, Merv Hunter, and they formed a very strong friendship. I am glad that the friendship has continued between Pat and myself. Pat will be sadly missed.

Doug Shedden, the honourable member for Bankstown, also served in Parliament with my father. He has given me good advice and has been a confidante and a very good friend to me. In the past few years I have attended the parliamentary bowling carnivals. Doug and his wife, Pat, have attended the carnivals every year, and we have had some very good times. It was fantastic to be in the parliamentary bowling team with my father, Doug, and Stan Neilly and to win for the first time in 29 years the interstate parliamentary bowling carnival. Our pennant is on the dining room wall, testimony to the great group of sportspeople we have in this Parliament. I extend my best wishes to Doug and his wife, Pat, for their future.

Bill Beckroge, the honourable member for Broken Hill and the Government Whip, has been very courteous in his directions to me over the past few years. His assistance during my time in the Parliament has been very much appreciated. Bill, you will certainly be missed—particularly in the dining room in the evenings. I do not know how we will replace you and your jokes. Thank you for the good times and the laughter that has come from our get-togethers of an evening. Certainly we will all miss you very much. I hope that you have a very healthy and fruitful future after you leave the Parliament in March.

I wish all the very best for Stan Neilly, the honourable member for Cessnock. Stan's electorate adjoins mine and we have worked very closely together on several issues. Stan, like myself, had a father in the Parliament, George Neilly. Stan is very proud of his father's service to the electorate of

Cessnock and to this House—just as I am proud of my father's service. I know that we have both felt the responsibility to continue that dedicated service to our electorates. Certainly Stan has been a very effective advocate for the people of Cessnock. I wish him well, and I know that I will continue to see him after he leaves this Parliament.

I thank Brian Langton, the former Minister for Transport, for the assistance he has given the people of Lake Macquarie. When the suburban train service from Newcastle to Fassifern was cut by the Greiner Government Brian gave a commitment that he would try to re-introduce that service. When Labor took office in 1995 Brian went even further than that and extended the service from Newcastle to Morisset, servicing those small stations along the western side of the lake. I very much appreciate what he did. Stations in my electorate were upgraded and easy access was installed at Fassifern and Morisset—with \$1.5 million spent at both those stations.

The rail stations at Fassifern and Morisset are now state-of-the-art facilities, with good security and lighting. The people certainly appreciate those fantastic stations, which are of Brian Langton's doing. Brian instituted a trial for the XPT to stop at Fassifern station. I am glad that his successor, Mr Scully, approved the stop and the XPT now has a permanent stop at Fassifern. The people on the western side of Lake Macquarie, a city of some 170,000 people, are very happy that Fassifern finally is an XPT stop.

Bob Harrison, the honourable member for Kiama, is a member of the Joint Standing Committee upon Road Safety—Staysafe. Bob and I have worked very well together on the committee over the past 3½ years. Bob will be missed, and I wish him well. I extend my good wishes to those members from the other side of the Chamber who are retiring. I have worked well on the Staysafe committee with Bruce Jeffery, the honourable member for Oxley, a National Party member, and have been very impressed with his credentials. Bruce is dedicated and has worked very hard for the cause of road safety. As I have said to Bruce, if I am returned to this place next year and I am able to serve on the Staysafe committee again, the committee will summon Bruce as a witness so that he can give his expert guidance on a number of issues—

Mr Jeffery: School buses!

Mr HUNTER: Yes, particularly on the issue of school bus safety. I know that the Staysafe committee will examine that issue in the next parliamentary session. That is a very important

issue, and one that is very dear to Bruce. I shall ensure that the committee continues to examine that issue and tries to implement the safety measures put forward by Bruce. I hope that Bruce would be prepared to come back here and give the committee the benefit of his knowledge.

Jim Small, the honourable member for Murray, is known here as Gentleman Jim. He certainly deserves that accolade. It has been a pleasure to work with Jim on the Staysafe committee over the past 3½ years. Jim and I have attended several conferences together. I recall a bicycle conference in Perth at which Jim and I delivered papers on bicycle couriers and on 50-kilometre speed limits. I also had the pleasure of travelling to France with Jim to attend an international conference on drug and alcohol issues involved with road safety. The conference was held only a few weeks after the death of the Princess of Wales in a car crash, in which issues of both alcohol and speed were involved. That catastrophe, which gripped the world for several weeks, was a topic in France.

Jim is certainly a gentleman and a pleasure to work with. I believe our attendances at both conferences has produced results for the Staysafe committee. Jeremy Kinross became a member of this House not long after I did. That followed the Metherell affair. Jeremy and I worked together on the HomeFund inquiry that was chaired by John Hatton. The friendship I formed with Jeremy during that time has continued and I wish him well for his future when he leaves Parliament next year. The Independent member for Manly, Peter Macdonald, and I were both elected in 1991. We have formed a friendship and I wish him well. He will continue working for the community and will expand that community service overseas by offering aid as a doctor to countries where his services will be greatly appreciated.

The years between 1991 and 1995 were interesting, with the Independents holding the balance of power. I personally thank Peter for supporting my motion to form a select committee into lead pollution. The honourable member for Gosford will be interested in this because when he was the Minister for the Environment he vehemently opposed the motion. However, in hindsight he acknowledges that the committee achieved great results. I thank Peter Macdonald also for supporting me on two occasions when motions were moved under Standing Order 54 to force the former Government to table documents that were important to the committee's deliberations. I am sure that Peter will be pleased to know that the Carr Labor Government has now dedicated some \$3 million to lead remediation work in the north Lake Macquarie area and next week will be launching a zonal remediation plan for the area. I thank Peter for his assistance in setting up that committee.

Jill Hall, the former member for Swansea, has left State Parliament and has been elected to Federal Parliament. I thank her for her support. Jill and I shared responsibility for the waters of Lake Macquarie and we have worked together on many environmental issues relating to the lake, particularly the fishing industry. She supported me when I tried to gain funding for the Newcastle-Lake Macquarie Clay Target Club, which received almost \$100,000 in government support. Tomorrow I will be pleased to officially open the new Olympic trap facility at the club, the first trap facility in the State to cater for Olympic shooting events. The club will be the venue for next year's New South Wales championships and is bidding for the Australian championships, which would be held in the Lake Macquarie electorate. Finally, I wish all the staff and members of Parliament the very best for Christmas and the New Year.

Mr JEFFERY (Oxley) [3.42 p.m.]: I have been told that a short speech is a good speech, so mine will be brief. I take this opportunity to wish everyone in the Parliament—the officials, the Clerks and the members—a very merry Christmas. For more than 10 years being a member of the Staysafe committee gave me a great deal of satisfaction. It is a wonderful committee. I make a Christmas plea—and I am sure the Minister for Police will support me—that people travel safely on our roads. I ask them not to speed, not to drink and drive, and not to drive while fatigued, because they are the three main killers on our roads, particularly at holiday times. We should all remember the true meaning of Christmas. This would be a better place if we, as politicians, remembered people's good points, rather than their bad points. When we denigrate each other those in the real world do not know to which party we belong. Therefore, we only denigrate ourselves and all that is achieved is an unpleasant headline in the press.

People should not overspend at Christmas; it is the thought rather than the gift that counts. Spending beyond one's means can cause tremendous pressure and hardship on families. Christmas is a special time for children and it is a pleasure for those of us with grandchildren to see the joy on the faces of little ones; it reminds us of the happy Christmases we had with our own children. As Christians we should attend church and reflect on the real meaning of Christmas.

Mr Speaker, I thank you for your courtesy and for putting up with me. In the 15 years I have been a member of this Parliament I have never been thrown out. I ask for one Christmas wish. I have about 3½ tonnes of classified waste that I am trying to get rid of and I have been told by the Clerks that I should put it through the shredder. However, that machine only takes two pages at a time; I would not

even put my cigarette box through that. I do not want that classified waste to end up in the Kempsey tip and I ask that Santa Claus come to me in the form of the Speaker to look after that matter.

I extend to those members who are retiring special wishes for happy, long and healthy retirements with their spouses. I have valued the friendship of all members of this Chamber, although I have not always received their support. I had hoped that the Minister for Police would one day vote with the Opposition. If he does not win preselection he may do so, although I am not holding my breath. He gave me the kiss of death once by saying that I was a good fellow, so I will say the same thing about him. I have enjoyed my 15 years in this place. There is a tremendous amount of goodwill, particularly on the part of those who work here. The member for Murrumbidgee has finally arrived in the Chamber. He is a good deal older than I am and I wish him a merry Christmas and a happy New Year. In conclusion I should say that I appreciate the kind words of Jeff Hunter and the other members of the StaySafe committee.

Mr SPEAKER: My wife, Maureen, and I extend warmest wishes to the Premier, to the Leader of the Opposition, and to Government and Opposition members and their families. I acknowledge the efforts of the Leader of the House and the manager of Opposition business, the Whips, and those who have made my job so much easier within the confines of this Chamber. The close relationship we have built up over the period of four years has facilitated the smooth passage of business through the House. To those people I give my thanks and extend my best wishes for a merry Christmas.

I extend my warmest thanks to my personal staff—to my chief of staff, Scott, and to Biserka, Joanne, Joseph, Camille, Carol, Jenny, Jason and to the latest addition, Louise, who is on work experience and who is at present in the gallery. There are no rules and regulations in the Murray household and there are none in the Murray office except that staff must leave work with a smile on their faces at the end of the day. If that happens, the day has been successful.

The members of the fourth estate have not had felicitations extended to them today and I shall take this opportunity to do so. I know that when the House closes down they will take a closer look at the operations of the Speaker's office, the cost of meals in the dining room and everything associated with the running of the Parliament. That is the way the fourth estate operates. I wish the members of the

fourth estate and their families all the best in the years ahead.

I thank Russell Grove and the staff at the table, the Legislative Assembly office staff and the attendants. As other members have indicated, they work as a team. I can say in all honesty that of the thousands and thousands of people who have visited this House I have received only one letter of complaint from a member of the public. That wonderful record starts at the top, and we are lucky to have a Clerk of the calibre of Russell to provide administrative leadership.

I wish to place on record my commendation of the work undertaken by the departmental heads: Elaine Schofield, Manager, Employee and Corporate Services; Lucy Gonano, members' services; David Draper, Manager, Food and Beverage Services; Greg McGill, Financial Controller, Accounts Section; Merv Sheather, Serjeant-at-Arms; Stafford Bennett, Manager, Building Services, who last week completed a move of upper House members after four years; Mark Faulkner, Acting Editor of Debates; Mallika Ganesan, Acting Manager, Information Technology Services; Rob Brian, Parliamentary Librarian; Pat Makin, Acting Manager, Printing Services; and Glen Daley, Acting Manager, Security Services. On behalf of all members and those associated with them, I extend to those departmental officers my very best wishes for Christmas.

I have had a wonderful four years in this job. I am able to say without any inhibition that they have been the best four years of my parliamentary life. Question time is difficult, but overall it has been a wonderful privilege to serve the people of New South Wales as the Speaker of the Legislative Assembly. I have always said that my primary job is to look after the interests of members and I hope I have done that in a right and proper manner.

Motion agreed to.

JOINT PARLIAMENTARY SERVICES

Report

Motion, by consent, by Mr Whelan agreed to:

That, if the House is not sitting the report of the Joint Parliamentary Services for the year ended 30 June 1998 be received by the Speaker and printed with the authority of the House.

**House adjourned at 3.50 p.m. until
Tuesday, 9 February 1999, at 2.15 p.m.**