LEGISLATIVE ASSEMBLY

Wednesday 24 May 2000

———

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

Mr Speaker offered the Prayer.

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (AFFORDABLE HOUSING) BILL

Bill introduced and read a first time.

Second Reading

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing) [10.03 a.m.]: I move:

That this bill be now read a second time.

The bill I introduce today deals with two very important matters for New South Wales. It will provide certainty for the Green Square redevelopment—a major urban renewal project south of the central business district [CBD]—and it will amend the Environmental Planning and Assessment Act to remove any doubt about the capacity to use planning legislation to provide affordable housing. It will do this by validating existing legislation and making further amendments to the Environmental Planning and Assessment Act. The House will remember that in December last year the Government brought forward, as part of a bill to continue to implement reform, amendments to the Environmental Planning and Assessment Act to promote housing affordability through planning instruments.

The amendments, which were endorsed by Parliament, clarified and confirmed the ability of the planning process to deliver a housing supply which promotes housing choice, meets the needs of households with different incomes within the one community, and supports equitable access to services, facilities and employment opportunities for all households. In December last year, before the endorsed bill was assented to and the amendments made, a court challenge against a planning instrument containing affordable housing provisions—the South Sydney Green Square Local Environmental Planning Instrument—was heard. The judge hearing the case found that adequate power was not available within the Environmental Planning and Assessment Act to support the affordable housing provisions and declared them invalid.

However, the judge accepted that the provision of a component of affordable housing as part of the redevelopment was integral to the Government's vision for Green Square and that land would not have been rezoned to permit redevelopment without those provisions. Consequently, he found that the affordable housing provisions could not be severed, and declared the whole local environmental plan [LEP] invalid. This has resulted in the reinstatement of the former industrial zoning and has prevented any further development. The case has identified the need for further amendments to the Environmental Planning and Assessment Act to finally place beyond doubt the capacity for planning instruments to require the provision of affordable housing. This bill addresses the issues arising from the case.

The bill will remake the South Sydney Local Environmental Plan-Green Square and validate the accompanying Green Square Affordable Housing Development Control Plan and any consents issued under the LEP. This will enable development to proceed. Reinstating the Green Square LEP is critical to the success of the redevelopment. Redevelopment of the Green Square area represents public and private investment of approximately $2 billion—equivalent to 89 per cent of the Olympics capital works budget—and will be a key post-Olympic project maintaining economic growth and job creation. The project will create some 5,000 jobs during construction and 20,000 permanent jobs.

The bill will also amend the Environmental Planning and Assessment Act, building upon earlier amendments, by: expanding section 26 of the Act to make clear that environmental planning instruments can contain provisions to provide, maintain, retain or regulate any matter relating to affordable housing; and

providing an explicit power to enable conditions of consent to require the dedication of land or a monetary contribution for affordable housing where a need for affordable housing has been identified and a development will or is likely to reduce the availability of, or create a need for, affordable housing, or where a development has been permitted through the zoning of unzoned land or the rezoning of a site to permit residential development.

Councils will continue to have the capacity to use planning incentives or concessions, in appropriate circumstances, in return for the provision of affordable housing. This will support the provision of affordable housing outcomes through voluntary negotiation. These measures reflect the Government's commitment to addressing the significant housing affordability problem in New South Wales and will place beyond doubt the ability to provide for and maintain affordable housing using planning instruments. The bill provides for an accompanying State environmental planning policy [SEPP] to establish a clear and accountable scheme for the provision of affordable housing. The SEPP will provide the machinery to implement affordable housing schemes. Local government will need to implement schemes in accordance with the provisions set out in the SEPP. The details of the SEPP will be developed in consultation with industry, local government and other interested parties and will provide the certainty and clarity sought by all parties.

Finally the bill will also validate other existing planning instruments containing affordable housing provisions. These are set out in schedule 2. The explanatory notes provide further detail about the operation of the bill. In summary, this bill allows Green Square—a major redevelopment precinct, creating economic and employment opportunities—to proceed while ensuring that a range of households are able to find accommodation in the redevelopment area and share in the fruits of that growth. At the same time it will establish a clear framework for future affordable housing schemes to address the real and growing problem of housing affordability in New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

PARKING SPACE LEVY AMENDMENT BILL

Second Reading

Debate resumed from 23 May.

Mr McBRIDE [10.09 p.m.]: I support the Parking Space Levy Amendment Bill. It is important to note the intentions of this bill and the actions that will result from it. Firstly, the $400 annual fee that currently applies to the areas covered by the existing legislation—that is the Sydney and North Shore central business districts [CBDs]—will be increased to $800. The bill will extend the operation of the levy to certain areas in Parramatta, Bondi Junction, St Leonards and Chatswood at $400 per parking space on the basis that those areas have high density commercial activities, are subject to considerable traffic congestion and have public transport facilities available to people as an alternative to private vehicle use. The provisions of the bill will apply to parking stations and office car parks in those areas.

It is most important to note, however, that retail shops, clubs, hotels and the like will be exempt from the levy. Most importantly, all funds raised by the increased and extended levy will continue to be used to fund public transport infrastructure development to encourage people to use public transport instead of driving their cars to work. The Parking Space Levy Act was introduced in 1992, with cross-party support, to discourage car use in business districts by imposing a levy on off-street commercial and office parking spaces, including parking spaces in parking stations. The revenue collected from the levy was to be used to finance the development of infrastructure and to encourage the use of public transport to and from those districts. In his second reading speech on the Parking Space Levy Bill 1992, which was delivered in this House on 7 May 1992, the then Minister for Transport, Mr Bruce Baird, said:

> Road users need to be made aware of the external costs which they impose and are now being asked to contribute to the cost of providing transport systems.

He went on to say:

> It balances, in an equitable way the need to encourage the sensible use of motor vehicles with the need to build on other measures already taken by the Government to enhance Sydney's public transport system.

The bill was introduced eight years ago by a Coalition government, with cross-party support, to encourage the use of public transport in Sydney's central business district. At the time there was a perceived need to encourage people to use public transport alternatives to private motor vehicles to travel to the city. Consequently, the

Public Transport Facilities Fund was established. The fees raised by the fund can be used only to construct and maintain motor vehicle and bicycle parking facilities and other infrastructure that facilitates access to public transport services to and from levy areas and for the provision of public transport services. By 30 June 2000, $87 million worth of improvements will have been made to public transport facilities as a result of the levy.

The improvements include: commuter car parks such as at Meadowbank, Minto, Padstow and Cabramatta; bicycle facilities; bus and rail interchanges at Hurstville, Liverpool, Ashfield and Woy Woy; ferry wharves; and light rail construction. Other infrastructure projects in progress that benefit from the funds raised are Engadine bus and rail interchange, Rockdale bus and rail interchange and car park, Mount Druitt bus and rail interchange, Kogarah car park, Holsworthy car park, Lilyfield light rail extension, and Liverpool-Parramatta transit way bus stations and stops. Funds raised from the levy will be used in other projects such as the rapid, bus-only transitway from Liverpool, which costs some $200 million; the Parramatta interchange upgrade, which will cost $100 million; the Parramatta Chatswood rail link, which is estimated to cost $1.4 billion; the acquisition of north and western bus lines to service Parramatta; the Chatswood station upgrade; and the Bondi Junction transport interchange development.

The additional revenue raised will be spent on a number of transport infrastructure projects identified as priorities in the Action for Transport 2010 plan. These include: the bus and rail interchanges in western Sydney and the Blue Mountains; free commuter car parks throughout western Sydney; and measures designed to improve public transport access to Parramatta, Chatswood, St Leonards and Bondi Junction. A list of current and proposed projects is included in the Action for Transport 2010 plan. When the original bill was introduced in 1992 it had the total support of the Parliament. It was recognised that there was a real need in our community to do something about encouraging public transport use and discouraging private transport use in the city and central business district area.

Since then other business districts have grown throughout the Sydney metropolitan area. Obviously, Chatswood, which is a major commercial and business centre some distance from North Sydney, has all the earmarks of a major and important business centre in the Sydney area. At Parramatta one sees commercial and retail high-rise buildings accommodating services provided by the private sector as well as the State, Commonwealth and local governments. Parramatta is a major business and commercial centre in Sydney. As honourable members know, there are major rail and road routes linking the city and Bondi Junction. A levy of $400 will apply in those areas that the provisions of the legislation have been extended to cover, and the present levy of $400 in the city and North Sydney central business district areas will increase to $800.

The levy recognises the changing patterns of movement and transport that have occurred during the past eight years. It is important to increase the use of public transport to free congestion in the city and to enhance the environment by reducing pollution from motor vehicles. Since the introduction of the levy RiverCat and bus services to Parramatta are continually being expanded. There is also a proposal to link Parramatta with Chatswood by rail. Public transport services have been extended from the hub of the city area to satellite centres at Bondi Junction, Parramatta and Chatswood. Therefore, logically, we should encourage greater use of public transport in the city and throughout those satellite centres. At the Homebush Olympic site, which is closer to Parramatta than it is to the city of Sydney, there has been a massive change in public transport services, residential patterns and commercial and business activities over the past decade.

The $87 million that has been collected since this legislation was introduced in 1992 has been used specifically to provide services to areas designated by that legislation. The Act, however, provided for the levy to be extended by regulation to new areas. It provided for a program that would extend as the patterns of transport in Sydney changed and as Sydney continued to grow. If the implementation of the levy in Sydney and the North Sydney CBDs proved successful, it was envisaged that the levy should be extended. The government of the day showed foresight by introducing legislation to set up a pilot program to test the effectiveness of the levy and to ascertain whether it achieved the outcomes sought by the Parliament as a whole for the Sydney area.

The New South Wales Public Transport Authority [PTA] released a discussion paper that proposed extending the levy to the Chatswood-St Leonards-Crows Nest area, Parramatta and Bondi Junction. The authority proposed refinement to the legislation to allow differential rates in the new areas. It was proposed that the levy be increased from $800 in the CBD and the North Sydney-Milsons Point area, but that it be set at $400 for the proposed new areas. The PTA also proposed that the legislation be amended to allow more timely collection of the levy when it was extended to new areas. The levy was originally applied to the Sydney CBD and the North Sydney-Milsons Point area because they were identified as the major commercial and business centres in the urban area.

But as we have seen, Sydney has changed over the eight-year period. The PTA indicated that the new areas of Parramatta, Bondi Junction, St Leonards and Chatswood also satisfied the criteria used in 1992 to establish the levy: high-density commercial activity, considerable traffic congestion and the availability of adequate public transport as an alternative to private vehicle use. The bill reflects the goals set in the 1992 legislation introduced by the Coalition Government and its Minister for Transport. To argue to the contrary would be to argue against the reputation of a Minister for Transport in a previous Coalition government.

Mr Kerr: Carl does it all the time.

Mr McBRIDE: Carl may do that, but the Parliament would be disappointed if members of the present Opposition who were members of that Coalition government, such as the honourable member for Cronulla and the honourable member for Baulkham Hills, who do not have the good manners, decency and high standards of behaviour that are inherent in members on the Government side of the House, stood in this Chamber to attack a former illustrious Minister of a Coalition Government.

Mr Kerr: You would be expelled! You would not do it!

Mr McBRIDE: No, because members on this side of the House treat former Ministers with the respect they deserve. We would not dare to behave in such an ungracious and dishonourable way. I would be shocked if either the honourable member for Cronulla or the honourable member for Baulkham Hills were to attack the legislation of an honourable and highly distinguished former member of a previous Coalition Government.

Mr MERTON (Baulkham Hills) [10.24 a.m.]: The Opposition opposes the legislation, but not because it resiles from legislation introduced by the Fahey Coalition Government in 1992 to levy car parking spaces in Sydney and the North Sydney CBDs. Funds collected from the levy were to be used for the specific purpose of encouraging the use of public transport, with emphasis on the construction of car parks at railway stations. I may well be wrong, but my understanding is that since the Fahey Government left office very few new car parking stations have been constructed in the metropolitan area.

The closest car parking station to my electorate—which is located at Seven Hills railway station, which is probably also the closest railway station to my electorate—is in complete disarray. Constituents complain to me that their motor vehicles are vandalised when left at that parking facility. People are very apprehensive about parking there. Security cameras or any other type of monitoring device are non-existent. This Labor Government has decided that a car parking levy is a wonderful way to raise revenue. The bill is simply a grab for the dollar from the poor people who have to park their motor vehicles in parking stations. It is interesting to note that most of the people who park their motor vehicles in parking stations do so because no public transport alternatives are available to them. People who live in the Baulkham Hills and Castle Hill areas do not have public transport facilities, other than buses and taxis.

Mr McBride: Well, you couldn't very well expect them to have ferries, could you?

Mr MERTON: They have absolutely no public transport facilities. They have to use their own motor vehicles. And now, because they are forced to drive to work, they will have to pay an additional parking levy. The Government has not thought this though. It has not got to the nuts and bolts of the matter. Who will pay the $400 levy and who will pay the $800 levy? As I understand the provisions in the bill, any person who works in an office block in Parramatta and who happens to have a car space—and most of these people are tenants or lessees—will have to pay an additional $400 for his or her car space. People in the city will have to pay $800 per car space. It will be the commuters and those whom the Labor Party purports to represent who will pay the $400 levy.

If honourable members opposite think it will be the so-called wealthy property owners who will pay the levy, they should think again. It will be the battler who will be hit by the Labor Party's grab for the dollar. That is what this bill is about. One has to wonder about the intentions of the Government. When the levy was first mooted there was talk about registered club patrons having to pay for parking spaces. The Minister at the time reversed his position and announced that registered clubs would be exempt. However, our very competent shadow transport Minister advises that the Kirribilli ex-services club will have to pay the levy. In theory the concept seems wonderful but in reality it is nothing more than yet another siphon introduced by the Government to suck money from the public for general revenue purposes.

Mr R. H. L. Smith: And it is subject to CPI increases.

Mr MERTON: And as the honourable member for Bega, another very competent member of this Chamber, indicated, the legislation will impose a levy of $400 on areas outside the Sydney and North Sydney CBDs and a levy of $800 on the Sydney and North Sydney CBDs that will be subject to consumer price index [CPI] increases. Every time the CPI goes up, up goes the whammy! What the Government is doing here is very much like what it did with the 3 x 3 fuel levy. When the Coalition was in government it introduced the 3 x 3 levy, and every cent raised under that measure went to improving the roads of New South Wales.

In fact the Coalition Government set up a trustee arrangement under which NRMA representatives policed the scheme to ensure that every cent raised would be directed to road improvements and not to some other cause. But in 1995, when the Labor Party was elected to office, it looked at the 3 x 3 levy and said, "Hang on! Here's a good source of revenue to use for other things." It introduced into this Parliament legislation to enable the 3 x 3 levy to be used for other purposes. The Coalition Opposition opposed that legislation, which enabled moneys raised by the levy to be used for bus shelters, bicycle racks and so on. Those were admirable concepts, but that Labor legislation defeated the fundamental purpose and spirit of the Coalition legislation.

The principal legislation introduced under the Fahey Government by that excellent Minister for Transport, the Hon. Bruce Baird, who now serves in an exemplary fashion as the Federal member for Cook, embodied a good idea and it was great legislation. It imposed a levy, but that was intended for the development of carparking stations, so that commuters could park at stations and take a train. That encouraged them to use public transport. Under Labor's legislation, the money raised is not being used to build carparking stations. The carparking station at Seven Hills is a disgrace. Those leaving their cars there should be entitled to danger money! I challenged the present Minister for Transport to park the ministerial Caprice there overnight. I assure the Minister that if he did he would not be driving that car away next morning such is the rack and ruin at the Seven Hills car park.

My good friend the honourable member for Blacktown, who is not as resplendent today as he was yesterday when he wore that magnificent coat, is looking at me but not arguing with me, because many of his constituents use the Seven Hills car park. The honourable member for Coogee is seeking to interject. What a fine man he is. However, this scheme extends to Bondi Junction, which is on his doorstep. I reckon he will be next. I can imagine this Government's reaction after setting up $400 car spaces at Bondi Junction, Chatswood, Parramatta and St Leonards, with $800 car spaces in the central business district of North Sydney.

When all this money starts to roll in the Government will say, "What about good old Bankstown? What about Penrith? What about Blacktown? What about Liverpool?" I hope the honourable member for Blacktown will cross the floor when there is a similar proposal for Blacktown. I advise him to get ready because it will affect Blacktown eventually. The Government will regard this as such a great revenue raiser that it will widen the net to include other suburbs. It is true to say that Liverpool is an opportunity for the raising of considerable revenue through its central business district, as is Penrith. I wonder why the Government has not increased the net. I hope I am not giving the Government bad ideas, because that is the last thing that the Coalition would want to do.

The Opposition is concerned with these carparking provisions relating to the metropolitan area of Sydney. The Fahey Government proudly introduced its legislation to improve carparking facilities for commuters. The Coalition makes no apology for that. It was an unpopular measure at the time, but the Fahey Goverment, a government of commitment, concern and vision, chose to take the political flak that might result from that proposal. But, today, the carpetbaggers are in office. This money will be siphoned off from commuters, and the net is to be further increased. I say to the honourable member for Blacktown: Watch this space, because Blacktown could be next. I say to the honourable member for Coogee: Watch out, they are on your doorstep and knocking on your door when they are at Bondi Junction.

The Opposition does not believe that the bill before the House observes the spirit, integrity and intent of the original legislation introduced by the Fahey Goverment in 1992. Funds from carparking levies should be applied directly and specifically to providing car parking spaces for commuters, to encourage them to leave their cars at local suburban railway stations and use public transport. The Opposition opposes this bill. It is just another revenue grab by a Government that is anxious to maximise its revenue. At the end of the day it will not be the owners of multistorey buildings or so-called wealthy property owners who will pay this levy; it will be paid by the people who have leases in the building and who pay for the car spaces. This will be yet another expenditure for them. Those who park their cars at Bondi Junction, Chatswood, Parramatta and St Leonards will pay something like $ 8 or $10 a week extra, and that will be added to the rent. Of course, if the boss has to pay extra, then the employees' packages are adjusted. Therefore, at the end of the day it will be the battlers, the people that Labor purports to represent, who will pay the extra parking fees.

This is bad legislation. The Government had all the opportunities in the world to do something to improve the lot of commuters. Again, it has failed. The railway services are such that the Government has a dreadful hide to introduce this levy. We have just gone through a period of two derailments in one week, a couple of accidents, a train going in the wrong direction between Central and Redfern, and a person injured in a train accident at Cronulla. State Rail, as I have said before, has a reputation of having more skips than Skippy the bush kangaroo; it skips 49 stations a day, on average. That is simply not good enough. When the Government has a reasonable and responsible system for rail commuters, then it might talk about increasing carparking levies.

Debate adjourned on motion by Mr Face.

NEW SOUTH WALES LOTTERIES CORPORATISATION AMENDMENT BILL

Second Reading

Debate resumed from 3 May.

Mr OAKESHOTT (Port Macquarie) [10.37 p.m.]: The Coalition does not oppose the New South Wales Lotteries Corporatisation Amendment Bill, but will make some points about both the legislation and the Minister's second reading speech. The object of the bill is to amend the New South Wales Lotteries Corporatisation Act 1996 so as to alter the corporate governance structure of the New South Wales Lotteries Corporation. We are told that the proposed structure will clarify the accountability of the board of directors to the voting shareholders of the corporation, those being the Treasure and another Minister appointed by the Premier as shareholder—so we will take that to be the Treasurer and the Premier—and of the chief executive officer to the board of directors.

We are told that the proposed structure is similar to those of energy services corporations under the Energy Services Corporations Act 1995. There are certainly some fine examples of corporate bodies that can be compared with so many of the energy companies that we see in operation in New South Wales today. The proposed amendments provide that the voting shareholders of the corporation—that being the Treasurer and the Premier—rather than the Governor on the recommendation of the shareholders, are to appoint the directors of the corporation. The voting shareholders—being the Treasurer and the Premier—may remove a director at any time for any or no reason. The chief executive officer is to be appointed by the Board of Directors after consultation with the voting shareholders—that is, the Treasurer and the Premier—rather than by the Governor on the recommendation of the Minister administering the Act.

The board of directors, rather than the Minister administering the Act, may fix the conditions of employment of the chief executive officer after consultation with the voting shareholders—that is, the Premier and the Treasurer. The board of directors, rather than the Minister administering the Act, is to fix the remuneration of the chief executive officer. The chief executive officer may be removed by the board of directors, rather than by the Governor on the recommendation of the Minister administering the Act, at any time for any or no reason, but only after consultation with the voting shareholders—that is, the Treasurer and the Premier. In the absence or illness of the chief executive officer, an acting chief executive officer may be appointed by the board of directors, rather than by the Minister administering the Act.

In his second reading speech the Minister said he will maintain ultimate responsibility for this corporation. However, a layman reading the explanatory note to the bill would realise that this measure is a further example of Treasury taking a greater influence and role in the management of racing and gaming in New South Wales. In the seven changes to the corporate governance of the New South Wales Lotteries Corporation can be seen the greater involvement and influence of the Treasurer and the Premier, as the voting shareholders, over and above the role of the Minister. Indeed, in many instances there is devolution of the Minister’s role in this area of his portfolio.

The Coalition will be keeping a close eye on this area of his portfolio to determine whether this measure is an example of clarifying ambiguity or a further devolution of authority within the Department of Gaming and Racing. An example of the influence of others within the Department of Gaming and Racing can be seen in the role the Labor Council is playing in the selection of the board of directors. Schedule 1 states that the board of directors is to consist of the chief executive officer and one director appointed by the voting shareholders—the Treasurer and the Premier—on the recommendation of a selection committee comprising two persons nominated by the portfolio Minister, which is commendable, and also two persons nominated by the Labor Council of New South Wales.

The Labor Council of New South Wales will have as much input into the process as the Minister. I question the Minister's comment in his second reading speech about his maintaining ultimate responsibility for his portfolio area. Schedule 1 states further that the director appointed from the persons nominated must be a person selected by the committee from a panel of three persons nominated by the Labor Council. The board is to consist also of at least two and not more than five other directors to be appointed by the voting shareholders, that is, the Treasurer and the Premier, at their discretion. That point is not lost on any of us.

New South Wales Lotteries was one of the first corporate bodies in New South Wales and is one of the early examples of the activities of a Government that is promoting corporate bodies in its governance of New South Wales. This legislation is a clear example of the Government—in particular the portfolio Minister and the Department of Gaming and Racing in this instance—stepping away from portfolio accountability. Gaming and racing is being handed over not only to Treasury and the Premier but also to the Labor Council of New South Wales. In light of other issues that have been discussed in this House over the last month or two, to do with accountability, transparency and responsibility by particular portfolio Ministers, particularly the Minister for Gaming and Racing, the bill is further evidence of a Minister and the Government stepping away from portfolio responsibilities.

Mr FACE (Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.44 a.m.], in reply: I thank the honourable member for Port Macquarie for his contribution. This bill certainly does not have the sinister overtones he implies. It is certainly not breaking down any barriers, as he put it. Given that the power to determine appointment and removal of the chief executive officer [CEO] of the corporation will shift from the portfolio Minister to the board, what action can the Government take to remove the CEO if that step becomes necessary? Previously, the Governor, on the recommendation of the portfolio Minister, could remove the CEO for any reason and without notice. However, such removal could only be effected if the recommendation was first put by the board. The proposed changes streamline this process, and there is nothing sinister in it.

The bill further recognises that the board can only be held fully accountable for the organisation's performance and operations if its authority is matched by the power to choose and, if necessary, at any time and for a reason, remove the CEO. Any proposal to remove the CEO from office can be executed only in consultation with the voting shareholders, that is, the Treasurer and the Minister appointed by the Premier as a shareholder to act on behalf of the Government. This is quite appropriate, given that the board has prime responsibility to its shareholders. That is what corporatisation is about. Furthermore, the board's clearer lines of accountability to its shareholders will ensure that the Government's interest is strengthened and protected.

If the proposed model of governance of the New South Wales Lotteries Corporation is superior, why not adopt this approach for other State-owned corporations? I believe the honourable member for Port Macquarie also alluded to that possibility. No doubt the corporation governing structure already implemented in some boards and now proposed for the New South Wales Lotteries Corporation reflects the best-practice arrangements relevant to the commercial operations of those organisations. Despite what the honourable member for Port Macquarie might suggest, Treasury has an ongoing role in monitoring compliance with the provisions of the State Owned Corporations Act 1989, legislation enacted by a government of his political persuasion. That ongoing role includes reviewing of the operations of boards of various corporations established under that Act to ensure they are fulfilling their statutory responsibilities. Treasury will continue to consider whether the application of the best-practice framework is relevant and appropriate to improve corporate governance arrangements in governing powers.

New South Wales Lotteries is an organisation of excellence. Over the years changes have been made to its structure. The first major change occurred when I was in opposition and, from memory, the responsible Minister was Mr Causley. That change took the organisation one step closer on the corporatisation path to becoming a commercially orientated organisation. Then in 1997 our Government took the further step and had the corporation fully corporatised. For those not familiar with New South Wales Lotteries, it is an old organisation that began operating New South Wales on 20 July 1931—almost 69 years ago. That happened at the height of the Great Depression and was intended to assist the government of the day to meet what was then a major shortfall in hospital funding. That urban myth has since grown.

I receive a couple of letters every month asking why the Government does not put all the money from lotteries into hospitals, as that was the original intention of the legislation. According to my research, I understand that never was the case. That idea reflected the spirit of the time, but somehow it was scuttled in Parliament. Money derived from lotteries was intended for hospital funding, but in fact it went to consolidated

revenue, where it always has gone. I have said to some people that, whilst a substantial amount of money was derived each year from the profits of lotteries, today that amount of money would probably not pay the power bills for hospitals in New South Wales, such is the expenditure on public hospitals throughout this State. In those intervening years New South Wales Lotteries has made a major contribution to a range of community projects. When people criticise gaming they should remember that, over a long period, the money derived from lotteries has been used to complete a number of essential government works. As I said earlier, those works have included hospitals.

Through a series of lotteries between 1957 and 1986 New South Wales Lotteries helped to realise a national dream—the Sydney Opera House. It culminated in the official opening in 1973 of what has become known as one of the world's best-known and attractive modern buildings. This year the Sydney Opera House takes pride of place on the cover of the New South Wales Lotteries' annual report. It serves as an appropriate backdrop for the New South Wales Lotteries Lotto ferry as it sails by in the spectacular Australia Day Ferrython, which is held annually in Sydney Harbour as part of the Sydney Festival. New South Wales Lotteries has come a long way from the time when it first became a government agency. It moved into the commercial sector and later it was corporatised. That enabled it to operate in the marketplace in a market-oriented way. It was not governed by some budgetary line item which restricted its operations and its ability to advertise. In 1931 New South Wales Lotteries was able to sell only one product—from memory a five shilling lottery ticket, which at that time was worth about £5,000—from a solitary outlet in Castlereagh Street.

New South Wales Lotteries has grown to become a highly successful and major business enterprise. Over the years total revenue of almost $4 billion has been generated for the Government. That confirms my earlier comments about the amount of money that has been poured into this State to carry out good works. That result has been achieved with integrity and by utilising one of the largest and most reliable computerised selling networks in the lottery industry. Over recent years lotteries in western countries have experienced declining fortunes or declining revenue streams. However, New South Wales Lotteries has operated in a market-oriented way, through what is called player interest, by selling a range of products, including scratch lotteries. To date the fortunes of New South Wales Lotteries have not flagged as have the fortunes of many other agencies in both Australia and overseas.

Today New South Wales Lotteries is the largest lottery retailer in Australia, with 1,643 small businesses selling products in all major regional centres and towns throughout the State. This highly accessible retail network is supported by the purpose-built computer operations centre located at Homebush Bay, which operates on a 24-hour basis, seven days a week. It has taken some time for New South Wales Lotteries to effect its move to the purpose-built operations centre at Homebush Bay. In the time of the previous Labor Government it transferred its operations to Burwood. At that time it was considered quite adventurous for a major government agency to locate its operations at Burwood. Today no-one would think anything of it.

Nevertheless, the Burwood site served it well after it had operated from a variety of locations in the Sydney central business district. This legislation is a further step towards ensuring that the operations of New South Wales Lotteries are cushioned with the construction of this special building at Homebush Bay, which houses all sorts of back-up generators and the like to ensure the continued operations of the organisation. New South Wales Lotteries, as a State-owned corporation since 1 January 1997, is the only major operator in the State's gaming and wagering industry which is fully government owned. The TAB has been privatised and no other agencies are fully government owned.

Fiscal 1999 represented the eleventh successive year of record sales and record returns to the people of New South Wales. That confirms what I said earlier about New South Wales Lotteries being able to maintain its share in the marketplace against quite considerable odds. That achievement is unequalled by any other lottery operator in Australia and it is a sound source of revenue for many community projects in New South Wales. Bonita Boezeman and a number of other distinguished people comprise the current board. Denis McCormack was appointed in 1997; Janet Good is the Labor Council representative; Lynn Wood is a board member; and John Bagshaw is Chairman. The Chief Executive Officer, Michael Howell, who has been involved in lotteries for a considerable period is very efficient in everything he does.

To give honourable members an idea of the corporate governance framework of lotteries, New South Wales Lotteries has split the duties of various people on the board. It now has a marketing committee, which is essential to maintain its flow of business, and it has a good audit committee. It has an information technology committee, which ensures that it is at the edge of technology in a competitive marketplace, and it has a human resources and remuneration committee. All those committees are chaired by people with relevant expertise. I

thank the honourable member for Port Macquarie for his contribution to debate on the bill. There is nothing sinister in what the Government is doing; the Government had good reason for introducing this legislation. It was necessary for me to give honourable members a history of the operations of New South Wales Lotteries and to explain its current position in today's marketplace. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

STATE EMERGENCY AND RESCUE MANAGEMENT AMENDMENT BILL

Bill introduced and read a first time

Second Reading

Mr DEBUS (Blue Mountains—Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts [10.59 a.m.]: I move:

That this bill be now read a second time.

The State Emergency and Rescue Management Act 1989 was enacted by the previous Government following a review of the rescue and emergency management arrangements in this State. That review, conducted by a former head of the Australian Federal Police, Major General Ron Grey, was commissioned by the Hon. George Paciullo when he was Minister for Police and Emergency Services. The legislation set in place a formal framework of emergency management and rescue arrangements in the State and was a testament to the bipartisan position usually taken to the important task of assisting the community in a time of adversity.

The legislation required the emergency management committees at State, police district and local government level to prepare disaster plans that addressed the particular hazards that were deemed to exist in their area. These plans set out the responsibility of each of the combat agencies and functional areas that would be required to respond to that particular hazard. The process has been very successful and credit for that success can be attributed to the sensible decision to vest the chairmanship of the district committees with the Police Service. This meant that at a senior operational level, the level where the majority of serious emergencies are handled, the senior police officer was intimately involved in the formulation of the required plans and ensuring that they were exercised and maintained.

With the development of this system, however, a perception grew in some areas that if an emergency reached a particular threshold the police officer, as the emergency operations controller, would automatically assume control of the response operation. This perception existed despite the fact that the State Disaster Plan [DISPLAN] clearly set out in its concept of operations the combat agencies nominated in relation to particular types of emergencies. Not only are those responsibilities set out in DISPLAN, they are of course, embedded in the combat agency’s parent legislation.

I refer of course to the responsibility of the New South Wales Fire Brigades to respond to fires within fire districts and hazardous materials incidents throughout the State; the responsibility of the Rural Fire Service for response to bushfires; the responsibility of the State Emergency Service for response to floods and storms and the responsibility of the Department of Agriculture to respond to animal health emergencies. During the response to the hailstorms that devastated the eastern suburbs of Sydney last year, some questioned the control arrangements. The State Emergency Operations Controller, Deputy Police Commissioner Jeff Jarratt, following a debrief that he conducted into the response operations, wrote to me recommending that the matter should be clarified in the legislation.

The confusion, it seems, arose from the wording of the current Act which did not talk about control of response operations by combat agencies, rather referring to "being primarily responsible for responding". Similarly when addressing the responsibilities of emergency operations controllers at all levels, the Act refers to them "controlling … the allocation of resources in response to an emergency". The inference was drawn that any emergency, as defined in the Act, that required a significant and co-ordinated response, must be controlled by the emergency operations controller. But that is unworkable. Such a proposition would have the emergency operations controllers taking the control of the allocation of resources in, say, the case of a serious bushfire rather than the officer nominated to control the response by the Rural Fire Service.

This was not the intention of the legislation and was not seriously proposed by people within the emergency management structure, least of all the Police Service. It was recognised, however, that in certain circumstances it might be desirable for the emergency operations controller, or some other nominated officer, to

take on the overall control of response operations to a particular emergency. This Act was last amended in detail in 1995 so the opportunity has been taken to have the Act reviewed by the State Emergency Management Committee and the State Rescue Board to address minor changes that they consider now need to be made to preserve the currency of the legislation.

This bill sets out a package of amendments that will clarify the important aspects in relation to control of response to emergencies as well as ensuring that certain other provisions of the Act are brought into line with current practice and requirements. To achieve the major aim, the bill proposes to firstly amend the existing definition of "combat agency" to make it clear that the combat agency has primary responsibility for controlling the response to a particular emergency. The bill then amends the responsibilities of emergency operations controllers at State, district and local levels to make it clear that, where no combat agency is nominated, the emergency operations controller will control the response to an emergency. The amendment does not preclude the emergency operations controllers from taking control or co-ordinating elements of support at the request of a combat agency.

Most importantly, the amendment provides a mechanism should the emergency operations controller at any level have a concern about the control of a particular operation. In such a case the relevant operations controller may raise the matter with the State Emergency Operations Controller. The matter may then be settled in consultation with the head of the relevant combat agency or, where there is disagreement, by the direction of the Minister. The bill further seeks to amend the emergency management elements of the Act by ensuring that it is clear that the term "emergency" also applies to events that endanger the safety and health of animals, the environment and property.

The other amendments dealing with emergency management are routine and correct anomalies that exist in the Act. The bill also makes some amendments to part 3 of the Act, dealing with rescue management. Most importantly, the bill seeks to make it clear that the maintenance of an efficient and effective rescue service throughout the State is the principal function of the State Rescue Board. In doing so, the amendment will remove any implication that the board would control the operations of the rescue services provided by the rescue agencies. It also seeks to bring the specific duties of the board into line with the functions as they are currently exercised.

The bill also seeks to remove the responsibility of establishing rescue committees at district and local levels from the relevant emergency management committees and make it clear that the rescue committees are subject to the control and direction of the State Rescue Board. Again the remaining amendments are routine and seek to bring the provisions into line with current practice. In the 10 years that the State Emergency and Rescue Management Act has been in place, there has been a dramatic improvement in the preparedness of this State to deal with emergencies. This I believe is most amply demonstrated by comparing the response and recovery operations to the hailstorms in Auburn of 1990 and in the eastern suburbs in 1999.

The response operations for last year's devastating hailstorm, affecting 20,000 properties, were completed in the same amount of time that it took to respond to the 2,000 homes damaged in the 1990 Auburn hailstorms, a mere one-tenth of the number of homes affected last year. The feature of the recovery operations last year was the establishment of the task force to oversee the permanent repair of houses. This was unthought of in 1990. This bill seeks to clarify and update the provisions of the State Emergency and Rescue Management Act to ensure that this State remains at the forefront in the provision of emergency services to the community. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

APPROPRIATION BILL
APPROPRIATION (PARLIAMENT) BILL
APPROPRIATION (SPECIAL OFFICES) BILL
APPROPRIATION (FURTHER BUDGET VARIATIONS) BILL
STATE REVENUE LEGISLATION AMENDMENT BILL
UNCLAIMED MONEY AMENDMENT BILL
Second Reading

Debate resumed from 23 May.

Mr GIBSON (Blacktown) [11.09 a.m.]: I am pleased to speak to the State budget that was delivered by the Treasurer in this Chamber yesterday afternoon. He called it a prudent budget. I believe it is more than that: it

is a futuristic budget. It gives a futuristic slant to New South Wales and consolidates our future. It also consolidates our time in government over the last six years. It is the right budget at the right time. The budget has been very fiscally responsible, in the spirit of the McKell Government and most Labor governments since, particularly this Labor Government, which I am proud to be a part of. Our fiscal responsibility is the reason New South Wales still has a triple-A credit rating, even with the meltdown in Asia and other events over the past few years. Because of the Government's sound fiscal management New South Wales has the lowest unemployment rate of any State and has the greatest building program the nation has ever seen. For seven years the former Coalition Government could not manage a surplus.

This budget is the truest indication that the Carr Labor Government has paid its way during its time in office. The budget provides a surplus of $393 million, a magnificent record. From 1962 only two governments have had a surplus. This is the fourth time since Labor came to office that it has had a surplus. This Government is the only government in the history of this State to achieve two surpluses in a row and during that time it has managed to pay $7 billion off its debt. That equates to $1,000 for every man, woman and child in New South Wales today and speaks volumes for the Government's financial management. Look at the big picture: The Government has paid for the Olympics along the way. Imagine the surplus if that had not been done! Last year a surplus of $214 million was budgeted for, and this year it is a magnificent $393 million—a great result for a hardworking Labor Government. The people of New South Wales appreciate this, as the opinion polls show. In 1999 the average wage for the average worker was $640 and this year it is $660, the best result of any State in Australia today.

The Olympics story should be told many times over. The Government has managed to pay its way, and it has put $1 billion more than any other government into education and health, every portfolio has received a mammoth increase in funding, and still it has paid for the Olympics. Unlike previous governments which left a legacy of debt for the next generation, such as the Snowy Mountains scheme and the Sydney Harbour Bridge, this Government has elected to bite the bullet and pay for the Olympic Games along the way. Today a cheque for more than $600,000 for the Ryde aquatic centre will be paid to cover the final Olympic debt. The Olympics will have untold value for this nation. I had the pleasure of visiting Atlanta and Barcelona many years after their Olympic Games. More business is being carried out now than during the Olympic Games, and I am sure the same will apply in Sydney.

This is a magnificent budget for western Sydney, which has 14 local council areas, 1.7 million people and 72,000 firms, and is growing on a daily basis. Western Sydney schools and TAFE colleges have received an increase of $1.7 billion; new and ongoing health services have received $1.2 billion; $290 million has been put aside for public transport and roads; $261 million for housing, family, and child and community services; $218 million for police and public safety; and a mammoth $121 million for regional parks, waste and other environmental initiatives. The people of western Sydney appreciate this funding, and that appreciation will be reflected at the next State election.

The goods and services tax [GST] to be introduced on 1 July will not help this budget. It does not provide a revenue windfall for New South Wales. The New South Wales budget will not break even from GST changes until mid-2007, and that is a long way off. Until then the Commonwealth will have to provide annual top-up payments to maintain the New South Wales budget in the position it would have been without the GST and will need to give New South Wales around $4.5 billion. In the first year the GST top-up will be $948 million and the following year $1,287 million. However, New South Wales families spend $1.3 billion to look after the smaller States at a cost to each person in New South Wales of about $200. New South Wales will raise 37 per cent of the GST revenue but will receive only 30 per cent of that revenue back in Commonwealth payments. In 2000-01 New South Wales will send $1.7 billion to Queensland, South Australia, Tasmania and the Northern Territory. That is a whopping $261 for every man, woman and child living in New South Wales today, whereas previously the subsidy was only $200.

One out of every 80 Australians lives in my electorate. That is a staggering figure. Blacktown city has the largest Aboriginal and Torres Strait Islander population in the State, with a total population of 5,240. More than 57,000 residents, 27.2 per cent of the population of Blacktown, speak a language other than English. There are more than 30 nationalities in my electorate, which speak more than 40 different languages. This diverse electorate was looking to the State budget to provide the necessary relief, and it was not disappointed. The Government will spend $20 million this year on important capital works for the Blacktown electorate and will support more than 300 jobs. Capital works projects in Blacktown include $148,000 for commencement of work on the Marayong South Public School; $25,000 for new equipment for the local State Emergency Service units; $568,000 for road safety initiatives, including $17,000 for upgrading signals on the Great Western Highway at Flushcombe Road, and $37,000 for school crossing supervisors.

Over the next four years the Carr Government will spend $21 billion on capital works across New South Wales, an increase of $3.2 billion on the past four years. The first home buyers package announced by the Treasurer yesterday received considerable airspace on the radio this morning. First home buyers will be exempt from stamp duty on the cost of a home up to $200,000. The question asked on radio this morning was: Where would one buy a house for $200,000 in Sydney? Anyone who goes bush or comes out to western Sydney will find plenty of houses for under $200,000. In my electorate home buyers can buy a nice three-bedroom home for less than that. In fact, figures I received this morning show that last year 74 per cent of first home buyers purchased homes that were approximately $200,000 to $300,000, so this stamp duty exemption is a great initiative for my electorate. In fact, a real estate agent rang me this morning and said this was the best initiative for home buyers he had seen in the 27 years that he had been in the business.

For the next financial year $330,000 has been allocated for planning the Parramatta-Blacktown, Parramatta-Castle Hill and Blacktown-Wetherill Park transitways, as well as the western Sydney orbital. That is very important to the people of Blacktown, who have been waiting a long time for these facilities. Work has not yet started, but the planning process must begin before the projects can commence. When these projects become a reality, Blacktown will be the hub of those transitways and will form an important part of the structure of the transport systems in western Sydney. I note that the budget puts aside another $51,500 for miscellaneous acquisitions planning, investigations and finalisations. That is much appreciated. We will get $820,050 under the infrastructure maintenance program, which is an increase on last year's allocation.

The Great Western Highway and Flushcombe Road upgrade signals will receive $17,500 in this budget. In addition, other safety work will be carried out, making a total allocation of $568,110. The regional roads block grant for traffic facilities in Blacktown is a mammoth $71,990. The amount of $37,000 will be allocated for school crossings, and $40,000 for traffic signal reconstruction at Bungaribee and Walters roads in Blacktown. Some $75,000 has been allocated for a roadside processor for the M4. Combined with other works, that expenditure totals $539,590. Blacktown City Council will receive a total block grant allocation of $19,599,000 in this year's budget. That sum is much appreciated by the council, and the money will be put to good use for the people of Blacktown.

The health budget has increased by $414 million for services and $472 million for the construction and rebuilding of hospitals. The health budget for 2000-01 is a record $7.4 billion in recurrent expenditure alone—6.9 per cent more than the 1999-2000 budget. Health is now the Carr Government's biggest area of spending, and it is ploughing close to a quarter of the State's total budget into health. That is necessary because people's expectations regarding health care today are very high. As more people leave private health funds, added pressure is applied to public health systems, and we must cater for that development. The magnificent new hospital in Blacktown—which received funding in last year's budget—is about to open. That hospital redevelopment received a mammoth $97 million and it has resulted in one of the finest hospitals to be found anywhere in Australia.

Funding for new homes and for improving government housing subsidies in the Blacktown electorate is an important part of this year's budget. The Government will build or buy 21 new homes for people in need in the Blacktown area, which represents an investment of $3.2 million, and lease extra homes for subsidised housing. Some $32.5 million will be spent in the region this year on improving public housing and renewing communities. Almost 100,000 people are on the waiting list for public housing, so this is a great initiative. There is never enough money; I would like to find homes for all of those on the public housing waiting list, but no government will ever have enough funds. We must simply do the best we can.

The New South Wales Government will spend more than $1.2 million this year on major new works at Marayong South Public School and at Blacktown TAFE, which will help to deliver better education to local students. Marayong South Public School will receive $1.7 million for a stage two upgrade over three years. Work includes the redevelopment of the school hall, canteen, a covered outdoor learning area, administration facilities, a library and staff room as well as student amenities in a mix of new and upgraded accommodation. Blacktown TAFE will also be reconstructed. An allocation of $1.05 million this year will turn facilities previously used for building and construction courses into business studies, apparel manufacturing and staff office facilities. Such work is badly needed in the Blacktown electorate.

The speed at which Sydney has built the top-class Olympic venues has set a new world record. I have been fortunate to visit Olympic venues in Barcelona and Atlanta, and I assure honourable members that the facilities in Sydney are the best of any city that has staged an Olympic Games. I believe that we will deliver the greatest Olympics the world has ever seen. I remind honourable members that the last Olympics cheque was

paid today. The Blacktown electorate is especially fortunate to have the Blacktown Olympic Centre, which took less than 12 months to build— the prescribed time— and which came in under budget, at a cost of a mammoth $31 million. It is a great venue from which the people of Blacktown will derive benefits after the Olympics. It our legacy from the Olympics, and a venue that that part of western Sydney has needed for a long time.

The provision of services for disabled people is another area close to our hearts. An extra $10 million has been allocated for 3,000 voluntary carers and an extra $21.5 million has been allocated for home and community care. The Government has devoted an extra $65.2 million to programs for the Ageing and Disability Department and $25.4 million for accommodation. We are also concerned about the homeless—an issue that has had a good run in the news today. Some 28,000 people in New South Wales are homeless—and there, but for the grace of God, go all of us. The Government and the Parliament must examine that problem as it is not right for so many people to be homeless in such a rich State and country. I will push this issue over the next 12 months in the hope that we can reach some sort of solution and help and care for those who have not received the best breaks in life.

The Government has introduced a package to assist first home buyers, which I am certain will be appreciated very much by the people of New South Wales, not only Sydney. When budgets are delivered, it is often thought that they apply only to Sydney. However, this budget is aimed at rural areas, and I am sure that country New South Wales is beginning to think this is a government not only for Labor voters but for all people. This Government is really helping the bush. Let us compare the Government's assistance for first home buyers with the plight of the 1,049 residents who live in permanent residential caravan parks in Blacktown. We have removed $200,000 purchases from stamp duty for first home buyers.

When the Federal Government's goods and services tax [GST] comes into effect, the 1,049 residents living in residential parks in my electorate will be hit. Those living on the North Shore of Sydney in some of the most luxurious houses in the world will not pay GST on their accommodation, but the poorest people—such as the 1,049 permanent residential park residents in Blacktown—will have to cough up an extra 5 per cent under the GST. It is amazing to think that some of the poorest families will be slugged an extra $234 in rent each year as a result of the GST. It is a good idea to examine this budget and compare what this Government is doing for first home buyers with what the Federal Government's GST will do for those who live in caravan parks. First home buyers, whether rich or poor, will be exempted from stamp duty, which amounts to a saving of more than $6,000. That is a credit to the State Government. It is with pleasure that I support the Treasurer and the Government in this budget. It is the right time for this budget, which is a budget for the people of New South Wales—a fact that will be reflected in the reception it is given.

Debate adjourned on motion by Mr R. H. L. Smith.

REAL PROPERTY AMENDMENT (COMPENSATION) BILL

Second Reading

Debate resumed from 3 May.

Mr D. L. PAGE (Ballina) [11.30 a.m.]: I lead for the Opposition in the debate on this bill. At the outset I indicate that the Opposition acknowledges that the bill contains many positive provisions. Although we have some concerns about the bill we will not oppose it. I acknowledge the presence in the gallery of representatives from the Land Titles Office and thank them for the briefing they provided to me regarding the detail of the legislation. The Real Property Act 1900 established a scheme to compensate persons who, through no fault of their own, lose land or an interest in land and cannot recover that land because the Act operates to guarantee the title of persons recorded in the register. Compensation is paid from a fund called the Torrens Assurance Fund and is financed by a levy paid out of the fee paid to register a transaction in the Land Titles Office.

The present compensation provisions have been criticised as being unclear, making it difficult to determine whether any particular person is entitled to compensation in any event. The amendments contained in the bill are based upon the New South Wales Law Reform Commission Report No. 76 of 1996, which was entitled "Torrens Title: Compensation for Loss". One aspect of this bill goes beyond that report, and that deals with exemptions relating to parcels of land which have been largely the result of the input and practical experience of the Land Titles Office. I acknowledge the contribution of that office to the legislation. The bill amends the Real Property Act 1900 to enable persons who are deprived of land or who otherwise suffer loss as a

consequence of the operation of the Act to make a claim for compensation against the Torrens Assurance Fund directly rather than, as is presently the case, generally restricting the payment of compensation from that fund to circumstances in which other legal remedies have been exhausted.

On a positive note, the bill clarifies the circumstances under which compensation claims can and cannot be made. The bill specifies those instances where loss is not compensable by a claim against the fund and includes new exclusions relating to loss resulting from the acts or negligence of the claimant; loss resulting from an error in the area of a parcel of land; and where, as a consequence of any fraudulent, wilful or negligent act or omission by any solicitor, licensed conveyancer or real estate agent, the claim is compensable under an indemnity given by a professional indemnity insurer. That is an important provision and I will address the details of it later. The bill limits compensation under the fund to $100,000 unless the Minister exercises his or her discretion to pay more, and I will comment on that further. The bill clearly defines the rights of the Registrar General to recover from other persons wholly or partly responsible for the loss. So the concept of contributory negligence is contained within the bill.

The bill establishes administrative procedures to expedite the determination of claims and authorises the Minister to pay a claim that would otherwise be excluded by the provisions of the Act where, in all of the circumstances of the case, the Minister considers it fair and just to do so. That is a good provision. The bill enables determination of a limitation period within which a claim against the fund must be made: the bill refers to a six-year period. The bill also requires the Registrar General to provide to a dissatisfied person reasons for his or her decision. That is also a good provision. A person dissatisfied with a decision of the Registrar General may apply to the Supreme Court for a review of the decision. This provision does not apply to the determination of a boundary.

In general, the legislation clarifies and improves the existing legislation, in that compensation will be more readily available to those for whom it is justified. Less litigation will be necessary to gain access to the fund. The Opposition has some concerns about the impact of new section 129 (2), which deals with exemptions. The new section outlines circumstances in which people will not be able to make a claim against the fund. Some of those exemptions could potentially erode public confidence in the Torrens title system, and we do not want that to happen. Members familiar with land title in New South Wales would understand that we have arguably the best system in the world: the Torrens title system. As legislators, we must be careful not to do anything to undermine public confidence in that system.

The three principles underlying the Torrens title system are, first, that the State must guarantee title; second, that registration conveys an indefeasible title in the estate or interest in the land affected by registration; and, third, that proprietors of registered interests who, through no fault of their own, suffer loss of title should be compensated by the State. Those three principles underlie a good land title system, and we have them in New South Wales. The Opposition is concerned that by creating so many circumstances under which compensation will not be payable, the bill could weaken public confidence in the Torrens title system. For example, under the provisions of the bill compensation is not payable from the fund if the loss was caused by a fraudulent, wilful or negligent act by a solicitor, licensed conveyancer or real estate agent. Sadly, many title frauds will, of course, be committed by people in those groups. Professor Peter Butt spelt out his concerns clearly in a letter dated 3 April, which came to me via the Law Society. The letter stated:

> Under the Bill, compensation is not payable from the fund where the loss was caused by a solicitor, licensed conveyancer, or estate agent. Since many title frauds are perpetrated by professionals of this kind the result will be to deny many worthy claimants access to the fund. Presumably, the rationale behind the Bill is that claimants have the right to proceed directly against these professionals, with an ultimate right to claim against their fidelity fund. However, it would be far better to allow claimants to claim directly against the assurance fund, and then allow the Registrar General to be subrogated to the claim against the professional fidelity fund. That would better reflect the traditional—and proper—role of the fund as providing insurance against loss of title. Also, as a practical matter, the Registrar General is much better resourced to pursue claims against fidelity fund's than are individual claimants.

Professor Butt is saying that it would be preferable if people could seek compensation initially from the fund and then have the Registrar General seek compensation from professionals. I have taken up this matter with Government advisers and they have indicated that there are procedural and practical restrictions relating to the time available to people to make claims against solicitors under their fidelity funds. If one were to approach the Registrar General first rather than the fund, there may be disadvantages under the Legal Profession Act because of the time constraint. I ask the Minister to address that in his response. The argument was put to me that if there is a limited time to seek compensation and people want access to compensation through the fidelity funds, they may be disadvantaged irrespective of whether they go to the Registrar General or not. I understand that that time limit is three months, which is a short period of time. Perhaps it is time the Legal Profession Act was amended to provide for a decent period of time. In many cases fraudulent behaviour does not become apparent until years after the event.

I would appreciate some comment from the Minister on that issue. I understand that the general view taken by the Government is that it is more an issue of process than one of entitlement. From the consumer's point of view, an important concern is access to compensation. If the only reason a person cannot access compensation from the Solicitors Fidelity Fund is a practical one—that being that a person may be disadvantaged in terms of time—the issue of the first course of action to be taken by a complainant needs to be addressed, particularly in light of Professor Butt's comments. Another concern of the Opposition is the upper limit for compensation of $100,000. In his letter Professor Butt said:

> There are also problems with the claims procedure laid down in the Bill. Claims against the fund must first be lodged with the Registrar General. While this may have practical benefits, the Bill precludes the Registrar General from awarding more than $100,000. Presumably, claimants with proper claims in excess of that amount must then take court proceedings. I do not see the reason for limiting the amount to $100,000. It seems far too low. The practical result will be to force many claimants on to potentially expensive and lengthy litigation.

A closer reading of the legislation reveals that $100,000 is the limit available to the Registrar General. However, the size of a claim that can be made by a complainant is not limited. Presumably, the bill seeks to put a limit on the right of a public servant to make funds available to a claimant without ministerial approval. Notwithstanding Professor Butt's comments, a closer reading of the legislation seems to indicate that that is so. That being the case, the Opposition does not oppose that section of the bill. Again, I would seek confirmation from the Minister that that is so.

The third concern relates to that part of the bill that provides that a claim for compensation cannot result from an error in the area of a parcel of land. We would all like to be confident when we buy land that the plan we get from the Registrar General's Office shows the correct boundaries. On my first reading, I thought that section of the bill would mitigate against the legislation as a whole, because one of the fundamental things we look for when buying land is correct boundaries. However, it has been pointed out to me that there are practical difficulties in providing that type of guarantee. The Registrar General's Office relies on professional surveyors to do surveying work. If the Registrar General guaranteed the boundaries and then sought compensation from surveyors at a later date for drawing the boundaries incorrectly, many of the surveyors who drew up the plans decades ago would be deceased. The Registrar General has to rely on the professionalism of the surveyor at the relevant time. If it turns out that the surveyor has not acted professionally, clearly it would be difficult for the taxpayer—that is, the Registrar General—to recover compensation from a deceased person.

The Law Reform Commission basically agrees with the legislation, although it is concerned about the exclusion of the Torrens Assurance Fund from liability for errors relating to the area of a parcel of land. The Government's argument is that as New South Wales has a less-than-perfect State survey system, the fund may be exposed to a multitude of claims for compensation for errors by surveyors. The Government argues that it is not the role of the fund to underwrite the negligence of private surveyors. I consider that to be a reasonable argument. One could argue that the Registrar General could try to recover compensation from surveyors, but, as I have said, there are practical difficulties. The bottom line is that if a purchaser of land is particularly interested in the location of boundaries—for example, a person needing a certain area of land to undertake medium-density development—it would be incumbent upon the purchaser to have the block surveyed.

People often employ professional surveyors to make sure that boundaries are correct. I understand the argument that when the area of the land and its boundaries are critical to a decision to buy, purchasers have a responsibility to ensure that the information the Registrar General's Office provides is accurate. In general, the Opposition is of the view that the bill contains a great many positives. In summary, my main concern is the exclusion of solicitors, real estate agents and licensed conveyancers from liability, bearing in mind the impact of fraudulent behaviour on the part of those professionals on a person's interest in land. That exclusion may lead to a diminution in public confidence in the Torrens system, which, as I have said, is one of the best in the world. I ask the Minister to address the matters I have raised in his reply. His comments will be a determining factor in the decision as to whether the Opposition moves amendments in the upper House.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [11.47 a.m.]: The New South Wales Torrens system of land title is one of the most efficient in the world and provides the people of this State with secure land ownership and a cheap and efficient conveyancing system. The Torrens system is overseen and operated by the New South Wales Land Titles Office. That office is the largest centralised land title registration authority in Australia. It is widely acknowledged as a world leader in land records management and has a proven ability to keep pace with increasing demand for efficient access to land information. International agencies such as the United Nations, the World Bank and the Asian Development Bank acknowledge that land titling, land administration and tenure projects are essential to the economic and social stability of developing nations.

A secure title system is an essential foundation for economic growth and investment. Those funding agencies, together with potential clients, hold the Land Titles Office in high regard because of its application of law, technology and systems of land records administration. In taking advantage of this international standing and acknowledging this State's commitment to exporting public sector skills, the office operates an international land titling and land administration consultancy service on a commercial basis. The Land Titles Office is a key organisation in the whole-of-government approach to integration and provision of land information. Through successful implementation of new practices and technology and innovative legislation for property development, the Land Titles Office continues to serve the needs of New South Wales and has gained a favourable position to provide consultancy services and the expertise necessary to develop land titling systems in other countries.

One important function of the Land Titles Office is the operation of the Torrens Assurance Fund, which meets compensation claims for loss arising out of fraud or office error. The fund is financed by a $2 levy on each dealing lodged. The Torrens Assurance Fund is an essential part of the Torrens system and the State guarantee of title that operates to satisfy community needs and expectations for certainty of title to land. This is achieved by providing secure and responsive land title registration and land information services, and cheap conveyancing systems. As a comparison, the conveyancing costs on a parcel of Torrens land are approximately half of the conveyancing fees that would be charged if the same land parcel was still under common law or old system title.

The Torrens Assurance Fund provides monetary compensation not only to a person who is deprived of land by the operation of the Torrens system, but also to a person who suffers loss through a mistake in the Land Titles Office as a result of an error or omission in the Register of Titles. The Real Property Amendment (Compensation) Bill will modernise and simplify the compensation scheme established under the Real Property Act. It will clarify the rights of parties and establish procedures for the making and determining of claims by an administrative process. This will assist in the efficient determination of claims on the Torrens Assurance Fund and will benefit genuine claimants by expediting the settlement of claims.

There is a real need for these amendments, as the existing provisions have been criticised on a number of occasions by the courts for their lack of clarity. That lack of clarity has also caused difficulty for the Registrar General in determining claims and administering the compensation scheme, which has resulted in delays and additional costs for claimants, as well as increased legal costs and high interest payments. The bill is based upon the recommendations of the Law Reform Commission and addresses the practical difficulties that the Registrar General has encountered in administering the existing claims scheme. However, the bill will not change the underlying principles that have governed the Torrens Assurance Fund since its establishment. In fact, much of the bill merely formalises existing practices and procedures adopted by the Registrar General in operating the present compensation scheme.

In drafting amendments to the provisions of part 14 relating to the Torrens Assurance Fund the opportunity has been taken to repeal and restate in a clearer style many existing provisions dealing with judicial review of the actions of the Registrar General. The bill clearly sets out when compensation is to be payable from the Torrens Assurance Fund. In doing so, all causes of action contained in the existing sections have been carried forward into the new provision. Exceptions to the liability of the Torrens Assurance Fund are clearly stated. For the most part these exceptions are the same as presently exist either in the Real Property Act or under common law. However, the bill introduces a number of new matters. For example, contributory negligence by a claimant will be able to be considered when the liability of the Torrens Assurance Fund is determined.

Claimants will be obliged to take reasonable and prudent steps to mitigate or limit their loss wherever possible, and any benefit that the claimants may have received that relates to the cause of claim will be taken into account. These exceptions makes perfect sense, and serve merely to put the Registrar General, as administrator of the Torrens Assurance Fund, in the same position as any other litigant. The new compensation scheme requires a claimant to attempt to settle the claim by negotiating with the Registrar General before going to court. At the same time the bill incorporates safeguards to ensure that no-one is disadvantaged by this requirement, for example, when litigation must be commenced against other parties.

The Real Property Amendment (Compensation) Bill makes it easier for the Registrar General to administer the compensation scheme, reduce costs and deliver real benefits to claimants, allowing compensation to be paid quickly where appropriate. The bill is a responsible measure that will ensure that the Torrens Assurance Fund continues to provide a sound foundation for the State guarantee of title in New South Wales. In turn, that will contribute to the maintenance of a stable land market that serves as a sound base for investment and economic development in the State. The bill will improve our land title system, which is already envied and

emulated both in Australia and internationally. The amendments will strengthen this area of government responsibility. The Minister has brought forward these amendments, and I congratulate him on them. They will assist all those who are involved in this activity. The best part is that costs will be reduced. I support the bill.

Mr MERTON (Baulkham Hills) [11.55 a.m.]: The Opposition supports the bill. The object of the bill is to amend the Real Property Act 1900 to enable persons who are deprived of land, or who otherwise suffer loss as a consequence of the operation of the Act, to claim compensation against the Torrens Assurance Fund directly. At present the payment of compensation is generally restricted to circumstances in which other legal remedies have been exhausted. The bill also requires persons who attest certain transactions for the purpose of that Act to certify that they have witnessed the execution of those transactions. The Torrens scheme, as it is commonly referred to in New South Wales, is an excellent land titles scheme. It originated in South Australia and was the idea of a person by the name of Torrens; I suppose the river was named after him also.

When the Real Property Act was introduced many lawyers practising in this State breathed a sigh of relief. The days of title deeds consisting of a good root of title that went back 30 or sometimes 50 years suddenly changed. It was not unusual for title deeds to go back to Crown grants. Every conveyance, transaction, mortgage, and dealing on a parcel of land formed part of legal title to that land. If a defective dealing occurred 40, 50 or 80 years ago—if a document were incorrectly signed, a fundamental mistake was made, or there was a problem about the description of the land—the title could be at risk. But the Torrens Title simplified that by introducing the system of registration of interest. The result was one piece of paper.

In the old days two sheets of paper containing a plan sometimes told the owners exactly what the dimensions of their land were. In fact, some of the title deeds from the older parts of Sydney show the old terrace houses. Nevertheless, an important principle had been established. Gone were the days when it was necessary to prove that each individual transaction involving one parcel of land was 100 per cent in order so that 50 or 80 years later one could rightfully claim title to the land. Title deeds deposited in banks often consisted of three or four envelopes full of documents. Some of them were on wax paper and some of them were sealed. The Torrens title system—and the bill deals with that system—did away with all those things.

One piece of paper certified that XYZ was the registered proprietor of a particular parcel of land, subject to any encumbrances. Any mortgage on the property was indicated at the bottom of the document. The introduction of such a complex change to the system of land title inevitably led to some mistakes occurring. The legislation establishing the Torrens title system set up an assurance fund to cover those who might lose out. In those days it was possible for two people to have a title deed to the same parcel of land. The owner of a property in the bush, particularly one that was not lived in, could find that ownership of the same land was claimed by another person. That happened through a process that occurred many years ago. The Assurance Fund would allow one of those people to receive compensation.

Yet in 2000, almost 100 years since the system was set up, we are considering amendments to the Assurance Fund and amendments that deal with compensation claims under the land titles system established under the Real Property Act, or the Torrens system as it is referred to. I congratulate the Minister and his advisers on introducing this important legislation, which clearly sets out the circumstances in which compensation is payable. It refers to acts or omissions of the Registrar General, who is the custodial administrator of all land titles in New South Wales, in the execution or performance of his or her functions and duties. The bill talks about registration of land titles, about any error, misdescription or omission in the registry relating to land, about land having been bought under the provision of the Act and about a person having been deprived of the land or of any estate or interest in the land as a consequence of fraud.

The legislation deals with fraud and with transfers of land, by means of stolen and forged title deeds, to persons who pay money believing that will grant ownership of land. The bill deals also with an error or omission in an official search of land. When someone enters a contract to buy land, the solicitor goes to the Land Titles Office and obtains a search of the land to find out exactly who owns it and what mortgages are on it, to ensure that the person from whom the purchase is being made is the owner. These days, if you are half smart, you can press a couple of buttons and all the information will come out on the computer. The bill provides for any errors or mistakes that appear on that particular search to be covered by the fund.

The bill deals with specific instances when compensation is not payable. Amongst other things, the bill deals with loss or damage which is a consequence of any fraudulent, wilful or negligent act or omission by any solicitor, licensed conveyancer or real estate agent. That is compensable under an indemnity given by a professional indemnity insurer. The bill provides that if a client suffers loss because a solicitor acting on a

transfer acted fraudulently, either wilfully or negligently, the client has rights against the lawyer. Compensation will not come from New South Wales taxpayers. It is compulsory for lawyers to carry professional indemnity insurance. In my view, that is fair, though others may disagree. I do not believe the Land Titles Office and hence New South Wales taxpayers should have liability for a fraudulent or negligent solicitor. However, I am a little concerned about new section 129 (2) (e), which provides:

> (2) Compensation is not payable n relation to any loss or damage suffered by any person:
>
> ...
>
> (e) to the extent to which the loss or damage arises because of an error or miscalculation in the measurement of the land, or

Debate adjourned by leave.

APPROPRIATION BILL

APPROPRIATION (PARLIAMENT) BILL

APPROPRIATION (SPECIAL OFFICES) BILL

APPROPRIATION (FURTHER BUDGET VARIATIONS) BILL

STATE REVENUE LEGISLATION AMENDMENT BILL

UNCLAIMED MONEY AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [12.00 p.m.]: When the Treasurer, Michael Egan, described his sixth budget as a classic Labor Budget from head to toe, he was absolutely right. This is the type of budget you have when the outlook is rosy: you spend big and you tax high. Mr Egan yesterday gave a truly theatrical performance—all stardust and glitter—but the substance was suspect. He sounded like an old time spruiker at a country show: "Roll up, roll up, pay your money and see the magic tricks!" What we got from the Treasurer was a fairytale, a fantasy. Predictably, we had the trademark bluster—the usual hubris—and finally, as we have come to expect, the sleight of hand that passes for financial management in this Labor Government.

I guess it was the sense of deja vu, the feeling of reliving *Groundhog Day*, that brought back to me forcibly the words of that most prominent of financial commentators, Mr Terry McCrann. In his assessment of last year’s budget, Mr McCrann stressed that everything the Premier and Treasurer of New South Wales say must be evaluated in the context of the bounty—the absolute bounty—that has flowed into this Labor Government's coffers over the past five years. Mr McCrann concluded by saying, "New South Wales really is the Premier State. It can be inefficient, extravagant—and the taxes just keep rolling". Well, nothing has changed this time around: according to the budget papers, the Government's coffers swelled this financial year by an amazing $1 billion extra.

That is, $1 billion extra squeezed from families in this State. Talk about letting the good times roll! Talk about a classic Labor budget! The reality of course, is that despite the extra money coming in, New South Wales is in worse shape than the other States, according to an assessment by Graham Matthews, a senior economic forecaster with Access Economics. Why? According to Mr Matthews, "Because the Government has been spending up big in recent years". However, I add quickly that the Carr Government has not been spending up big where it counts. It is not delivering quality front-line services. The front line in our hospitals, in our schools and police stations has never been under so much pressure, at a time when the New South Wales Treasury is awash with extra tax funds.

A Labor budget from head to toe: high taxes but the money raked in is wasted rather than pumped into those areas that matter most, like schools, hospitals and our transport network. Let me highlight just one example. Yesterday, the Treasurer reneged on the health Minister's promise to provide an increase of $412 million for health in the 2000-2001 financial year. The con was exposed in the budget papers: there will be

additional expenditure of $300 million in the coming year and not $412 million as promised. This occurs at a time when hospital waiting lists are at an all time high! That sort of increase will not even cover existing expenses. This Treasurer has pulled the rug out from under his health Minister because he is not giving the health system the money it needs.

Then there is the question of police numbers. When all the rhetoric is stripped away, when the budget is broken down and analysed we find that the Police Service is preparing for the Olympic Games with 352 fewer personnel than there were at the March 1999 election. The budget papers show that there will be a massive shortfall of 681 police as at 30 June next when measured against the previous projections of both the Premier and his Minister for Police. No wonder there is so much community concern about crime and no wonder crime rates are up in almost all areas on 1995 figures when police numbers continue to go down. Clearly something is wrong in the State of New South Wales.

Just look at our crisis-ridden education system. The Premier would try to have us believe that he is the education Premier—big plans, big promises—but the budget and his performance in this area are seriously lacking. This year, more than 220 teaching positions will be slashed from our education system. At the same time, the Carr Government will cut over 700 additional positions from TAFE, on top of the 600 jobs it took last year! So, more than 1,300 jobs in two years have been ripped from the TAFE system. This sector is an absolute vital stepping stone for thousands of young people throughout the State, as acknowledged by the Director of the Council of Social Service New South Wales, Gary Moore. These cuts are devastating for people with limited skills, the unemployed, or those in part-time and low-paid jobs looking for opportunities to skill themselves for new jobs in the future.

Honourable members might remember the leak to the *Sydney Morning Herald*: we were told there was going to be a new wave of education reform in this budget—a golden era for public education in New South Wales. But all we have is further job losses and an admission by this Government that the public school system is failing our students to the extent that this year over 8,000 students have voted with their feet and left the system. Indeed, it is a Labor budget from head to toe! But it does not end here. Lets look at what is happening in transport. So far this year, we have witnessed over 25 serious safety incidents on the rail system. On-time running is at an all-time low and violence on trains has soared by a massive 146 per cent. So what is the Carr Government's response? It slashes operating subsidies to the rail system by almost 30 per cent. The Government is taking money out of the rail system when it should be putting more into it.

Despite deaths on our railway system and a system in utter chaos, the Government will provide next financial year $115 million for maintenance. It sounds a lot but it is not one single cent more than was provided last year. And we know what the record was last year—trains were running off the rails, people were dying on our rail system. Yet the Government will not provide any more money for maintenance next year. The only way to fix the endemic problems on our rail system is to increase funding—it is what commuters expect, and what they are starting to demand—yet in this budget the Government has done the exact opposite.

The budget has also confirmed the analysis of Mr Rick Shepherd of Standard and Poor's, the ratings agency, who earlier this year questioned the credibility of the Treasurer's numbers, specifically in the health and education portfolios. Mr Shepherd nominated the strong income flows enjoyed by the Treasurer as the principal reason that the New South Wales budget has not seriously floundered. He noted that the New South Wales Treasury had a "perennial problem" correctly forecasting education and health expenditure. After questioning how plausible the numbers could be in this budget, Mr Shepherd emphasised that the Treasurer was "under pressure on the high level of business taxes … considerably higher than Victoria and the rest of the nation". There was nothing yesterday in the budget that would change Mr Shepherd's view.

Any analysis of yesterday's budget papers shows the Carr Government has not been investing in New South Wales; it has been milking it. But is the cash cow—so fat for so long—now heading for more meagre pastures? Mr Egan may try to brush this point aside by naively suggesting that we all should just look on the bright side of life. I am all for looking at the bright side of life, but not when it comes to this absolute political hoax by Labor. But, being realistic rather than foolishly optimistic, there are some worrying inconsistencies in the Treasurer's budget strategy. Just consider the following points. As I said earlier, the 1999-2000 budget was rescued by a windfall of $1 billion in cash additional to what was estimated, an additional $1 billion from taxes and charges, an additional $1 billion more than expected taken from the pockets of families in New South Wales. Stamp duty alone was $765 million over estimates, and in the coming year the Carr Government will put a tax on a tax as it takes advantage of the GST to rip the taxpayers off further.

Now we find that the Treasurer is forecasting a fall of no less than 22 per cent in income from property transactions. How does this fit with his prediction of over 4 per cent growth in New South Wales gross domestic

product [GDP]? In spite of claims to the contrary, capital expenditure is budgeted to reduce next year by 3 per cent. There are totally unbelievable promises to cut real per capita expenditure by 0.4 per cent when those expenditures have been allowed to grow by 3.6 per cent for each of the past two years. The Treasurer has been promising to cut expenditure in every budget. He has not done it yet. Why should we believe him now?

There are clear warnings in the budget papers of the growing risk to the New South Wales economy from several factors, including action by the United States to reduce an overheated economy and the projected reduction in revenue in areas that have been booming. So the Labor Government, the Labor Premier and the Labor Treasurer have had a very simple and transparent financial strategy for the past five years. In fact, their strategy is breathtaking in its simplicity: keep the taxes rolling in and keep the expenditure rolling out, or rather aim for maximum waste and maximum mismanagement.

There is an atmosphere of unreality around Treasurer Egan and the way he has ridden the economic strength of the Federal Government, and it was reflected in his performance in this House yesterday. The Auditor-General told us in March that people in New South Wales were being hit harder when it came to taxes than people anywhere else in the nation. Yet, despite this massive tax revenue flow, Labor still overspent its operating budget by more than $1 billion. Again, the only thing that saved Treasurer Egan this year and kept him out of trouble was a bonus $1 billion dollars in extra taxes, money that he had not been counting on. Treasurer's Egan's speech yesterday included the usual touch of typical Carr Government arrogance. The Treasurer has established a "rainy day" fund. I am not aware of any other government in Australia that has contemplated or established such a fund. The Government has set aside $830 million between now and the election with no concrete plans on how the money will be spent.

Mr Ashton: We will think of some good cause.

Mrs CHIKAROVSKI: I am sure you will. Suspicions have already been raised by commentators this morning—obviously reflected by my colleagues in the House today—that this is simply the start of the Australian Labor Party slush fund, money that it is going to dole out leading up to the 2003 election. The commentators and my colleagues are obviously right. The Treasurer is setting aside hundreds of millions of dollars just in case. What does he want to spend it on?

Ms Seaton: For whatever it takes.

Mrs CHIKAROVSKI: Yes. There are only two conclusions: either the Treasurer is suffering delusions about the State economy or he is deliberately misleading the taxpayers of this State. I am not sure which scenario I prefer. It is instructive to take a little time to compare yesterday's budget with the Federal Coalition's courageous and dramatic reformation not only of the Australian taxation system but of the economy itself. The Premier and Treasurer can posture as much as they like but there is no way around the fact that the prosperity we are enjoying in New South Wales is principally due to the success of John Howard and Peter Costello. They have given Australia an economy which has passed the test of the Asian economic crash with flying colours. It continues to more than hold its own on any relative terms in the global economy.

Significantly, the capacity of the economy to grow has been increased by a whole raft of reforms introduced by a Government that has the courage to be a reforming Government. New South Wales has received a massive boost from the 650,000 jobs created in five years because of such a strong Australian economy. These are significant community benefits flowing from the Federal initiatives. These benefits are well known and it is sufficient today to just acknowledge the sound economic platform the Federal Government has provided to all State governments—particularly New South Wales.

In contrast, the New South Wales budget brought down yesterday has major question marks hanging over it. For instance, the Treasurer has not explained why he has frittered away huge revenue streams over the last five years with nothing to show for it. He has done this without delivering improved services and he has made only marginal improvements to the financial strength of the State. The New South Wales Treasury is rolling in cash and, tragically, the booming revenue streams have largely been used to finance Labor's poor management.

Tax increases have been staggering. This State has the highest taxation regime among the States. But are we starting to pay a cost as reflected in the predicted 22 per cent decline in the stamp duty revenue for property taxes? Land tax has grown by 74 per cent, stamp duties are up 72 per cent, payroll tax is up 39 per cent, and gambling—a matter of huge and growing concern to the community—is up 47 per cent. This is an absolute

disgrace. Motor vehicle taxes have gone up by 8 per cent. The total tax take is up by $5.2 billion or 53 per cent since the Carr Government came to office. It is an amazing figure, and there must be a reaction to such massive imposts. The tax cuts the Treasurer announced yesterday amount to a paltry $127 million. They will go nowhere in relieving the extra financial imposts on the people of New South Wales.

More important, the opportunity to improve services, to reduce debt and taxes and to build an economic and financial foundation for the new millennium has slipped away. The opportunity to establish a really competitive New South Wales economy has been let slide. However, one should not rely on my view for that. Do not believe me, I am a politician and one would expect me to say that. The New South Wales Auditor-General has already judged the New South Wales Treasurer against the Treasurer's own rules. In his volume one report released earlier this year the Auditor-General found that the Treasurer failed six of the seven rules that the Treasurer himself put in place in 1995 to monitor the Treasurer's performance.

Treasurer Egan has failed not once, twice, three times, four times, five times but six times against the benchmarks he set for himself, and I will return to those fundamental failures in a moment. The saddest part of all this is that the Government has failed to improve core services in the critical service areas of health, education, police and community services. A typical example of the deception practised by this Government was the fanfare with which the Government cobbled together a forward health funding package and tried to sell it as a major additional commitment. There were lots of glossy brochures and many people jumping up and down. It did not take long for that to be exposed for the farce it was—another smoke and mirrors trick from this Government.

No-one was surprised when the deception was exposed. What has surprised people is that the Government is so arrogant that it believes it can continue to get away with such blatant public relations tricks. Similar deceptions were littered through the budget papers yesterday. For instance, there was a claim that there would be an increase in recurrent spending for the Department of Corrective Services of 13.1 per cent for the coming 12 months. A close examination showed that last year's actual expenditure was $512 million while for the coming year that is set at $527 million. Therefore, it is an increase of 2.9 per cent, not 13.1 per cent.

Two years ago the Aboriginal Communities Development program was announced with great fanfare by the Government. This budget allocates a disappointing $37 million, bringing the grand total over the first three years to just $56 million. If all that $56 million is spent by the end of the coming financial year—and given past performances that is extremely doubtful—then just a quarter of the commitment will be spent halfway through the program. The Government has not been able to get this program up and running in the way that it should be.

On another issue, I look with deep scepticism at the Treasurer's implication—and the Premier's public assurance over some months now—that the Olympics have been paid for. Paid for—maybe. But, how much? That is the good question. We all know that there has been an enormous overrun in spending through massive inefficiency for which the New South Wales Government must take responsibility. Yesterday we were told there was a $100 million blow-out. The figures provided show a blow-out of $29 million on transport and $97 million on running costs, which is more than $100 million; it is $126 million. Who knows what the real figure is.

We still do not know in detail what the Olympics will cost, what will be the breakdown for individual budgets such as health, police, transport, emergency services and community services, and how much those budgets will contribute to the cost of the Olympics. We do not expect the true story of the Olympics to be known until the independent assessment is carried out by the Auditor-General late next year. I add a caveat that the independent assessment well only be real and accepted by the community if the Government is prepared to provide all the documentation, all the budgets and all books to the Auditor-General. In the past it has been reluctant to do that, but let us hope that after the Olympics the Government will be prepared to tell the Auditor-General and the community the true cost of the Olympics.

Our doubts about the ability of the Premier and the Treasurer to tell the truth and manage the budgets are increased by the regularity of budget blow-outs in departments and agencies. This year's budget papers are littered with examples of blow-outs in the Department of Corrective Services, the Department of Community Services, the Health Department, and the list goes on. It seems to be the norm rather than the exception that departmental and capital works budgets are overrun. This is a remarkable betrayal of the people of New South Wales, who are subjected to the Carr Government's high tax regime while not receiving better public services or significant debt reduction. New South Wales is struggling under the traditional Labor hallmarks of high taxes and high waste, traditions that are alive and well within the Carr Labor administration.

The clearest indictment of this Government and the Treasurer is the abject failure to reach the targets, benchmarks and standards the Government set for itself. In the context of a booming economy the Treasurer has turned in an extraordinarily poor performance. As I said earlier, the Treasurer publicly set seven fiscal rules for this Government and, on any measure, he has failed six out of the seven. This is not only the judgment of the Coalition. We have no less an authority than the Auditor-General saying the same thing. The March 2000 report of the Auditor-General quite clearly stated:

> Of the seven (fiscal) principles set out in the General Debt Elimination Act 1995 it is only possible to conclude at this time that one is being definitely achieved.
>
> The Act established seven fiscal principles by which the State's finances should be managed.
>
> One of these principles—that General Government Sector net worth be maintained in real terms—was clearly complied with in 1998-99.

The Auditor-General then went on to demonstrate how the Treasurer and the Government had failed the other six principles. He said:

> A Government does not need to propose legislation to constrain its own fiscal management actions.
>
> But, if it does, and Parliament enacts the legislation, that sets a much higher standard against which its achievements and failures can be judged.

Further, the Auditor-General issued the following challenge to the Treasurer:

> As required by the Act, a clear statement should be included in the 2000-01 Budget papers as to how the Government will return to the principles.

But all we got in response to the Auditor-General's request were vague excuses, with no real commitment to meeting future benchmarks. We have some very clear standards against which we should judge the Treasurer, standards which he has set and standards which others, including the Auditor-General, accept as reasonable. In summary, the six benchmarks that the Treasurer has set for himself and which he has failed are in achieving fiscal targets, adequately funding superannuation liabilities, maintaining long-lived physical assets, constraining the net cost of services and outlays, managing financial risk prudently and restraining tax levels.

The only benchmark on which the Treasurer could be given a pass is in maintaining or increasing net worth in real terms and that success has been importantly due to asset revaluations. I shall now deal with the specific shortcomings in the Treasurer's performance and in the spiel he tried to sell us yesterday. Treasury makes great play of New South Wales' triple-A rating but fails to acknowledge the concerns voiced by rating agencies, typically the comments from Mr Rick Shepherd of Standard and Poor's that I referred to earlier. The Treasurer has reneged on his April 1995 promise to reduce the payroll tax rate to 5 per cent. Honourable members would remember it was going to be 5 per cent. He has handed down six budgets and six times he has failed.

New South Wales suffers on any objective comparison of tax competitiveness, quality of infrastructure and key public services. These are the fundamentals that the Treasurer will confront once the boom times are over because nothing has been done to confront them now. Already, the new Victorian Government has made it clear that it will use its tax advantage and will further undercut New South Wales on taxes wherever possible to attract investment and jobs. The warnings are ringing out loudly.

However, I must mention yet another lost opportunity. Yesterday's budget was an opportunity to improve management of New South Wales' $6,000 million-plus expenditure on new infrastructure and asset maintenance and to invest in the future of New South Wales. But we find a reduction of 3 per cent in expenditure on capital programs. Infrastructure expenditure is as big as that of the health or education portfolios, but infrastructure spending is unco-ordinated and unmanaged. The Premier's approach risks millions of dollars in cost overruns, confused priorities and mismanagement of infrastructure projects. New South Wales needs managed investment, not ministerial turf wars.

The public relations Premier chases headlines, but risks wasting millions of dollars by not managing the State's infrastructure spending. The Premier's infrastructure on the run delivers unfocused, wasteful and over-budget spending. The Carr Government also needs to commit to a post-Olympics country infrastructure program, which must include a rigorous audit and prioritisation of country needs. Each region across New South Wales has basic infrastructure needs that require urgent upgrading and repair.

Unfortunately, yesterday's budget announced politically motivated expenditure rather than managed and prioritised infrastructure plans for country or urban areas. The Premier could demonstrate real leadership and political will by committing to an audit of country and urban infrastructure deficiencies; ending the ministerial turf wars by establishing a new ministerial responsibility to audit, co-ordinate and manage infrastructure delivery; acknowledging the need for a post-Olympics country infrastructure program; and embracing public-private partnerships to better utilise taxpayer and private sector funds. But, yet again, the Premier has let an opportunity float by.

As has been pointed out by numerous commentators and as is confirmed by official figures, New South Wales has the dubious distinction of remaining the highest taxed State in Australia. The reward for this high tax regime for the people of New South Wales has been a reduction in the quality of services across the board—an identifiable deterioration in the services that are offered, despite higher spending. The reward is dirty, unsafe, late trains; fewer police on the streets; record hospital waiting lists; heavy cuts in TAFE staff and a school system in a constant state of crisis. That is it in a nutshell.

We clearly need a commission of audit to examine the problem. Never has a State been taxed so highly and yet had to suffer such poor-quality services. The New South Wales Government and the Treasurer have been trailing along on the coat-tails of the Federal Government and in the slipstream of world events. They come into this Parliament and pretend otherwise, but they do not fool anyone. This budget is a summary of the success of others and the failure of this Government. The Premier and the Treasurer have enjoyed boom times with booming tax revenues to cover out-of-control expenditure. But the Government's rainy day fund is further confirmation that even it thinks the party is over. Storm clouds are gathering for New South Wales and the Carr Government is poorly positioned to manage any economic downturn. Put simply, the boom-time boys are coming to the end of their run. That is why they have given us yet another Labor budget from head to toe.

Debate adjourned on motion by Mr Markham.

REAL PROPERTY AMENDMENT (COMPENSATION) BILL

Second Reading

Debate resumed from an earlier hour.

Mr MERTON (Baulkham Hills) [12.33 p.m.]: Proposed new section 129 outlines the circumstances in which compensation is payable, specifically excludes in proposed new subsection (2) (e) compensation claims that arise from an error or miscalculation in the measurement of land. I understand the problems involved in this area. It is not the role of the RegistrarGeneral to survey parcels of land in New South Wales to ensure the accuracy of the information disclosed in the deposited plans or other documents relating to land size. I note the suggestion that potential purchasers should obtain their own land surveys.

I assure honourable members that most people purchasing residential cottages engage surveyors to check that the house they saw is the one they will buy, that the House is situated on only one parcel of land and that the dimensions shown on the title deeds are physically correct. That is the process, and it works satisfactorily. However, the situation is much more difficult in the case of rural properties, which, by their nature, are vast holdings. Can honourable members imagine having to survey 67,000 acres at Wilcannia? Such a survey could take two years and would cost of fortune—probably more than the land is worth. This fund will not compensate people if the title deed says that they own 67,000 acres but they later discover that they have only 47,000 acres.

I understand the difficulties involved with the Land Titles Office, particularly in converting old system titles into qualified titles. The office depends on registered surveyors who have insurance and who are accountable. The Law Reform Commission was concerned that the compensation did not relate to an error or miscalculation in the measurement of land, but I appreciate the difficulties involved. There is a fine line between where the Government's role ends and where the liability of taxpayers and private surveyors begins. I note that although the maximum amount of compensation obtainable is $100,000, the Minister has the discretion to increase that amount. Clause 132 provides absolute discretion to the Minister.

The maximum payment of $100,000 provided by the legislation is probably a little inadequate in the context of modern property values and could be higher. However, the Minister has absolute discretion in this area and I hope that he or she will exercise that discretion. As I said earlier, the Opposition supports this

legislation. I have mentioned the provisions in clause 129 (2) (e) relating to an error or miscalculation in the measurement of land and I have noted my concerns about the upper limits of the statutory amount of $100,000, which should probably be increased. However, this is good legislation that simplifies the process. With those reservations—I do not know whether they will be raised in another place—I welcome and support the bill.

Mr BROWN (Kiama) [12.38 p.m.]: New South Wales has one of the best land titling systems in the world. The Torrens system of land titles provides certainty of title to land and saves persons looking to purchase land from having to undertake an expensive investigation of the title in order to satisfy themselves of its validity. Under this system, the State guarantees the interests of persons who are registered on a State-operated register as the owners of an estate or as having an interest in the land. A person's title is guaranteed even though registration may have been obtained by an otherwise invalid instrument.

Some of the great advantages of the Torrens system are the relative speed, simplicity and low cost of conveyancing procedures that it allows. To a large extent these are made possible by the State guarantee of title, which is one of the hallmarks of the Torrens system in New South Wales. The provision of compensation by the State is the mainstay for the State guarantee of title. This compensation is available through a scheme established under the Real Property Act 1900 and administered by the Registrar General. I welcome the Opposition's support for this legislation. The Real Property Amendment (Compensation) Bill makes worthwhile amendments to the Real Property Act in respect of the operation of the compensation scheme.

The bill clearly sets out the circumstances in which compensation is payable from the Torrens Assurance Fund and specifies the circumstances when no compensation is payable. That will rectify the confusion that surrounds the present sections, which have been criticised by courts on a number of occasions. By clarifying the rights of parties and providing a clear framework for the determination of claims, this bill will actually benefit claimants by speeding up the determination of valid claims. That should also reduce the Registrar General's costs of administering the compensation scheme, reduce legal costs, and, by expediting claims, reduce the payment of interest that often forms a significant part of compensation payments.

In doing so, all of the present grounds for the payment of compensation will apply. Almost all of the exceptions to liability are merely restatements of the exclusions in the present provisions. One new matter that has been added is the reversal of a Supreme Court decision that leaves the Torrens Assurance Fund open to compensation claims as a result of errors made by surveyors in the calculation of the area of a parcel. I refer to the case of *Voudouris v Registrar General* (1993) 30 NSWLR 195. That reversal will result in the Torrens Assurance Fund being forced, in effect, to underwrite the negligence of private surveyors in calculating the area of a parcel.

It is a great concern that the Torrens Assurance Fund may be susceptible to a multitude of claims for compensation for errors if the responsible surveyor is unavailable or is protected by limitation provisions. It was never intended that the Torrens system should include a liability on the part of the State for errors by private surveyors. It is intended that there should be a verified system of identifying individual land parcels so that a purchaser may always be certain that he or she is, in fact, getting the parcel that he or she has contracted to buy. This role is adequately performed by the present land title system. That system will continue to rely on the professional skills of the surveying industry and checking of boundary information in the Land Titles Office. Of course, the liability of surveyors for the work is unchanged.

Another innovative measure introduced by the bill relates to ex gratia payments from the Torrens Assurance Fund. Compensation is sometimes paid as an act of grace, or an ex gratia payment, to a person who is deserving and where no other means of payment is available. Such payment of compensation has occurred in the context of the Real Property Act. For example, in the case of *Armour v Penrith Projects Pty Ltd* (1979) 1 NSWLR 98, Mr Armour was denied compensation by the courts due to a technicality, but was later granted ex gratia compensation. Such an ex gratia payment is usually paid out of the Consolidated Fund. However, the bill will allow the Minister to authorise ex gratia payments from the Torrens Assurance Fund in circumstances in which compensation would otherwise not be payable. Such a payment will be allowed where the Minister considers that justice requires the payment of compensation, although technically it would not otherwise be payable.

This provision is included not as a way around the provisions, but to acknowledge that from time to time there may be cases in which the provisions of the scheme operate unfairly against a particular person. In the rare instances where this may occur, the bill provides a useful remedy to ensure that justice is done. I have every confidence in the Minister to do just that. One of the greatest benefits of the bill will be the administration

of the compensation scheme. One of the biggest problems faced by the Registrar General in administering the Torrens Assurance Fund and attempting to resolve claims quickly is that it is often very difficult to obtain sufficient evidence to determine the bona fides of the claim.

The Real Property Act appropriately requires that the Registrar General must be satisfied that the claim creates a genuine liability before being able to settle the claim. However, many claimants claim unspecified damages, and it takes the Registrar General many months of correspondence to obtain sufficient evidence to discharge the statutory obligation to ensure that the claim is genuine. The bill will allow the establishment of a better procedural framework for the making and determination of claims. A major part of this framework will be the development of a claim form and supporting information to advise affected persons what evidence will be necessary to substantiate their claim. These measures will assist claimants to prepare and prosecute their claims and ensure that adequate evidence is available to enable the Registrar General to properly evaluate claims and to determine them expeditiously, which is in the interests of all parties. The bill will also make it compulsory for a claimant to seek compensation from the Registrar General administratively prior to commencing court proceedings.

Since 1992 the Registrar General has had the power to settle claims without the need for litigation. In fact, since 1992 almost 95 per cent of claims have been settled by negotiation and have not been fully litigated. The amending legislation will make the present system even more efficient and more cost effective. The measures contained in the Real Property Amendment (Compensation) Bill will simplify the procedures for making claims and clarify people's rights. This should speed up claims and reduce costs for the parties, and in so doing will alleviate the burdens on claimants who are in the unfortunate position of having lost their interest in land. The bill will be of great benefit, and I commend it to the House.

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [12.45 p.m.], in reply: The Real Property Amendment (Compensation) Bill will modernise and simplify the compensation scheme established under the Real Property Act. It will clarify the rights of parties and provide a clear framework for making a determination of claims by an administrative process, reduce costs, and deliver real benefits to claimants by allowing compensation to be paid quickly where appropriate. On behalf of the Opposition, the honourable member for Ballina indicated that the Opposition would not oppose the legislation. However, he raised a number of issues about which he had concerns. I intend to address those concerns.

I thank the honourable members representing the electorates of Wollongong, Baulkham Hills and Kiama for their contributions to this debate. The amendments are necessary to clarify provisions that have been criticised by the courts in a number of leading cases for their lack of clarity. The amendments are based on a great deal of research and consultation conducted by the New South Wales Law Reform Commission and address the practical difficulties that the Registrar General has encountered in administering the claims scheme. The bill will not change the underlying principles that have governed the Torrens Assurance Fund since its establishment, nor will it affect the State guarantee of title that is the foundation of the Torrens title system in New South Wales. In fact, much of the bill merely re-enacts existing provisions in a much clearer style.

The bill preserves all the causes of action that are contained in the existing sections of the Act. The exceptions to the liability of the Torrens Assurance Fund are, for the most part, the same as presently exist under either the Real Property Act or common law. The honourable member for Ballina raised concerns about exceptions and what could be termed a first resort to the Torrens Assurance Fund in the case of solicitor fraud rather than the solicitors' Fidelity Fund. Under the Legal Profession Act 1987 a person or party who is being defrauded by a solicitor in relation to a conveyancing matter can apply to the solicitors' Fidelity Fund for redress. That fund is analogous to an insurance fund set aside by all of the State's solicitors for the settlement of such claims. This amendment provides that if an individual who has been defrauded by a solicitor does not receive full compensation from the solicitors' Fidelity Fund he or she can claim the remainder from the Torrens Assurance Fund. That is a very important point.

The Torrens Assurance Fund was originally set up to ensure that people who were dispossessed of land through no fault of their own would receive compensation. It was never intended, and never set up, to be a fund of first resort to cover any impropriety by a professional, such as solicitors, conveyancers, or the like. Indeed, it is a fund of last resort. I agree with the honourable member for Baulkham Hills that it is not appropriate that the taxpayers of New South Wales, through the Torrens Assurance Fund, should become a de facto fund for solicitor fraud. There is an existing vehicle for matters concerning fraud by solicitors, conveyancers and others. The Torrens Assurance Fund should not be a substitute, nor indeed a first resort, for people who have been the subject of professional fraud.

This amendment provides that a defrauded party's first avenue of recourse should be the solicitors' Fidelity Fund, with recourse to the Torrens Assurance Fund as a backup. The honourable member for Ballina—if I understand him correctly—questioned why a party who has been defrauded by a solicitor cannot apply directly to the Registrar General for compensation from the Torrens Assurance Fund rather than first going to the solicitors' Fidelity Fund. The bill proposes this procedural order because, as I have said, it is not appropriate that members of the general public underwrite solicitors. The Torrens Assurance Fund is financed through a levy on government charges associated with conveyancing transactions.

In other words, the Torrens Assurance Fund is financed by members of the general public who engage in conveyancing activities. It is not the taxpayers who finance the fund, but those who have undertaken conveyancing. In any event, in this State that would constitute the majority of citizens, either as individuals or in partnership. If the Torrens Assurance Fund becomes the avenue of first resort for parties defrauded by solicitors, then it would be up to the Registrar General to make a claim against the solicitors' Fidelity Fund for repayment of the compensation paid to the aggrieved parties. That is really not the role or brief of the Registrar General.

However, under the Legal Profession Act there are time limits, as the honourable member for Ballina said, within which a claim must be made to the solicitors' Fidelity Fund. This time limit could be a major barrier to the Registrar General recouping compensation from that particular fund. Whilst that is a valid point, I come back to the central point of this issue: the Torrens Assurance Fund does not exist as a compensation fund for professional fraud. Having said that, I agree with the honourable member for Ballina that the Legal Profession Act does not allow adequate time for people to make a claim against the solicitors' Fidelity Fund, and that Act should be modified and more time provided for people who have been defrauded to be able to take the necessary action. It is not appropriate that the Registrar General becomes the agent of people who have been defrauded by solicitors.

Furthermore, the Law Society, which administers the solicitors' Fidelity Fund, has the power and the resources to investigate solicitors and trace and recover funds that are fraudulently acquired. As a backbench member of Parliament, I assisted constituents who came to me with such matters. We went to the Law Society, which undertook investigations of the alleged fraud. By contrast, the Registrar General has neither the investigative expertise nor the opportunity to pursue errant solicitors, nor would it be appropriate for him to do so. The result would be that members of the New South Wales public would pay for fraudulent conduct by solicitors. I am sure that honourable members would agree that this would be an entirely unsatisfactory situation. For that reason, the process has been set up under this bill in the manner described. I would hope that Opposition members, in particular, realise that it is a proper and appropriate state of affairs when dealing with the situation.

The bill allows ex gratia-type payments which would otherwise be payable from the Consolidated Fund to be made from the Torrens Assurance Fund and, more importantly, provides a mechanism whereby the Minister can overcome any situation where a person, through no fault of his own, is unfairly prevented from being compensated because of a technicality. The honourable member for Ballina referred to the $100,000 limit on compensation payable by the Registrar General. I suggest that the honourable member look at it as similar to delegated authority in that the Executive delegates an upper threshold within which members of the bureaucracy can operate in financial dealings, but in recognition that once dealings cross that threshold it is proper and appropriate that a direct member of the Executive, the Government or the Cabinet should look at the situation and ensure that an amount is appropriate in the circumstances, given that it is taxpayers money or money that belongs to the State. Professor Butt is wrong when he says that $100,000 is the upper limit. It is not. That is simply the amount of money that the Registrar General can convey in compensation.

If a claim is beyond that amount, it is a matter of obtaining ministerial approval so that the Registrar General is not handing out extraordinarily large sums of money. It is difficult to determine that threshold. A figure of $100,000 is not an insignificant amount of money. However, I also recognise that property, particularly in the Sydney metropolitan area, is expensive. We have to try to find a balance, and we believe that is a reasonable amount for a public servant or statutory officer to pay without additional approval from the Executive. The Minister can give approval for an additional amount in an out-of-court settlement. If no resolution can be made, the complainant has the opportunity to go to court. The court will then decide on the appropriate compensation.

The honourable member for Ballina also raised an issue about the area of parcels of land or the boundaries of a particular lot. A line of legal cases recognises that dimensions shown in the title diagrams may not be conclusive and that extrinsic evidence is administerable to identify the land comprised in a certificate of

title. If lengths or bearings of a parcel of land in a plan or survey are incorrect, the area will obviously be incorrect as well. In the case of a lot in a compiled plan or compiled residue lot, that is, where a lot is not defined by survey, there is no certainty that the stated or deducted area is correct. As a matter of expediency, in 1943 the Registrar General ceased to check the areas of lots under one acre when deposited plans were lodged for registration. Since 1 September 1983 the Registrar General has not checked the area of any lot in a deposited plan lodged for registration.

In light of the above, if the area is material in a proposed purchase or development of land, it would be prudent, firstly, in the case of a residential or commercial property to instruct a surveyor to check the area of the land when an identification survey is made and, secondly, in the case of a rural property to engage a surveyor to calculate the area from the plans relating to the property. In regard to the first case, the cost of the identification survey would be approximately $450 and the area check would cost about $50 to $100. In the second case of rural properties, the cost would be $500 maximum. The honourable member for Ballina answered the question in his contribution. In summary, if the area of land is a matter of concern to a purchaser who wants to undertake a certain development or for some other reason, then it would be prudent for the purchaser to undertake a formal survey to ensure that there were no anomalies or problems that would mitigate against his proposed future use of the land. Although the cost I have nominated for that work is not cheap, it is not particularly exorbitant.

I have dealt with the key issues of concern that were raised by honourable members during the second reading debate. The bill will facilitate improvements to the procedural framework for the making and determination of claims. The new measures will assist claimants to prepare their claim and ensure that adequate evidence is available to enable the Registrar General to properly assess a claim and negotiate a quick settlement. New section 135 continues the Registrar-General's power to settle claims, and now specifically authorises the Registrar General to participate in mediation or other dispute resolution processes to settle a claim. The amendment to section 117 of the Real Property Act with regard to attesting witnesses merely formalises existing requirements that documents be signed in the presence of the attesting witnesses and that the signatory is a person known to the witness. However, the requirement that the person signing be personally known to the witness is relaxed to allow a witness to attest to a person's signature, provided that the witness is satisfied as to the identity of the person.

The bill will make it easier for persons to claim compensation from the Torrens Assurance Fund, and will assist the Registrar General to resolve claims quickly. This can only benefit the claimants, by allowing them to receive compensation sooner, and the Registrar General, by reducing the administrative and court costs. The new provisions are also clearer. They will assist people to understand their rights and should reduce the number of litigated claims. The bill should go a long way to rectifying any confusion that has existed under the legislation to date, and make it a much better system for people who are claiming compensation and for the Registrar General to administer it. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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

VISITORS

Mr SPEAKER: I note the presence in the gallery of Paul Murphy, President of the Newcastle and Hunter Business Chamber, and his colleagues. We trust that discussions with members and Ministers during your visit to the Parliament will be fruitful. I welcome also the mayors of Crookwell, Mulwaree, Gunning, Yarrowlumla and Boorowa shire councils, who are also present in the gallery.

PETITIONS

North Head Quarantine Station

Petition praying that the head lease proposal for North Head Quarantine Station be opposed, received from **Mr Barr**.

Willoughby Paddocks Rezoning

Petition praying that the Legislative Assembly will advocate for the retention of all vacant land in the area historically known as the Willoughby Paddocks and its development as public parkland for the enjoyment of the community, received from **Mr Collins**.

Manly Hospital Paediatric Services

Petition expressing concern at the decision of the Northern Sydney Area Health Service to discontinue paediatric services at Manly Hospital and praying that full services at Manly Hospital be maintained, received from **Mr Barr**.

Northside Storage Tunnel Gas Emissions

Petition praying for the installation of an acceptable system to address health risks associated with the discharge of sewage gases from the northside storage tunnel, received from **Mr Collins**.

Seaforth TAFE Closure

Petition praying for opposition to the closure of Seaforth TAFE, received from **Mr Barr**.

Cardiff Railway Station Disabled Access

Petition expressing concern at the difficulties experienced by disabled and elderly patrons in accessing Cardiff railway station platform, and praying that Cardiff railway station be included on the Easy Access program and a lift or ramp installed, received from **Mr Hunter** and **Mr Mills**.

Windsor Road Upgrading

Petitions praying that Windsor Road be upgraded and widened within the next two financial years, received from **Mr Richardson** and **Mr Rozzoli**.

Manly Bushland Protection

Petition praying for protection of bushland at the headwaters of Manly Dam and its incorporation into the adjacent Manly Warringah War Memorial Park, received from **Mr Barr**.

QUESTIONS WITHOUT NOTICE

POLICE SERVICE ACCOMMODATION

Ms CHIKAROVSKI: My question is directed to the Minister for Police. At a time when police officers in Wagga Wagga, Narellan, Chatswood and Muswellbrook are desperately in need of new accommodation, why has the Minister allocated more than 90 per cent of the capital works budget to Labor seats, with nearly 30 per cent of funds going to a police station in his own electorate?

Mr WHELAN: Is it any wonder that the latest polls show the Labor Party is going to win nine more seats! The question is about, among others, Narellan and Chatswood police stations. The simplest answer of all is that only five years ago the Coalition had the opportunity to do something about Narellan and Chatswood police stations. If ever there is a heartland of the Liberal Party, it must be Chatswood. Chatswood police station just happens to sit in the most valuable commercial part of the whole of the north shore. The site is worth millions of dollars.

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

Mr WHELAN: We all know how good the Coalition is at selling things at discount prices. Obviously the Coalition took its eye off the financial ball in this case. I shall tell the House first about Chatswood police station. The matter is being seriously considered, and the Department of Public Works and Services on behalf of the Police Service is analysing deals with private enterprise to see what can be done about looking after the occupational health and safety of police officers at Chatswood. In respect of Narellan police station, this Government is giving serious consideration to the issue. I understand that approaches have been made to the local council and a site has already being purchased—I might say purchased by this Government. When the Police Service approached Camden Council, it was advised that an environmental study had to be undertaken before the plans could be considered. That is the current status of the issue.

Dr Kernohan: They have not even put in a rezoning application.

Mr WHELAN: I understand the honourable member's concern, but she has been a member for some time and will know, if she studies the facts and contacts the council, that the Police Service has been working closely with the local council. I am very surprised that she would not know that the Police Service—the State Government—does not have to put in an application for a rezoning. If the honourable member believes that is the reason we are not proceeding, she is seriously mistaken. She should be a bit positive about what the Police Service is doing. We are trying to provide some services to her electorate, but if it is her view that Narellan police station should not be built, I am sure there would be no shortage of members prepared to accept the offer.

Mr AND Mrs HAMS FLOOD INSURANCE CLAIM

Mr BLACK: My question without notice is to the Premier. What is the Government's response to the insurance difficulties experienced by the flood-stricken Hams family?

Mr CARR: Honourable members will recall the floods that inundated western New South Wales. I visited the area twice during those floods. On 3 March I went to one part of the flood-affected area and saw the damage first hand: fences down, stock drowned or stranded by water and water lapping at homes. In just one night this area received more rainfall than it normally gets in a year!

[*Interruption*]

It is all a joke for the Leader of the Opposition! Max and Judith Hams, who are constituents of the honourable member for Murray-Darling, were among those affected by the flood. The Hams are fifth-generation farmers. They run Koralta station, which is 103 kilometres east of Broken Hill. In February Max and Judith woke up to find their property inundated by flood waters. The homestead, shearers quarters, the machinery shed and the hangar were all submerged. Farm machinery, a light plane and vehicles were anchored in mud and water. The Hams have spent the past three months living in a caravan. With the help of family members, they have managed to drag some of their possessions to higher ground. Max's nephew donned a wetsuit and attached cables to waterlogged equipment so that it could be dragged out of the mud. The Hams estimate their losses at around $600,000. They have already spent $100,000 of their own money to pay the most immediate costs. Earlier this month they received heartbreaking news from their insurers company, CGU Insurance-Elders Underwriting Agency. It stated:

> Regrettably we are not in a position to extend indemnity to you in this matter.

The insurers claim that destruction was the "result of accumulated storm water run-off". This is from an insurance company the Hams have supported for 30 years. In those three decades they have claimed just $500. Max and Judith Hams have written to me and the honourable member for Murray-Darling about their plight. While no government can intervene in the matter between them and their insurance company, I would like to make my position on this subject clear. Insurance companies should do the right thing by people who, in good faith, shell out their premiums year after year. In 1998 there was a similar situation after the storm damage in Wollongong: houses were wrecked, there was extensive damage to property, and insurance companies refused to pay.

Mr J. H. Turner: It was your policy to bring insurance companies under the Fair Trading Act. What did you do about it? Nothing.

Mr SPEAKER: Order! The Premier will disregard that interjection. I call the Deputy Leader of the National Party to order.

Mr CARR: No wonder National Party support is down to 4 per cent. This was confirmed today in the *Bulletin* poll. National Party support, in the second poll, is down to 4 per cent.

Mr J. H. Turner: Enough people are suffering under a Carr broken promise.

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

Mr CARR: In response to the last interjection: Today, for the first time in the history of polling in New South Wales, the Coalition is polling below 30 per cent—down, down, down. And yes, that is the

combined vote. Support for the Nationals and Liberals is for the first time less than 30 per cent. I wish that the flood waters would recede that fast. Illawarra members, including the honourable member who was mayor at the time, will recall our visits to the homes affected. In that case public pressure succeeded in changing hearts and minds. The incident led to a change in the industry's policies. There is now a broader, more reasonable definition of this kind of damage. If it can be done in respect of Wollongong and other metropolitan areas, it can be done for battling farmers in the far west of the State. That is my advice.

The insurance companies argue that there is a difference: they do not have the flood mapping and information they need. To me this sounds like a case of one rule for the city, another for the country. That is intolerable for a Government such as ours. The New South Wales Government recognises the need for better floodplain management practices. That is why the 1999-2000 floodplain management program has been allocated $13 million. We are working with local councils on the problem. Today I call on the insurance industry to accept responsibility and respond to the plight of the Hams and other people in the same situation. The honourable member for Murray-Darling has advised me that about 20 families are affected. Today I have written to the Insurance Council of Australia asking it to give the Hams matter urgent attention. The Department of Fair Trading, at my behest, has been in contact with CGU Insurance-Elders Underwriting in connection with the claim.

Last weekend the Uniting Church in Broken Hill raised concerns with the local member, the honourable member for Murray-Darling, about banks issuing farm debt mediation notices to leaseholders still struggling with the recent floods. I have asked the Minister for Agriculture to look into this as a matter of urgency. Max and Judith Hams have lived on their property for 21 years. Last Saturday Mr Hams was asked about the loss. He said:

> At the end of the day if you can go through life with decency and integrity and come out the other end and people have respect for you that's the main thing.

That is a brave comment from a family that has lost just about everything. It invites a decent, humane response from an insurance company that has had the loyalty of the family for decades.

SALINITY

Mr SOURIS: Given the professed commitment by the Minister for Agriculture, and Minister for Land and Water Conservation to an integrated salinity plan for New South Wales, his staging of the statewide Salinity Summit, and his statement that addressing salinity was about saving the agricultural future of Australia, how does he justify the paltry $5 million budget enhancements yesterday to what is Australia's most significant rural land use issue?

Mr AMERY: I thank the Leader of the National Party for a question to the Minister for Land and Water Conservation on an issue to do with land and water. This is very surprising. Yesterday a question on dairies was asked not of the Minister for Agriculture but of the Minister for Fair Trading. Based on this strategy by the National Party, because we are feeding beef, chicken and vegetables to prisoners, I expect a question to the Minister for Corrective Services about what is going on in the beef industry at the moment. This is a great strategy by the Leader of the National Party! Because dairies are small businesses, the Minister for Small Business will probably be asked a question to do with one of the processing companies. I have been taken by surprise.

Mr SPEAKER: Order! The Leader of the National Party has asked a question. He will listen to the answer in silence.

Mr AMERY: Calm down, George. Every time you interject or get some coverage your poll results go down. The poll results published today show that support for both Coalition parties is less than 30 per cent. That result occurred after a month in which the Leader of the National Party got the highest rating in the media coverage. The more coverage the Coalition gets in the media the lower its poll results go. What will be the drop after the Opposition's next press conference? In relation to salinity, I got this very same question from a Green member only a couple of hours ago when I hosted a Commonwealth Scientific and Industrial Research Organisation [CSIRO] information seminar in the Parliament at which there were various speakers, including representatives of the New South Wales Department of Land and Water Conservation. A member of the upper House, a member of the Greens party, asked me a question whether there is a line item in the budget for the Salinity Summit.

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

Mr AMERY: Basically, I said that the Salinity Summit line item is not in the budget. The budget does not provide just $5 million for salinity, as the Leader of the National Party misread; a range of issues in relation to salinity covering a number of portfolios are included in the budget. The Government has increased the allocation to deal with salinity-related issues from $5 million to about $35 million and $5 million will be allocated to the Native Vegetation Management Fund to assist farmers. Does the Opposition not believe that money should be given to farmers to assist them with salinity problems? I could talk about capital works projects such as the salinity interception replacement project at Buronga. However, those projects do not relate to the Salinity Summit. They are part of the ongoing five-year commitment by the Government to deal with salinity problems. There was considerable goodwill at the Salinity Summit, even from the shadow Minister for Land and Water Conservation and the shadow Minister for Agriculture because they attend these summits.

Mr SPEAKER: Order! Day after day during question time the Deputy Leader of the Opposition and the honourable member for Gosford behave in such a way that their comments can be heard in the public gallery. If they want to behave like schoolchildren they should leave the Chamber. It is most unbecoming for members of Parliament to behave in that way while Ministers are answering questions, and I continually receive complaints from those in the gallery about it. I will ensure that there is no repetition of such behaviour in the future. I place the honourable member for Davidson on three calls to order.

Mr AMERY: The Premier will shortly release a salinity strategy which more or less results from the Salinity Summit, which was held in March and attended by more than 200 people. It is fair to say that a great deal of activity will result from that strategy. That will include future projects involving liaison with the Federal Government and with local communities, and the setting up of catchment management boards in co-operation with local government. Today I could talk about matters in the budget related to salinity, but I do not believe they are the only matters designed to address the salinity problem. The Leader of the National Party referred to the enhancement of $5 million. That takes the Government's contribution to $35 million. An amount of $1.966 million has been allocated for the salinity interception replacement project at Buronga: $662,000 this year, $655,000 next year and $649,000 the following year.

The Murray-Darling Basin Commission is carrying out significant work on salinity and the Government's contribution to that work is $18.95 million. There is the third contribution of $5 million to our $15 million a year incentive fund to farmers under the Native Vegetation Act. The environment portfolio has a range of matters to deal with salinity, but the Government is not pretending that all of this money across the different portfolios is designed to address all the issues raised at the Salinity Summit. The long-term strategy will start soon after the Premier releases the strategy document. Again it is the good old Nats, 4 per cent—

Mr Souris: Good old Labor, another little study!

Mr AMERY: We keep on attacking the Leader of the National Party. That is not fair. We keep forgetting the numbers man who brought him to power.

Mr Scully: Who was it?

Mr AMERY: Who was the man who grabbed this once-great Country Party and dragged it down to 4 per cent? We keep forgetting the shadow Minister for Agriculture, the honourable member for Barwon, who did the numbers on the last real Leader of the National Party, the honourable member for Lachlan, Ian Armstrong.

Mr Hazzard: Point of order: As you correctly pointed out to the Opposition today, the standing orders require that members listen to the Minister in silence. Every member on the Government benches is making a noise and breaching the standing orders. It has not come to your attention yet, so I am bringing it to your attention in the hope that you might direct them to be quiet.

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

Mr AMERY: That point of order reminds us what a great country this is: a great climate, a stable economy, stable government—and madness is no bar to a position in the shadow Cabinet! What a great country we have got! The honourable member for Barwon should be given great credit. He joined with the Leader of the National Party in bringing the vote of the old Country Party down to a record levels, with both parties now down to a low 30 per cent. There is nothing more to be said about this rag-tag, bobtail mob. We thought they had reached the lowest level possible. I think I have answered the question, and I thank the Leader of the National Party for the opportunity to do so.

OLYMPIC GAMES MANAGEMENT

Mr DEBNAM: My question is directed to the Premier. Given that the ongoing operational costs of the Homebush site are not yet known and that public servants can work on any Olympic activity next year, will New South Wales taxpayers ever know the true cost of the Labor Party's management of the Olympics?

Mr CARR: What is the Opposition's proposition on the Olympics? What is the bottom line of all this sniping about the Olympics? Why all this harping about the Olympics? Is it the Opposition's logical position that we should say to the world, "I am sorry, it has got too tough, a few adjustments are required so the whole thing is off." Is that what the Opposition is saying? The fact that the Labor Party became the Government in March 1995 meant that to us came all the hard decisions and hard work. It was nice for me to be at Monte Carlo in September 1993, and you will all recall me leaping for joy. I was there. I was happy for the State, joyous for Australia. My joy knew no bounds on that happy occasion we got the Games, but it fell to us to actually build the facilities at Homebush Bay, to make it stick, to make it work. No other country, city or province hosting this event has ever—

Mr Amery: Or hamlet.

Mr CARR: He is always inserting the country perspective. That is the kind of Minister he is. For this relief, much thanks. The new facilities have been built. They have been delivered on budget and ahead of time. A large part of it was brought ahead by a full 12 months so that a movie studio could be built on the old showground site. Without pausing for breath we made the thing happen on time so that not one Easter Show was missed. Not bad! There was a good occupational health and safety record and excellent industrial relations while the whole thing was constructed. We should be proud of that, as all Australians are proud that their country has achieved this.

Imagine this scene: a meeting of the shadow Cabinet. Opposition members are all downhearted. It is a popular budget. Business endorses the budget, the ratings agencies tick off the budget and workers endorse the budget. It is popular with farmers because of the Government's initiative for tractors and West 2000. It is a people's budget from a people's Government. Amidst a scene of consensus politics—one might say that a farmer Labor Party is occupying this side of the Parliament and representing the aspirations of the great majority—in the shadow Cabinet a depressed group of stranded people meet to ask, "What can we criticise about this budget? It is popular in the Illawarra, on the Central Coast and in Newcastle. In Broken Hill and in Wagga, they are singing its praises. There is no region of the State untouched by its generous hand. What can we say about the budget?" So Opposition members come into the Chamber to pick away—

Mr Debnam: Point of order.

Mr CARR: The honourable member for Vaucluse has never asked a question of me about a major Treasury matter.

Mr SPEAKER: Order! The Premier will resume his seat.

Mr Debnam: This question is not about the Premier's future acting career but about the cost of the Olympics.

Mr SPEAKER: What is the point of order?

Mr Debnam: Public servants in New South Wales will be dealing with the Olympics for God knows how long—

Mr SPEAKER: Order! There is no point of order.

Mr CARR: The Opposition says that there is something wrong with the Olympics. I invite Opposition members to tell that to the crowd who watched the Australian swimmers at the Aquatic Centre. Tell that to the million people who attended the third Easter show to be held in those splendid facilities. Tell that to the 3.3 million people who attended the three Easter shows to be held in those brand new facilities. Tell that to the 1.9 million spectators who have visited Stadium Australia since it opened for business, well ahead of schedule. Tell it to all the people who have been to the Penrith whitewater stadium, which is solidly booked almost every weekend by athletes or recreational users.

They are taxpayers, and I guess the people interviewed for the *Bulletin* poll are also taxpayers. People have been examining what the Government has done for the Olympics in the past 12 months. According to the *Bulletin* poll, during that time support for the Government that is delivering those Olympics has risen to an all-time high. On a two-party preferred basis it is at an almost embarrassing 62.5 per cent. Opposition members are looking at their pendulums and estimating what that means in terms of parliamentary seats. Support for the Coalition has fallen below 30 per cent for the first time. I guess that is a rough verdict. If Opposition members do not believe the crowds visiting those facilities, they should listen to what people are saying. We will determine future uses for the facilities—

Mr Debnam: The Labor Party.

Mr CARR: Yes, the Labor Party is the Government. That is right. Those shadow Cabinet sessions are working brilliantly. Lesson No 1: the Labor Party is the Government; put that in your little plastic folder. The Coalition is the Opposition. The honourable member for Vaucluse is really bright; he deserves a promotion!

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

Mr Debnam: Point of order: We know the Labor Party mismanaged the Olympic Games and we now have confirmation that it will manage the contracts for Homebush Bay. We want to know the cost.

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

SODA SIPHON BULBS MISUSE

Ms MEGARRITY: My question without notice is directed to the Minister for Fair Trading, and Minister for Sport and Recreation. How is the Government responding to concerns about the dangers of misuse by children of soda siphon bulbs?

Mr WATKINS: I know that the misuse of soda siphon bulbs is a matter of concern to the honourable member for Menai following reports of property damage and injuries in her local community. In the nine years between 1989 and 1998, the Australian Bomb Data Centre has revealed that there were 1,011 reports of cylinders of carbon dioxide being used as explosive devices. A significant number of these incidents involved so-called soda bombs, which can be made when soda siphon bulbs are misused. Soda siphon bulbs are small metal canisters containing roughly 10 cubic centimetres of either carbon dioxide or nitrous oxide under pressure. Carbon dioxide siphon bulbs, when properly used, produce soda water and nitrous oxide bulbs are used to aerate cream.

These products are used extensively in the hospitality industry and are readily available at supermarkets and other retail outlets. They are generally supplied in packs of 10 and cost between $3 and $10. They come with a variety of warnings about the dangers of exposing them to extreme heat and the need to keep them away from children. As the figures I have mentioned show, these warnings are ignored too frequently, often with dire results. When exposed to a naked flame, these small containers explode with a surprising amount of force, and experience has shown that the consequences can be lethal. The Department of Fair Trading advises me that, invariably, the victims of these explosions are young people under the age of 16. It seems that many young people find the explosive qualities of soda siphon bulbs irresistible.

Over the past 12 months, the Department of Fair Trading has received several reports of siphon bulbs being grossly misused by children in New South Wales. The most serious recent injury in New South Wales occurred in May last year when a 13-year-old Central Coast boy was struck in the head by metal fragments from an exploded soda bomb. That young boy suffered serious injuries, including a fractured cheekbone and eye socket, serious lacerations and the loss of his right eye. When interviewed by the Department of Fair Trading, he indicated that the use of these types of devices was rampant among his friends and that at least 50 per cent of them would use, or had used, these types of devices.

In March last year a Victorian boy was killed by an exploding soda bomb. His fatal injuries were caused when a metal fragment from a siphon bulb entered the right side of his head, fracturing his skull and causing extensive brain damage. He was pronounced dead at the scene of the incident. The police investigation revealed that the young boy had made a bomb out of siphon bulbs, which was then placed on a fire. The result was tragic. Other incidents have been reported in Queensland and the Australian Capital Territory as well as in

other areas around this State. Honourable members have expressed concern about this issue for some time, including the honourable member for Blacktown and the honourable member for Menai.

In short, the available statistical and anecdotal evidence suggests that we have a serious problem with the misuse of soda siphon bulbs by young people. The Government wants to do all that it can to minimise the risk to our children of injury or death. That is why I referred the matter to the safety and standards branch of the Department of Fair Trading for advice earlier this year. I have accepted the experts' recommendations and I announce three initiatives to help protect our children from the danger posed by soda siphon bulbs: first, a ban on the sale of soda siphon bulbs to people under 16 years of age; second, appropriate point-of-sale signage to alert customers and retail staff to the ban; and, third, an education campaign to ensure that retailers are aware of the new obligation.

The plan is based on the available evidence that the overwhelming majority of injuries have been sustained by those under the age of 16 years when siphon bulbs are not used as intended. The retail ban will be implemented through a product safety order under section 31 (1) of the Fair Trading Act. That section enables the Minister for Fair Trading to make such an order in relation to dangerous goods. Retailers who flout the ban will face penalties of up to $22,000 for an individual and $100,000 for a corporation. The ban is consistent with recommendations made by the Victorian Coroner after a tragic incident last year and will come into force in July.

The second initiative involves ensuring appropriate point-of-sale signage for retailers who want to alert customers to the ban. I have asked the Department of Fair Trading to work with the Australian Retailers Association to produce appropriate signage. The signs will be developed and available by the time the new product safety order commences in July. Third, the Department Fair Trading has commenced work on an education strategy so that retailers and their staff are aware of their new responsibilities. The Department of Fair Trading is already working with the Australian Retailers Association and importers of the product so that appropriate fact sheets will be available.

Information will be posted on the department's web site, and other direct communication options are being explored. The plan I have announced today is a considered approached to a growing problem amongst the young people of New South Wales. It is designed to reduce the risk of serious injury or death by imposing a limited ban which will not place too onerous a burden on retailers. I thank the Australian Retailers Association for its assistance to date and assure its officers that I have asked officers from the Department of Fair Trading to provide whatever assistance is needed to ensure that the ban is smoothly implemented. I am sure every responsible parent and carer will support the plan.

STATE HEALTH BUDGET

Mr MARKHAM: My question without notice is to the Minister for Health. What is the Government's response to comments on its health budget for 2000-2001?

Mr KNOWLES: It has been established that the Government's recurrent health budget and three-year forward plan will provide real dollars and real certainty. Yesterday the Treasurer announced a $414 million cash injection, $472 million to build new hospitals and new infrastructure, and $7.4 billion in recurrent expenditure. That is why the Government has received support from clinicians around the State, a positive response following the Sinclair and Menadue reports.

Mrs Skinner: What sort of pressure did you have to apply to them?

Mr KNOWLES: I have been waiting for that. We can always rely on someone opposite to interject. It would be nice if the honourable member for North Shore were more statesmanlike, as are some of her colleagues. No wonder the Coalition is polling at 29.5 per cent! All they do is whinge and whine. Why can they not be like the honourable member for Gosford, who is imbued with success after carrying the Olympic torch in Greece? Members on this side of the House who represent electorates on the Central Coast should note that on Central Coast radio station 2SEAFM today he said in a statesmanlike manner, "I believe in giving credit where it's due."

Mr Hartcher: Read out the rest of it! Read the rest of it!

Mr KNOWLES: It is very noisy in here, but I think the honourable member for Gosford said, "Read out the rest of it", so I will. He said:

> I believe in giving credit where it is due. The Government has done very well for the coast as far as health is concerned, especially in the area of mental health, which has received a big boost, much needed, and also in the area of detoxification. We have got a new detox unit, which is very important for the Central Coast.

That is a great endorsement of the health budget and, following his terrific performance in Greece, the honourable member for Gosford has displayed statesmanlike leadership qualities. He has demonstrated what it is like to lead: he has given a statesmanlike acknowledgement of a job well done. He gave credit where credit is due. But support for the budget does not stop with the honourable member for Gosford. The budget will allow the Government to do all the things it announced last March, including allocating resources over three years to provide greater certainty about where and how money is spent, making sure that the health system around the State gets its fair share of dollars and, of course, allocating extra money for mental health, dental health and research.

An additional $432 million has been budgeted for the construction and rebuilding of the hospital system. Terrific projects include the new Coffs Harbour hospital, multipurpose services across the State, and a new linear accelerator to provide cancer services at Campbelltown, a major project which will deliver services to people where they live. One project of which I am very proud and which has the support of the honourable member for Tamworth is the long overdue reconstruction and redevelopment of the Tamworth accident and emergency service, one of the busiest accident and emergency services in the State. I give credit to the honourable member for Tamworth for that.

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

Mr KNOWLES: The honourable member for North Shore does not like to hear about that, especially when one of her colleagues endorses it—and the honourable member for Gosford is not the only one who gives credit where it is due. A couple of weeks ago there were a couple of blips on the screen, a couple of carping criticisms. They came mostly from the Opposition, but they also came from the New South Wales branch of the Australian Medical Association [AMA]. In an Access Economics report the AMA alleged that the Government's additional funding for health was a sham. I now press the fast-forward button from three weeks ago to this morning. The AMA is now saying, "A $414 million increase this year is a significant step forward in anybody's language."

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

Mr KNOWLES: In an interview with the ABC the president of the New South Wales branch of the AMA stated:

> We are pleased to note that the implications of the Menadue Report and the Sinclair Report have been addressed and, in particular, a three year guaranteed funding cycle.

Dr Phelps also said:

> One of the things we are also very pleased to see is that the Government has heeded the AMA's call for a fairer distribution of funding to rural communities who have been disadvantaged traditionally.

Three weeks ago the budget was a sham, but this morning after analysis there was acclamation and endorsement: a recognition of the quality of the three-year budget and recognition of the allocation of real dollars. These are real increases in anyone's language and, of course, they give rural and regional New South Wales a fair go without forgetting the terrific opportunity to redistribute health resources to western Sydney and the Central Coast. The honourable member for Gosford gave credit where credit was due. As members on this side of the House hear, it makes members of the Opposition sick to hear those sorts of endorsements.

Mrs Skinner: Point of order: It is the 56,000 patients waiting for treatment who are sick of the Government. Mr Speaker, I ask you to ask the Minister not to be flippant with the lives of the people of this State.

Mr SPEAKER: Order! There is no point of order. The honourable member for North Shore will resume her seat.

Mr KNOWLES: We know that the honourable member for North Shore does not check her facts. Dr Refshauge recognises some of the things she says, because she says them over and over again.

[*Interruption*]

Stop encouraging her, she does not like it. The AMA whipped out of the gallery at 2 o'clock, bundled up to the conference, then she rushed up here and said, "Look, we have got a bag on the Government's budget on health". But she did not bother to check it. Three weeks later, when the AMA has said what I have read—dictated and put to air by none other than the New South Wales AMA President—the Opposition members are left very much on their own. No wonder they sit there with a 29 per cent rating. No wonder they are dividing down the middle: At one end of the Chamber is the honourable member for Gosford, statesmanlike, giving credit where it is due, and at the other end there is whingeing, whining and carping—no policy, no direction, no idea, no friends, divorced by their colleagues, nothing to offer, nowhere to go.

The best thing about the budget, other than the value of the dollars, is that now groups of people are working together as a team to move forward. No-one pretends that the solutions in health are easy to find. If they were, someone somewhere in the world would have found them. But we know that we can move forward further if we work together as a team. I am delighted at the spirit of togetherness. I recognise what the AMA has said and welcome it into the team. More than 400 individual clinicians around the State are working with the Government, planning how to spend that terrific allocation of $2 billion over the next three years. That is the way to go.

As we move away from the dock, we look back and hear the honourable member for North Shore saying, "Come back, come back, please." She is very lonely where she sits, she is losing friends fast. The latest releases from the media demonstrate that. The honourable member for Gosford has gone, he has done the bolt. He does not want to listen to her stuff any more. He wants to give credit where it is due, as he well should. The health budget, which was announced in March and endorsed yesterday and today by none other than the honourable member for Gosford and the President of the AMA, is good news for New South Wales and rural health. We have a real chance to work together and move forward to improve health services for the people of this State.

INVERELL DIALYSIS SERVICES

Mr TORBAY: My question is to the Minister for Health. Will the Minister ensure that dialysis services are made available to Inverell residents to relieve the current situation whereby patients are forced to travel 6 hours per day, three times per week on a 432-kilometre trip to Tamworth, which is the nearest centre for this treatment?

Mr KNOWLES: I acknowledge the commitment and determination that the honourable member for Northern Tablelands has demonstrated, not only on this issue but on all health issues in regard to his electorate. He is tenacious in his efforts on behalf of his community. This question once again demonstrates that. As the honourable member said, people in rural and regional New South Wales travel long distances to obtain dialysis services. That is one of the reasons why the Government has allocated additional funding for the Isolated Patients Transport and Accommodation Service—to transport people in need.

I advise the House that the New England Renal Outreach Service consists of specialised renal nursing staff, including a dietician, an occupational therapist, a social worker and a renal technician. The service provides care, support and resources for more than 60 patients in their local areas at 20 different locations throughout the region. The outreach service staff travel long distances to support patients and local health service staff. I understand from advice provided to me—which I obtained because of the member's forensic inquiries into this issue—that five renal patients travel from Inverell to Tamworth hospital to receive dialysis treatment. That has been confirmed by the area health service. As the honourable member indicated, it is a lengthy journey. Any member who has been associated with a person who receives dialysis would know that it is not a happy experience to travel away from home, sit in a chair for prolonged hours and then have a lengthy journey back home.

I am advised in the case of the five people at Inverell that one patient has been offered home dialysis. However, for other reasons, that person prefers to travel to Tamworth. I am advised that the patients travelling to Tamworth from around New England for dialysis are generally medically unstable and require high levels of care in hospital to complete the dialysis procedures safely. They are not suitable for home dialysis. Renal dialysis is an extremely specialised area of medicine, requiring highly trained nursing and medical staff. Without those resources, a patient's safety and welfare cannot be ensured. Because of the small number of patients involved, it is unlikely that New England would be able to attract a renal position to Inverell simply for those

five patients. However, I am advised that planning is under way to establish a renal service at Armidale. This will reduce by almost half the amount of travel required by clinically suitable Inverell patients.

I am also advised that the New England Area Health Service and its Renal Outreach Service has recently purchased a home dialysis machine for peritoneal dialysis, which has the capacity to be used in remote locations. It is currently being used in Moree. That machine can be made available to the individuals in Inverell. It is one of only three such machines operating in Australia and the only one operating in New South Wales. The Government is improving the service, although recognising the difficulty in getting highly specialised staff to ensure quality care and safety for patients. The Government is more than happy to accelerate the program that is being undertaken at Armidale, as well as providing the other expenditure in yesterday's budget. I will continue to work with the honourable member—essentially backing his hard work—to make sure that those individuals at Inverell get the service they deserve. Once again I thank the honourable member for his question which demonstrates his commitment to his community.

ABORIGINAL HERITAGE

Mr THOMPSON: My question without notice is to the Minister for Aboriginal Affairs. What is the Government doing to recognise Aboriginal heritage?

Dr REFSHAUGE: During Heritage Week last month I outlined the Government's policy in heritage over the next three years. One major priority is indigenous heritage. Heritage is the story of our past and the evidence of our history; it is much more than our built heritage. Places, artefacts, landscapes, objects and memories all tell a story and help us to understand our past. Through them we can more readily appreciate the reasons why our country and community exist and function the way they do today. Heritage means different things to different people. We need to recognise that the story of the past can have different meanings, particularly to indigenous Australians. Their stories are deeply affected by government policies of the past, such as terra nullius, the forced removal of Aboriginal children from their mothers and the policy of isolation adopted by earlier Australian governments.

Heritage tells us much more than our history of the last 200 years. It is the evidence of a rich indigenous culture more than 40,000 years old, and it is all around us. We need to increase our understanding of the history of the past 40,000 years and we need to ensure that our State Heritage Register is expanded so that it truly reflects the story of the past. The Government sees it as a priority to add Aboriginal heritage places to the State Heritage Register. On the eve of Corroboree 2000, I am pleased to announce that the Government is seeking community views on whether the Brewarrina fish traps should be listed on the State Heritage Register. The Brewarrina fish traps are of great importance to Aboriginal people in western New South Wales. The New South Wales Heritage Office has consulted extensively with the local Aboriginal community in preparing this listing. The traditional owners are the Ngemba people, but other groups, such as the Murrawari, also have a strong association with this area.

This truly exceptional site is one of only four rock fish traps known in New South Wales and the only one to survive in good condition. The Brewarrina fish traps are a complex arrangement of stone fish traps and walls, nearly half a kilometre in length, that were built by Aboriginal people prior to European settlement. According to tradition, the fish traps were built by Baiame and his two sons during times of drought when the Ngemba people faced famine as the waterhole, which is now known as Brewarrina, dried up. The fish traps are built on the Barwon River, a major tributary of the Darling River. The traps are part of the story of Aboriginal people in Western New South Wales, of their history, culture, spiritual beliefs, and distinctive way of life including highly skilled fishing techniques. Stories associated with fish traps are found across western New South Wales and they are depicted in artwork as far afield as Cobar.

The proposal to list the Brewarrina fish traps on the State Heritage Register will be advertised widely, particularly in the *Koori Mail*. As with all proposed recommendations for listing on the State Heritage Register, the community is being invited to comment before the Heritage Council formally makes its recommendation to me. As the Minister responsible for heritage, as well as Aboriginal affairs, I will work with the Aboriginal community to encourage more nominations of sites of Aboriginal significance. The listing of Aboriginal places will increase our understanding of indigenous heritage. It will be an opportunity to recognise the cultural heritage of the first Australians. As we approach this coming weekend of Corroboree 2000 we need to encourage all Australians to recognise our unique indigenous heritage.

GREYHOUND RACING INDUSTRY

Mr OAKESHOTT: My question is to the Minister for Gaming and Racing. Despite criminal charges having been laid last week against a number of greyhound racing owners and trainers alleging corrupt practices,

will the Minister explain why the dog Galaxy Monarch, owned by Mr Ron Bragg, one of those who have been charged, was allowed to run in Race 9 at Wentworth Park last Saturday night? How does that encourage public trust in greyhound racing under his administration?

Mr FACE: Today it was recommended that several people be charged as a consequence of the Independent Commission Against Corruption inquiry. I have no intention of pre-empting those outcomes. When the commissioner publishes her final report to the Government, I will consider any recommendation.

Mr OAKESHOTT: I ask a supplementary question. In the light of the Minister's answer, will he prevent these owners and trainers from racing their dogs forthwith?

Mr FACE: I will refer the matter to the Greyhound Racing Authority.

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

THREATENED SPECIES PROTECTION

Mr MILLS: I direct my question to the Minister for the Environment. What is the Government doing to protect endangered species?

Mr DEBUS: Along with biodiversity surveys and land acquisitions, much vital on-the-ground work is being carried out by the National Parks and Wildlife Service rangers, field officers and scientists as part of the joint effort with local communities to preserve and rehabilitate threatened species. In a statewide push to prevent the decline of such species, the service is presently developing more than 170 recovery plans dealing with more than 200 species and ecological communities that are presently listed under the Threatened Species Conservation Act. Recovery plans are developed after a species is identified as endangered or vulnerable under the Threatened Species Conservation Act by the independent Scientific Committee.

Each plan is valuable because it identifies threats to the particular species and on-the-ground actions that need to be taken to prevent further decline and encourage population growth. That may include better targeted feral animal and weed control, habitat protection and species propagation. Some 107 recovery plans are presently being developed, 33 will soon be placed on public exhibition and 11 are already on exhibition. Practical solutions to maintain habitat and, therefore, halt the decline of species such as the migratory little tern, the southern corroboree frog and the Bathurst copperwing butterfly are offered in this latest batch of recovery plans. I have been much encouraged to see that outstanding successes are already being achieved across the State.

A highlight has been the protection of the endangered mallee fowl, a population battling from the brink of extinction in the Yathong Nature Reserve, a park that was once famous, unfortunately, for its bounty on feral animals. The local community and the National Parks and Wildlife Service joined to rid that park of foxes and other feral animals, and the mallee fowl are now battling back from the brink of extinction. Following decades of decline, the Yathong populations appear to be stabilising. Other outstanding achievements include an increase in the population of Goulds petrel from 250 to more than 700 after rabbits were wiped out from Cabbage Tree Island, the sole breeding ground of that endangered bird.

The endangered rock wallaby has increased its numbers by 400 per cent in Mutawintji National Park following recovery actions, which include fox and goat control programs. I hope to see similar success stories repeated around the State, especially in the protection of woodland bird species in the sheep-wheat belt. The woodland bird species were identified as under threat by the joint National Parks and Wildlife Service-CSIR0 study, and recovery plans are now being developed for many of those species, including the bush stone curlew, the plains wanderer, the regent parrot, the superb parrot, the squatter pigeon and the regent honeyeater. What has been just as encouraging is the commitment of the community to conservation. Groups too numerous to mention have sprung up around the State to provide assistanceand vital local knowledge to prevent the decline of species.

Aside from this process of recovery planning for threatened species, the Government has funded the development and implementation of a statewide biodiversity strategy, which involves a series of studies to give a more detailed picture of the flora and fauna that exists in a particular bioregion. That information is being used by land-holders and regional planners to develop management practices. This allows for the productive use of the land while, allowing for better protection of native flora and fauna. The development of recovery plans, the biodiversity strategy and other solutions are taking place within the context of a greater push to acquire land in

the least protected part of the State, western New South Wales. The statistics on the disparity between the east and the west of New South Wales are quite startling.

From Eden in the far south to the Tweed on the Queensland border, eastern New South Wales is fortunate to have a comprehensive system of National Parks and reserves. By comparison only one-third of 1 per cent of the Riverina bioregion is protected, 0.88 per cent of the Darling riverine plains in the mid west of the State are protected, while the Mulga lands—the vast expanse that stretches from Wilcannia to the Queensland border—have only 1.13 per cent protected by the reserve system. It is clear that although much has already been achieved to allow the State's natural heritage to flourish more needs to be done, especially in the western area. I am encouraged by the work undertaken by government agencies in conjunction with local communities across the State. As a consequence, I have high hopes for the future diversity of New South Wales.

Questions without notice concluded.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the gallery of the High Commissioner for the Federal Republic of Nigeria, Dr Rufai Soule, and Counsellor Abdie Ado. We welcome them to the New South Wales Parliament.

HONOURABLE MEMBER FOR NORTHERN TABLELANDS ETHNIC BACKGROUND

Personal Explanation

Mr TORBAY, by leave: As I was speaking to the motion for urgent consideration yesterday the honourable member for Coffs Harbour interjected on several occasions. On the third occasion his interjection was recorded in *Hansard* because I responded to it. The honourable member for Coffs Harbour said:

> The Lebanese in our party are decent people.

I called on him during that debate to apologise in the House for his remarks. He turned his back, and he went. This morning he came to my office and privately apologised to me for any offence he may have caused. But as the matter is on the public record I call on him to retract his remarks in this House and apologise to the House, which is appropriate. I was certainly offended by the remarks. I believe that my family and friends would have been offended by them also. I also believe that the Lebanese community should and would find the remarks offensive. They should be withdrawn.

Mr SPEAKER: Order! The Chair cannot compel members to withdraw remarks they have made. It is a matter for the honourable member for Coffs Harbour whether he takes note of the personal explanation.

CONSIDERATION OF URGENT MOTIONS

Fiji Governance

Mr LYNCH (Liverpool) [3.29 p.m.]: My motion for urgent consideration self-evidently refers to the current issue in Fiji. On any rational view that is a matter of great import and urgency. The fact that things are developing the way they are places an emphasis on the need to deal with it at the first opportunity. A House of Parliament expressing its views through an urgency motion has real substance. The current situation in Fiji clearly should be dealt with as a matter of urgency.

Secondary School Enrolments

Mr O'DOHERTY (Hornsby) [3.30 p.m.]: The needs of Fiji obviously are urgent and critical and concern every member of this House. I take this opportunity to express my great regret at the way democracy is being toyed with in that country. My personal hope is that it is restored at the earliest opportunity and without further violence. The House should have a special opportunity to debate a motion such as that moved by the honourable member for Liverpool. On many occasions the Government has moved such a special motion. There is no reason it should be dealt with as an urgency motion, as described by the honourable member for Liverpool.

The urgency debate at this time of day ought to be reserved for matters particularly relating to the affairs of New South Wales. For that reason we should debate the education budget that was handed down yesterday and the urgent matters contained within it.

My motion is urgent because primary school students across New South Wales, and their parents, now are making choices about what secondary schools they should attend next year. Several schools in my electorate have held information days for primary school students because this is the time to make decisions and choices. It is particularly critical this year to make choices early because of the Olympic Games. The budget contains interesting statistics on that issue. It is urgent that we talk about the decline in secondary school enrolments over the last two years under the policies of the Carr Labor Government. Starting two years ago there has been a turnaround in secondary school enrolments in New South Wales. Despite increasing primary school enrolments, secondary school enrolments are decreasing.

Mr Gibson: Point of order: I am reluctant to take a point of order because the shadow minister is a fine young man, but I am certain that if the roles were reversed he would be the first to take a point of order. Our standing orders are very clear. The Opposition is keen to make sure the standing orders are adhered to at all times. He has one role to play—

Mr SPEAKER: What is the point of order?

Mr Gibson: The point of order is simply that he must prove why his motion is more urgent than that of the honourable member for Liverpool. He has already admitted—

Mr SPEAKER: What is the point of order?

Mr Gibson: He is outside the standing orders. He must come back to the standing orders. If he does not, I ask that you tell him to resume his seat.

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

Mr O'DOHERTY: When I circulate a copy of this *Hansard* to all teachers in New South Wales they will know that the honourable member for Blacktown was wasting the time of this House when it was considering an important matter. Falling public confidence in the choices students must make for their secondary education is a direct reflection on the policies of the government of the day. This House urgently needs to express its concern about two years of declining secondary school enrolments and its impact on the whole culture of public education and the future of New South Wales. A healthy public education system is critical to a healthy community.

The Coalition believes in choice in schooling. That choice is best exercised when people have the choice of two strong, robust and excellent systems. Right now the choices people are making reflect the fact that they no longer have confidence in the Carr Government's ability to manage public education. The Government is missing its opportunity to provide a status increase for teachers, about which the community has expressed its view on many occasions. The Government is falling behind every year in capital works expenditure on New South Wales schools, and that is reflected in public lack of confidence in the Government's education policies.

The Government is failing to train teachers. That is another reason people are concerned about choice of school for their children. All of these concerns reflect on government policy. From yesterday's budget we know that 220 teachers will be cut from high schools in New South Wales by the Carr Labor Government. This will further erode public confidence that the Government knows what it is doing and will further affect choices for public education or otherwise. It is critical that we debate this matter and that the House expresses its concern about the failure of an education policy under the Carr Government.

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

The House divided.

Ayes, 49

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Mrs Grusovin	Mr E. T. Page
Ms Andrews	Ms Harrison	Mr Price
Mr Aquilina	Mr Hunter	Dr Refshauge
Mr Ashton	Mr Knowles	Ms Saliba
Mr Bartlett	Mrs Lo Po'	Mr Scully
Ms Beamer	Mr Lynch	Mr W. D. Smith
Mr Black	Mr Markham	Mr Stewart
Mr Brown	Mr Martin	Mr Tripodi
Miss Burton	Mr McBride	Mr Watkins
Mr Campbell	Mr McManus	Mr Whelan
Mr Carr	Ms Megarrity	Mr Woods
Mr Collier	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Moss	
Mr Face	Mr Nagle	*Tellers,*
Mr Gaudry	Mr Newell	Mr Anderson
Mr Gibson	Ms Nori	Mr Thompson

Noes, 35

Mr Armstrong	Mr McGrane	Mrs Skinner
Mr Barr	Mr Maguire	Mr Slack-Smith
Mr Collins	Mr Merton	Mr Souris
Mr Debnam	Ms Moore	Mr Stoner
Mr George	Mr O'Doherty	Mr Tink
Mr Glachan	Mr O'Farrell	Mr Torbay
Mr Hartcher	Mr Oakeshott	Mr J. H. Turner
Mr Hazzard	Mr D. L. Page	Mr Webb
Ms Hodgkinson	Mr Piccoli	Mr Windsor
Mr Humpherson	Mr Richardson	*Tellers,*
Dr Kernohan	Mr Rozzoli	Mr Fraser
Mr Kerr	Ms Seaton	Mr R. H. L. Smith

Pairs

Mr Hickey	Mr Brogden
Mr Knight	Mrs Chikarovksi
Ms Meagher	Mr R. W. Turner

Question so resolved in the affirmative.

FIJI GOVERNANCE

Urgent Motion

Mr LYNCH (Liverpool) [3.44 p.m.]: I move:

That this House calls for the restoration of parliamentary democracy in Fiji and affirms its support for the implementation of democratic principle.

The first and in some ways most important thing that I should do in this debate is express my personal solidarity and our collective support and solidarity for the Fijian members of Parliament and Ministers who are currently held hostage, and for their families and the communities that they represent. Probably the most fitting and eloquent comment that anyone will be able to make in this debate is to simply note that while we can have this debate in this place about this issue it cannot be had in the Fijian Parliament. It cannot occur there because a group of would-be autocrats led by George Speight on 19 May seized the Parliament building and took hostage a large number of members of Parliament and Ministers, most notably the democratically elected Prime Minister Mahendra Chaudhry, himself a former trade unionist.

The coup leader, George Speight, led the armed group. He subsequently claimed to be revoking the country's constitution and also claimed to take all Executive control into his hands. The course of events since 19 May has transfixed many people in this country. Speight's actions are undeniably deplorable. The image that sticks most strongly in my mind is that of these thugs physically assaulting a democratically elected Prime Minister and literally holding a gun to his head. The only possible description of that behaviour is terrorism. At the same time there was widespread terror and damage outside the parliamentary compounds in the capital, Suva. I am sure that most people would have seen the television pictures of that horror. I am told by Australian Fijian Indians who have contacted their friends and relatives in Fiji that the terror is being extended not just to shops but to individuals. There have been a number of instances of assault and intimidation of Fijian Indians.

These are obviously very dangerous times for Fiji, not just in the obvious physical sense. This pursuit of extraconstitutional strategies must lead to the real possibility of international isolation of Fiji and its expulsion from the Commonwealth, which in turn would have disastrous consequences for its economy. Those of us who have an interest in and an affection for Fiji know that this is not the first time that the gun has ruled Fiji's politics. Fiji became independent within the British Commonwealth in 1970. On 6 July 1985 the Fiji Labor Party [FLP] was formed. That arose from a motion moved at an executive meeting of the Fiji Trade Union Congress [TUC] in December 1984. Australian Labor Party members such as I were fascinated and excited by the development. We noted with particular interest the similarities in the method of formation of the Fijian Labor Party and the Australian Labor Party and the role of the union movement.

A short time after the formation of the FLP, in coalition with the National Federation Party [NFP] in 1987 it won the election and Timoci Bavadra became Prime Minister. In Australia many of us involved in the labour movement were heartened and delighted at the result. Delight shortly turned to horror with the events of Black Thursday, 14 May 1987, when Rabuka staged his coup. That led to a downward spiral: there was significant international condemnation. It is worth making the point that it was not just from pro-Labor sources but generally from people who were appalled by the breach of the constitutional process. That first coup led to a racialist constitution, a separation from the Commonwealth and some 80,000 people leaving Fiji. Many moved to Australia and New Zealand. Over time the situation improved. After wide consultation and consensus a non-racist constitution was developed that eventually gave rise to the election of the Chaudhry Government in May 1999.

Once again Fiji had a Labor Prime Minister, and now once again there has been a coup, on the eve of the first anniversary of the Government's victory. Prior to the election victory I had been told by many members of the Australian Fijian Indian community that they expected Labor to win. I have a vivid recollection of attending a function on 15 May last year with radio reports coming in and the community becoming very excited. Those optimistic reports became realistic and there was a victory. The democratic process has now been completely overturned by the events of the last week. A number of things can be done in the Australian context. There is a very substantial Australian aid program to Fiji. The Federal Government has allocated in the vicinity of $22 million for the budget year 2000-2001. A very broad defence co-operation program includes support by Australia for three Pacific class patrol boats. The Commonwealth Government extended the import credits scheme to Fiji on 18 May.

It seems clear to me, and I would have thought to a large number of people in this country, that if democracy is not restored to Fiji all those things ought to be frozen or cancelled until such time as it is restored. Canberra also should make clear that the overthrow of democracy will result in Fiji's expulsion from the Commonwealth and will also result in international isolation. Some members of the Fijian Indian community I have spoken to have called for military intervention by Australia. The Commonwealth Government should indicate to the United Nations that Australia is prepared to participate in any internationally agreed action. The action in East Timor shows the way in which this could be done. I certainly would not support unilateral action because that would make Australia look too much like a colonial power that is trying to exercise its strength in the area. But, as I said, the precedent of East Timor shows how action could be taken in an internationally appropriate way.

The fact that a number of members of the Fijian Parliament have been through this before emphasises the horror of what has occurred. Prime Minister Chaudhry was Minister for Finance in the Bavadra Government. He, together with a number of his colleagues who are currently being held hostage, were also held at gunpoint in 1987. But some people have been very lucky. Krishna Datt, whom I met a couple of years ago when he attended a function at Miller in my electorate, was a foundation member of the Fiji Labor Party, Foreign Affairs Minister in the Bavadra Government, and is currently a member of Parliament in Fiji. He had the good fortune to be ill on the day that Speight charged in, and is at home. Thus by such chances and foibles do people maintain their liberty.

There is no doubt about the anger and revulsion that are felt by the Fijian Indian community who are resident in Australia. Numerically south-western Sydney, with Liverpool as its focus, is the largest centre. Two functions were held by the Fijian community in south-western Sydney on Monday 22 May. The Federation of Indo Fijian Association [FIFA] commenced a prayer vigil at the Club Fiji in Memorial Avenue, Liverpool. Proceedings were commenced by the club President, Salem Buksh, with other contributors including Harish Prasad. I was afforded the honour of lighting the first candle of the vigil, which will continue until the crisis is resolved.

Another function was held that night at the Sanatan Dharm Cultural Centre at Lyn Parade, Prestons. That function was attended by 400 people. Speakers included Pandit V.P. Kashyap, a well-known pandit in south-western Sydney; Gyan Singh, a long-term activist at the cultural centre; Bob Singh, an organiser with the National Union of Workers; Govind Sami; and me. Honourable members may have seen Govind Sami on television in the past couple of days. Govind was one of the key organisers, together with Kamal Sharma of the Fijian Indian Social and Cultural Association of Australia [FISCAA]. Govind and Kamal have been friends and associates of mine for some time. Govind was elected as a Labor member of Parliament in 1987 with the Bavadra Government and was subjected to Rabuka's coup, and he is now seeing other members of Parliament being subjected to a similar process. He left Fiji after Rabuka's coup replaced Bavadra. Much of my knowledge of Fiji has been gained from Govind.

Kamal was a senior official in Fiji's public service union and was assistant secretary of its trade union congress. Both have been very active with the Fijian Indian community for some time and accompanied Pratap Chand, the current Minister for Education, who met Alexander Downer yesterday. The Fijian Indian community in Liverpool intends to maintain an ongoing vigil in the Macquarie Street mall until the crisis is resolved, and proposes to hold a major rally on Saturday. As with East Timor, there is a strong argument that Australia has a moral responsibility to help resolve these issues. One of the bizarre arguments used by those who have staged the current action is that somehow or other the indigenous Fijian community are victims of the Fijian Indian community. That flies in the face of Fijian history. Indians came to Fiji as a result of an indentured labour system to work the sugar fields. Most historians would describe the indenture system as institutionalised slavery. The Indian indentured labourers were as much victims as anyone else in this process. The beneficiary of the process was another party altogether. David Robie records in his book *Blood on their Banner*:

> Sugar cultivation in Fiji was largely the monopoly of the Colonial Sugar Refinery Company of Australia, which controlled the industry from the 1882 to 1973. The company established its first large mill on the East Bank of the Rewa River where the town of Nausori sprang up. From 1883 sugar became Fiji's main export "Over half Fiji hangs the shadow of the company", wrote a governor to the Colonial Secretary in London in 1920, just as the indenture system was abolished.

An Australian company has benefited dramatically from the indentured labour and the presence of Indians in Fiji. Australia has a moral responsibility to be involved in this issue.

Mr HARTCHER (Gosford) [3.54 p.m.]: This motion calls for the House to express its support for democracy in Fiji and to restate its support for the principle of democracy. The Opposition is happy to acknowledge its support for both those concepts. This motion is similar to a motion moved by the Hon. I. M. Macdonald in the Legislative Council earlier today. In many respects the history of Fiji is a sad one from the year of British colonialism. As with the islands of Trinidad, Guyana and Mauritius, the British rulers used indentured Indian labour to cultivate the sugar industry after the abolition of slavery and deprived them of a source of labour in Africa. This resulted in racial disharmony in each of those countries, including Fiji—a historic legacy of British colonialism.

This unfortunate disharmony among the principal races on the island has led to problems in Guyana, with longstanding historical problems between those who descended from the black slaves and those who descended from the indentured Indian labourers, and similar longstanding problems on the island of Trinidad and Fiji. One would hope that all races would develop a program of tolerance, to live in harmony and to develop that beautiful island in a democratic way. I am sure that harmony, peace and democratic development is the aspiration of the great majority of Fijian people. However, there are always people in any society who wish to sow the seeds of discord and, through the process of developing racial intolerance, try to develop a political program for themselves. That has been historically acknowledged in European countries.

A similar phenomenon has occurred in Australia at various times. It now appears that certain elements in Fijian society are anxious to use race as a means of political self-promotion. Therefore, it is beholden on all people in all democratic societies to encourage the good among the great majority of the Fijian people and to seek to discourage the bad. Accordingly, it is appropriate for Australia, as a major power in the Pacific region, to

seek to use its good offices to encourage the collapse of this coup and to encourage this bridge of racial tolerance and, with it, the democratic principle. It is unfortunate that since the first coup in 1987 Fijian history has been so unsettled. Everyone who has visited Fiji has admired the beauty of the island and enjoyed the hospitality of people of all races, and found them to be very gracious. All would be constantly surprised at the political developments on that island.

Of course, Australia's role is difficult. We are in no position to force a solution on the Fijians; that must come from the Fijian people themselves. All we can do is seek to develop a moral atmosphere that essentially encourages the good and discourages the bad. I have said in this House on previous occasions that the honourable member for Liverpool has a fine record in arguing for people who have been the victims of persecution, especially in his stance on East Timor. On this occasion, while I note he has a constituency interest, I note also that he has a broader and more abiding interest in the principle of democracy in all societies. The Coalition similarly takes the view that democracy needs to be restored in Cuba—another sugar island similar to Fiji—in Vietnam and in North Korea. When the honourable member for Liverpool moves a motion in respect of those countries he can be assured of my support.

That in no way trivialises the significance of the motion before the Parliament today, and I do not intend to expand upon my comments. We like and admire the Fijian people. Many of us have visited Fiji and we all acknowledge that Fiji has been a good member of the forum of nations that constitutes the Commonwealth. We have enjoyed watching the Fijian rugby team—the Fijians are great rugby players. We all wish for harmony on that island and we deplore this most recent attempt by a small group of self-interested people to sow hatred and racial discord as a means of political self-promotion. I hope that this unfortunate situation can be resolved and I urge the Federal Government to use the best offices that Australia can provide to assist in that resolution. On behalf of the Coalition, I express support for the motion.

Ms MEGARRITY (Menai) [4.00 p.m.]: I support the motion moved by the honourable member for Liverpool, which states:

> That this House calls for the restoration of parliamentary democracy in Fiji and affirms its support for the implementation of democratic principle.

Members of the Fijian Indian community live in my electorate. They are wonderful people, and I feel their pain and distress as each news bulletin brings an update on the present tragic and appalling situation in that country. I recall the moment I heard that George Speight, the leader of the armed coup in Fiji, had announced that he was revoking the country's constitution and that all executive control was in his hands. He said at that point that the Fijian military was taking a passive role. The front-page headline of the *Sydney Morning Herald* on Tuesday 23 May conjured another chilling image for me—as I am sure it did for other honourable members. It read, "Gun at PM's head". While that statement could be used as a figure of speech in Australia, I knew that, in this case, it was a statement of fact. As a member of Parliament, I was horrified to imagine the circumstances in which the Fijian Parliament was stormed and members of the Government were seized.

The fact that these events occurred on the first anniversary of Mr Chaudry's Government and his appointment as the first ethnic Indian Prime Minister added a special poignancy. His election, just one year earlier, had been celebrated as a great triumph for democracy and pluralism in Fiji. Of course fear and violence were not confined to the parliamentary environs. Panic erupted soon after news of the event was broadcast, and thousands of people fled the capital. There have been incidents of violence and widespread looting, and buildings have been burnt to the ground. The Australian Prime Minister, John Howard, said he was horrified that such an act could be committed against a democratically elected leader. Mr Howard pointed out that the Fijian Prime Minister had recently been a guest in our country.

The Federal Opposition Leader, Kim Beazley, described the coup as a massive outrage and stated the all-important fact that the Fijian Prime Minister is "the duly, properly elected Prime Minister of that nation. He is a good Prime Minister and he is running a good Government." That fact should be reiterated today in light of reports that the possible release of the 30 hostages who have been held at gunpoint for the past five days may be conditional upon the formal ousting of the Prime Minister. It was also reported today that the Fijian Prime Minister has been beaten and brutalised by Mr Speight's rebel gunmen since they took him hostage last Friday. Therefore, I was further astounded and sickened to hear that amnesty for the rebels is being considered seriously. As Laurie Brereton, shadow Minister for Foreign Affairs, said last Friday:

> Fijian coup leader George Speight's claim to exercise executive powers over Fiji must not stand. His characterisation of his actions as a "civil coup" cannot obscure the criminality of an armed seizure of power.

> The so-called interim government is totally illegal and unconstitutional and must receive no international recognition.
>
> Australia must demand the immediate release of Prime Minister Chaudhry and the restoration of his democratically elected Labour Government.

Mr Brereton also called for a review of Australia's diplomatic and intelligence assessments preceding the recent events in Fiji. Mr Brereton said:

> The revelation that the Howard Government was taken completely by surprise by the attempted coup in Fiji necessitates a thorough review of Australian diplomatic and intelligence assessments.

I draw the attention of the House to an event that the honourable member for Liverpool mentioned towards the end of his speech. Last year he attended a celebration by the Fiji Indian Social and Cultural Association of Australia [FISCAA], which was a commemoration of Girmit—I think the honourable member for Gosford also referred to the Girmit situation. There was institutionalised slavery, for want of a better term, in Fiji and "Girmit" was a mispronounciation of the word "agreement". That agreement is the one that Indians signed before they were shipped from India to Fiji as indentured labourers. The honourable member for Liverpool attended that function in June 1999 and he reported to the House that at the function predictions were made to him that the Fijian Labour Government would be victorious in that country's forthcoming elections. On 22 June 1999 the honourable member said:

> Indeed, it was victorious and Fiji now has a Labour Prime Minister.

The honourable member concluded:

> It seems to me … that the Girmit experience is still central to Fiji. If democratic and constitutional procedures continue to be followed in Fiji, a significant step in reconciling the Girmit experience will have occurred.

There is an element of prophecy about those remarks, and I join other honourable members in supporting the motion.

Mr GLACHAN (Albury) [4.05 p.m.]: I support this motion, which I am sure enjoys the support of every honourable member. It is a grave concern to democratically elected members of Parliament, wherever they may be—and especially those in the Westminster tradition—when a properly and duly elected Prime Minister and some of his colleagues are held at gunpoint, subjected to all sorts of indignities, have their freedom limited and are prevented from carrying out their proper duties by a group of people who can be described as nothing more than gangsters and terrorists. It is a sad day for the nation of Fiji. I was surprised to learn through the media that it has taken such a long time for the Great Council of Chiefs to support both the democratically elected Government and the President, who wishes to re-establish democracy in Fiji.

The Great Council of Chiefs is highly respected by indigenous Fijians. They have much respect for their hereditary chiefs who wield great power and authority in that country, and I expected those chiefs to exert far greater influence over these events and move quickly to bring the situation under control. Other honourable members have mentioned the fact that Fijians of ethnic Indian backgrounds were taken to Fiji by the British colonial Government to work on the sugar fields. They worked hard and developed an amazing industry. They were responsible, through their labour and other efforts, for developing a wonderful sugar industry in Fiji that has brought a great deal of wealth and economic activity to that country. Barred from the ownership of land, they have concentrated on commercial activities, and many have become extremely successful. I am sorry to say that there is a great deal of jealousy between Fijians of Indian ethnic descent and indigenous Fijians.

I am particularly interested in this matter because in 1957—which is a long time ago—I had the great privilege of serving on a ship owned by W. R. Carpenter and Company, a ship-owner that operated businesses in the Pacific islands. I sailed as a marine engineer officer on that ship, which had a Fijian crew. The stewards were Indian and indigenous Fijians worked in the engine room and on the bridge. Each of those groups performed their tasks to the great satisfaction of everyone on board the ship: the indigenous Fijian crew were wonderful in their dedication to their job and the Indian stewards were also excellent. However, it was noticeable that the two groups did not mix—neither would have anything to do with the other. That was very sad. The indigenous Fijians are wonderful people. In those days, many were of the Methodist faith: good Christian men with wonderful natures. They were pleasant, happy-go-lucky people who were great to be with.

I have wonderful memories of my time on that ship when I sailed in their company. I am sorry that coups seem to be becoming a habit in Fiji—this is the second to occur in recent times. It is regrettable that this

coup has occurred; it could destroy the reputation of Fiji. It is a great insult to the parliamentary tradition to have armed gunmen invade Parliament House, take elected representatives hostage, abuse them, prevent them from carrying out their duties and destroy a country's reputation. Whatever the results of the coup, it will be a long time before the reputation of the wonderful island of Fiji and its people is restored in the world community. I hope a fair and just democracy will soon be restored. I support the motion.

Mr ANDERSON (Londonderry) [4.10 p.m.]: I support the urgent motion moved by the honourable member for Liverpool. All freedom-loving people should be greatly concerned about the activities that have taken place in Fiji over the past week. A number of Fijian nationals live in my electorate, especially in Mount Druitt and northern St Marys. It must be frustrating for them, and they must have a sense of deja vu because they went through similar terrible experiences in 1987. The community did not gain a great deal from those experiences. However, a lot was gained by a few. I recalled reading an article which stated that the leader of that coup, Lieutenant Colonel Rabuka, had good reasons to be optimistic for Fiji. I record my thanks to the Parliamentary Library staff, particularly Ms Christine Lamerton, for retrieving the article for me.

The crisis in Fiji at that time was good for Lieutenant Colonel Rabuka and others; it certainly brought them up to par; it gave them prestige and a great deal of money. It also installed them as important people in the Fijian Government. The same cannot be said for many others, particularly the workers in Fiji, because the coup undermined the Fijian economy and many bore the brunt of it. The article to which I referred earlier recorded that the Fijian dollar was devalued by 33 per cent in mid-1988. The gross domestic product dropped by 11 per cent and hotel occupancy dropped by 25 per cent. The wages of workers in Fiji were reduced by between 15 and 50 per cent. That coup had a tremendous impact on the community, and the ordinary people of Fiji received few benefits from it.

The destabilisation of Fiji caused many overseas investors to think twice about putting their money into the country. Many overseas companies were committed to investing in projects, but they withdrew from their commitments. In the first few days following the coup of 1988, some $40 million was withdrawn from projects there. Today the same applies. Fijian people living in Australia would echo those sentiments. Indeed, many of them left Fiji for that reason. Their country was unstable and there was little future there for them and their families. They thought that if they did not make a move to a more stable environment such as Australia the future for them and their families would not be good.

The great pity of all of this is the attack on democracy. It has been said by all previous speakers, and I compliment them on their remarks, that democracy is the victim of this coup. The Prime Minister and a number of his Cabinet Ministers were elected only recently, and they were taken hostage at the point of a gun. The press has reported that the Prime Minister has been abused and injured. However, not much detail has been published. It is a sad indictment of democracy that these sorts of things can happen. It sends a warning to all of us who live in the Pacific region that we cannot sit by and watch these sorts of things happen. The instability in this region will affect us at some time or other. All fair-minded Australians should express their concerns about what has happened in Fiji.

Mr LYNCH (Liverpool) [4.15 p.m.], in reply: I thank the honourable members representing the electorates of Gosford, Menai, Albury and Londonderry for contributing to this debate. I record my regret that we have had to debate this sad event; it reflects the horror of what has happened in Fiji. The undemocratic action of Speight and his assorted band of thieves and thugs certainly deserves our unqualified condemnation. It is unacceptable for a democratically elected government to be overthrown. The fact that Prime Minister Mahendra Chaudhry led the Government to such an overwhelming electoral mandate makes the coup even more deplorable. At a personal level, the fact that elected members of Parliament are being held at gunpoint makes the event even more horrific.

The claim by Speight that he acts for the indigenous community, that the only opponent is the Fijian-Indian community and that the coup is thus based on a racist issue is inaccurate and wrong. It is a way of hiding Speight's real motivations. Many indigenous Fijians supported the current Government when it was elected and continue to support it. It is worth remembering that when the first coup occurred in 1987 the Prime Minister against whom the coup was directed was an indigenous Fijian, Timoci Bavadra. In the western part of Viti Levu signs supporting Mr Chaudhry and his Government are displayed in the homes of indigenous Fijians. Traditionally the western part of Viti Levu has supported Labour Party candidates, be they indigenous Fijians or Indian Fijians.

It is worth remembering those points when one hears Speight's rhetoric about restoring Fiji to indigenous Fijians. A large number of indigenous Fijians do not agree with him and do not support him. The

comments by Speight also ignore the fact that the Chaudhry Government was not elected on a racist platform; it was elected on a platform that spelt out in specific detail what it thought was in the best interests of Fiji as a whole. One is tempted to note that Speight's behaviour has more to do with his own pecuniary position. The honourable member for Londonderry rightly pointed out what Sitiveni Rabuka managed to achieve in precise financial terms by staging a coup. The same comments can be made about Speight: his motivation seems to have come from the fact that he has lost power, money and influence as a result of the change of government. Speight was closely connected with the Finance Minister in the previous Government, Jim Ah Koy. With the election of the Chaudhry Government, he lost his chairmanship of two important government concerns, Fiji Pine Ltd and the Fiji Hardwood Corporation.

There are a number of allegations, which probably have some substance, that he was getting financial benefits from that and now he has lost out because he has been removed from those positions. It has also been pointed out by various people that he has lost his position as managing director of Health Fiji, which was an offshoot of the British insurance giant C. E. Heath. The suggestion is that he lost that position because his power and influence had significantly decreased as a result of the change of government. The motivation for Speight is not the racist rhetoric that he is relying upon; it has more to do with his financial position.

If what happened after the last coup is repeated there will be sad times ahead for Fiji. The country suffered immense financial difficulties as a result of the coup and 80,000 people migrated. That cannot possibly be good for Fiji. I conclude by restating the measures Australia can take. As I said earlier, Australia provides to Fiji a substantial aid program, a defence co-operation program and an import credit scheme. Those programs must be denied to Fiji unless its Government is prepared to return to the path of democracy. I urge the Minister for Foreign Affairs and the Federal Government to aggressively pursue that course and to make it known widely and clearly. I remind them once again that our presence in East Timor is an example of how Australia can properly and appropriately be involved in a military sense with other countries.

Motion agreed to.

APPROPRIATION BILL

APPROPRIATION (PARLIAMENT) BILL

APPROPRIATION (SPECIAL OFFICES) BILL

APPROPRIATION (FURTHER BUDGET VARIATIONS) BILL

STATE REVENUE LEGISLATION AMENDMENT BILL

UNCLAIMED MONEY AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr SOURIS (Upper Hunter—Leader of the National Party) [4.21 p.m.]: As the Treasurer delivered his Budget Speech in this House yesterday, it struck me that most of the initiatives announced for rural and regional New South Wales were recycled announcements. Put simply, they were window dressing to prop up the factional public relations exercise called Country Labor. How cynical! Why should I be surprised? The Government specialises in rhetoric, in building up the hopes of decent people living in country New South Wales and then cruelly dashing them. The hoax of Country Labor continued on its merry way after the Treasurer finished his speech. All members of Country Labor voted against debating an urgent motion of the honourable member for Oxley, a member of the National Party, relating to the impending crisis facing the New South Wales dairy industry. But I am not surprised: The Government has a record of playing politics with the lives of people in rural and regional New South Wales.

There was not one word in yesterday's budget about any provision for a State-based price support scheme to assist this State's 1,800 dairy farmers postderegulation. As many as half of those producers will be wiped out after the Carr Government deregulates the industry, causing economic chaos in dozens of small towns that are reliant on the flow-on effects from dairy farmers. The Senate report into dairy deregulation urges the States to provide a package of assistance to dairy farmers. Western Australia is coming to the party with a

$27 million package. The Carr Government has set a precedent in helping industries restructure by providing $80 million to the timber industry. The dairy industry is no different. As Leader of the National Party, I will move a Coalition amendment to the Government's deregulation legislation to put in place a scheme that will at least give farmers a chance to remain in production and adapt to a deregulated environment.

Today the ABC tells us that the peak body representing Australia's dairy producers says that a Country Labor proposal to introduce a national floor price for the dairy industry is a cruel hoax. On the one hand, the Carr Labor Government is about to introduce legislation to deregulate the dairy industry in New South Wales. On the other hand, the Australian Labor Party subfaction Country Labor and the Minister are calling for reregulation at the Federal level. The Chairman of the Australian Dairy Industry Council, Pat Rowley, says that the Country Labor proposal has built up false expectations among producers. Dairy farmers are facing unprecedented upheaval in New South Wales. They do not need press release warriors in Sydney government office blocks building up their hopes, only to have them inevitably dashed. There was also no mention in the budget of a compensation package for water users, who in some cases face losing up to 70 per cent of their water entitlements when the Carr Government implements its draconian white paper on water.

Behind the glossy budget books is a litany of cuts that do nothing but damage to a section of our society that has worn the cost of the Olympic spending spree over the past six years. To add insult to injury, the cost of the Olympics has blown out by a further $100 million during the past 12 months. How many doctors, nurses, teachers and road workers could that $100 million provide to country New South Wales? One would have expected country capital expenditure to total between 33 per cent and 50 per cent of the budget, given the preceding deficit in expenditure in rural areas due to the Olympics. For the past six years country people have put up with declining services and deteriorating infrastructure to pay for the $2 billion Sydney Olympics capital works bonanza. The Government is not even willing to conduct an audit of infrastructure in rural and regional New South Wales, despite such a proposal going before New South Wales Cabinet earlier this year. Clearly, the Government has no genuine commitment to infrastructure in country areas.

As we prepare to celebrate the Olympics in world-class venues, we should remember that there are people living in hamlets and villages in New South Wales who are without clean drinking water and sewerage facilities. Country areas will lose at least 40 per cent of their local police to Olympic duties come September. Once again, rural and regional residents are treated as second-class citizens by the Carr Government. A large slab of the police budget has been earmarked for police stations in Labor electorates, with no money allocated for any areas represented by the Coalition. That is blatant and continuous Labor pork-barrelling, with the Labor Party again looking after its mates. Out of $12 million allocated specifically for police stations in the 2000-2001 capital works budget, $11 million or 92 per cent will be spent in Government-held electorates. The Treasurer and the Premier have squandered the opportunity in the first Olympics-free budget to repay rural and regional New South Wales, despite a surplus and GST windfalls on the way.

The Treasurer attempts to talk us into believing that the one-third of people who live outside the axis of Sydney, Newcastle, the Central Coast and Wollongong will get 35 per cent of the State's capital expenditure. However, this figure includes expenditure on roads. The Treasurer said that more than 60 per cent of the budget for new road construction and road maintenance will be spent in rural and regional New South Wales. We welcome the restoration of the Coalition's 60:40 ratio. Two key areas for country people, health and education, received only 24 per cent and 22 per cent respectively of the overall capital works allocations in those portfolios. That is despite 33 per cent of the population living in rural and regional areas. There is an ongoing spending deficit in country New South Wales.

Country people can only stand by and watch in amazement as the Government lavishes money on metropolitan projects such as the upgrade of the Sydney to Newcastle interurban railway line at a cost of $646 million, the west Charlestown bypass at a cost of $18 million, the continued construction of the M5 at an additional cost of $236 million, and expenditure on roads in western Sydney at a cost of $160 million. For the record, funding for the total roads program is being cut by $111 million, resulting in the loss of 158 Roads and Traffic Authority jobs across New South Wales, many of which will be in country areas. I was appalled to find in the budget that the cost of transporting the so-called Olympic Family will be more than $70 million. That is an outrageous example of the decadence of the International Olympics Committee and the incompetence of the Carr Labor Government. I ask members to compare that $70 million with the entire budget allocation for Tourism New South Wales of $49 million.

In the budget papers we find that the Government estimates that only $9 million will be spent by tourists in regional New South Wales in September and October. Clearly, this is an indictment of the Carr

Government's lack of forward planning and initiative in relation to the Olympics and tourism in regional and rural New South Wales. The Government has also squandered a valuable opportunity to make a decent cut to payroll tax, a tax that restrains jobs growth in rural and regional areas. Border areas like the Tweed Queensland, which will cut its payroll tax to 4.9 per cent from July, have aggressively targeted jobs and investment from New South Wales, yet the Government will persist with a payroll tax of 6.2 per cent from January next year. There is no incentive to set up business on the New South Wales side of the border. The Coalition's proposed cross-border commission would examine such an anomaly and recommend a rapid move towards the payroll tax rates of our competitors. We are now taxed at the rate of $2,157 per person per year in New South Wales, the highest rate in Australia. Budget Paper No. 2, at page 3-4, states:

> Abstracting from national taxation changes, New South Wales taxation revenue is estimated to remain virtually unchanged.

Salinity is a problem confronting every resident living in this State. When the Government called a Salinity Summit in Dubbo earlier this year the Premier said, "This is about saving Australia, saving the agricultural future of Australia". They were strong words for a devastating problem that the Premier said he feared would turn Australia into a net food importer if it were not seriously addressed. Yesterday we were looking for a serious initiative and funding commitment to address this cancer on our landscape. But there was a paltry increase of only $5 million. At the Salinity Summit the Premier committed the Government to releasing an integrated salinity plan for the State by June. We have seen nothing of it, and I remind the Premier that June is only one week away.

I now turn to specific cutbacks that lurk behind the Government's public relations spin. In 2000-2001 the number of TAFE teachers in New South Wales will be cut by a further 730, while enrolments are set to increase by 170,000. Where does that leave the people who rely on the severely overstrained TAFE system? It leaves them with fewer choices and a lower quality of education. The budget contains no joy for cash-strapped country area health services. No funds have been designated to clear the backlog of creditor debts. The Australian Medical Association found that the Government's grand announcement earlier this year of $2 billion for health was a sham and that it amounted to only $60 million of new money over three years.

Waiting lists are blowing out, beds and theatres are closing and medical professionals are suffering a morale crisis, yet this Government consistently fails to adequately fund our health system. The budget has been revealed as being anti-farmer. The Country Labor faction has been courting the farmers via press release, but primary producers have not been fooled. In a press release issued yesterday the New South Wales Farmers Association said that the Carr Labor Government lacked the vision needed to reinvigorate rural New South Wales. New South Wales Farmers President, John Cobb, went on to say:

> The Department of Agriculture has taken yet another cut in funding, down 3 per cent, despite the existence of Country Labor.

We find in the budget papers that 35 jobs will go from the Department of Agriculture following a $6.7 million cut to its budget. Mr Cobb said:

> We are disappointed that there is no further funding of the regional drought initiatives, which means that the State Government provides no drought funding.

Mr Cobb also lamented the fact that the budget did not provide some real incentives for young farmers who are building their careers in rural Australia. He continued:

> The budget will put Country Labor under increased pressure to deliver the expectations built in the minds of rural people by the Labor Party itself.

There we have it: the slick marketing exercise known as Country Labor has been shown up for nothing but Bob Carr's Labor. It has now been cut loose by the peak farming group in New South Wales. The Department of Land and Water Conservation has received no funding increase in real terms. The Government is planning to slash the number of jobs by 53, especially in vegetation management. Other failures in the budget include the lack of extra funding for the control of wild dogs, which means that landowners whose properties adjoin national parks will continue to suffer losses due to feral animal attacks on their stock; a lack of funding to reform the hopelessly indebted New South Wales WorkCover scheme; the lack of a commitment to decentralise government departments and subagencies to country towns and regional centres; and a lack of funding for value-adding rural industries.

The budget will load up the New South Wales electricity industry with $2.4 billion worth of government debt, which will limit the ability of country distributors to return dividends to taxpayers. Fees for

services in food-related and fibre-related areas are predicted to increase by $700,000. The budget fails to provide any real funding for noxious weed control programs. At least $12 million is needed to control noxious weeds in New South Wales, yet the budget allocated only $6 million. The forest industry restructure package will be underspent by $10 million. The budget has failed to capitalise on the many opportunities available in a time of high economic growth. Rural and regional New South Wales was looking for solid dividends to compensate for the hardships suffered during the past six years, but New South Wales country areas received little. It is clear that the Government, after six years in office, has become bloated by its own arrogance. It is content to look after its mates and forget about the wider community that more than ever needs solid leadership.

Debate adjourned on motion by Mr Crittenden.

HONOURABLE MEMBER FOR NORTHERN TABLELANDS ETHNIC BACKGROUND

Personal Explanation

Mr FRASER, by leave: I wish to comment on the matter that was raised earlier today by the honourable member for Northern Tablelands. Earlier this morning I apologised to him privately for any offence he may gave taken at the remark I made in the House last night. My remark was intended as a direct comparison to the honourable member for Lismore, who is also of Lebanese descent. I am not racist, and no racist intent was meant. I apologise for any offence that may have been taken by the honourable member for Northern Tablelands.

WAGGA WAGGA POLICE SERVICE ACCOMMODATION

Matter of Public Importance

Mr MAGUIRE (Wagga Wagga) [4.36 p.m.]: I ask the House to note as a matter of public importance the need to provide updated, suitable and modern accommodation for the Police Service in Wagga Wagga. For many years the previous member for Wagga Wagga raised this matter in the House, and I have certainly raised it while I have been in this place. In my inaugural speech I spoke of the desperate need for accommodation for the Police Service. Recently I devoted a private member's statement to alerting the Government to the problems being experienced by the Police Service in Wagga Wagga. It is important that appropriate accommodation be provided. The Police Service at Wagga Wagga is currently operating in a building that was constructed in the late 1800s. The last renovation or major work to the building was undertaken in 1927. Some renovations and improvements have been carried out over the years, but the reality is that the Police Service in Wagga Wagga has grown to such an extent that it is housed in five separate locations, which makes it very difficult for the service to operate.

I will give honourable members some background so that they can understand how difficult the situation has become for the Police Service. The building in Sturt Street currently houses general duties police officers, criminal investigation staff, a youth liaison officer, an intelligence officer, duty officers, the property office, anti-theft officers, drug unit officers and public servants. The building in Tarcutta Street, which is located to the east, houses the prosecuting section, the licensing section, domestic violence section, liaison officers, the court process section and the brief handling section. The building in Johnson Street is condemned, so it is not accessible to the Police Service. The local area commander, administrative staff, highway patrol officers, the local command of the southern region and internal affairs officers have been relocated to Morgan Street. At present construction work—I call it window-dressing—is being undertaken to the customer service area of the old Sturt Street Police Station. But that does not solve the problem of overcrowding, which is largely due to the fact that the building is antiquated.

Staff numbers have increased to such a level that it is almost impossible for police to operate in these facilities. The detectives office is crowded, telephone lines hang off desks and filing cabinets are kept on the open verandas of the building. It is totally impractical. When the Commissioner of Police visited Wagga Wagga the *Daily Advertiser* of 23 March reported him saying that Wagga Wagga's police deserve better than the current scruffy workplace conditions. He said also, "Wagga Wagga station had always been a problem and I would like to see the problem resolved. I don't like to see my officers working in scruffy conditions." It is important to note that the commissioner said, "The location of police stations is really a political decision for the Government to decide where they go." After his visit we were visited by the Deputy Commissioner of Police, Mr Jarratt, who said a proposal put to him by the Mayor of Wagga Wagga was being given serious consideration by the New South Wales Police Service.

In this House I invited the Minister to visit Wagga Wagga to see first hand the accommodation problems our local police face. Again I invite him to resolve this issue by visiting Wagga Wagga. The accommodation problem has not been resolved. I put forward a wonderful in-depth proposal from Wollundry Investments Pty Ltd to relocate all police services in the one location in the GSE building in Johnson Street. That would make policing manageable and serviceable. By all indications the Police Service agreed to the proposal. I wrote to the Minister inquiring about Mr Jarratt's comments. The Minister replied that Mr Jarratt's proposal was being examined by the police property services branch.

The Minister said, "Currently property leases expire in 2002." In the circumstances the property services branch has indicated it is not in a position to further develop lease negotiations for the building in question. Up to a month before Mr Jarratt came to town and said the GSE building proposal would be examined, we learned that the project was not on. The Minister's response to my proposal was, "We are not in a position to look at it." The question now is: Why suddenly is the Minister in a position to look at relocating the Wagga Wagga police? Is it Mr Jarratt who makes the decisions or is it the Minister? The Commissioner of Police put his finger on the pulse when he said these decisions are made politically.

Is the Minister seriously committed to relocating Wagga Wagga police? Is the Carr Government seriously committed to finally take action on this problem that has existed for many years? The Minister might say, "Hang on a minute, you blokes had a chance to do something about it when you were in government," and he would be right. In 1994 the Coalition Government committed to building a purpose-built police station for Wagga Wagga. Upon Labor's election in 1995 those plans and proposals were dropped. Nothing has happened since then. We have had lots of comments and discussion. I spoke to the Minister after I last raised this issue in the House. The Minister said, "Give me the proposal and I will look at it."

Now he comes back to me and says, "No, we are not in a position to look at this lease because leases are tied up until 2002." The community then reads in the paper that Deputy Commissioner Jarratt says, "Yes, we are in a position to look at leasing arrangements. I will have someone come down to look at that." Someone is not being fair dinkum about the matter. Accommodation needs must be addressed for Wagga Wagga police. This afternoon during question time other issues were raised about police stations in places such as Narellan. The Minister said, "Well, you had the opportunity to fix it." In 1994 the Coalition did commit to improving the situation, but after the election the Government wiped those plans.

I know the Minister will say he placed the communications for regional command at Wagga Wagga, but the issue is being factionalised. The whole system needs revamping so that the Police Service can manage policing in Wagga Wagga. Accommodation problems add to the stress of managing police services. The Minister wants results from his Police Service, but he must first give them the tools with which to work. The first tool is appropriate accommodation. I do not know whether the Minister has visited the Wagga Wagga police station premises, but the Premier, Commissioner of Police and Deputy Commissioner of Police have. They viewed the archaic facilities with the open drains which, in wet weather, police must step over to go outside to the locker rooms, which are demountable buildings that have had the holes in the walls bodgied up in an attempt to try to make the building suitable. The reality is that the present accommodation for police in Wagga Wagga is not suitable.

The judicial system occupies a building next door to the police, but it needs room for expansion. It too has options to put forward for that expansion. Suitable accommodation for Wagga Wagga police must be considered as a matter of importance, certainly for the people of my electorate. This issue has gone on for too long. I will not cop the comments that the matter is about representation and how you do your job. The Government has to bite the bullet and make a decision about suitable police accommodation for Wagga Wagga. The honourable member for Epping will support me. He is aware of the problems we face.

Mr Whelan: If not, he's going to make them up.

Mr MAGUIRE: He will tell the truth. This issue needs addressing. It is a matter of importance to the people of my electorate and I ask that the Minister address it.

Mr WHELAN (Strathfield—Minister for Police) [4.46 p.m.]: Of course it is important to the Wagga Wagga community that it be provided with an updated, modern and suitable police station, but it is a bit outrageous for the honourable member for Wagga Wagga to suggest that because nothing occurred while the Coalition was in government from 1988 to 1995 to cure that problem, the Government is at fault for failing to comply with his requests. That is all in the past. I am more concerned about occupational health and safety at a variety of police stations around the State and in ensuring that hard-working police have good office accommodation.

It is acknowledged that the problem at Wagga Wagga is exacerbated through the dislocation of police. That is not unusual as not everything is perfect. Until recent times there has been a difference in spending on building modern police stations for specific policing purposes. Many buildings in the inner city were old country homes. Likewise, in many rural and regional towns, beautifully preserved country homes close or nearby to the court system were used to accommodate police, but under present conditions they are inefficient.

This Government has spent $700,000 improving police accommodation in Wagga Wagga and has committed a further $700,000. Local contractors have been engaged to carry out projects. We are doing something about it. We have allocated $250,000 for a customer service upgrade, which includes relocating the public inquiry counter, access for the disabled and improvements to the waiting and interview rooms. We have earmarked $250,000 to upgrade the cells at Wagga Wagga to allow the responsibility of prison escorts to be transferred to the Department of Corrective Services. That certainly will be a great boon to police and to the community because it will free up police to return to the front line in Wagga Wagga. A further $200,000 will be used for the relocation of the radio network office to new premises. I have been advised by the Police Service that these projects, which have been awarded to local contractors, will be completed later this year.

Much has been said about the Government's capital works program. Decisions about capital works are made on operational policing needs. When I make commitments to build new police stations or upgrade police facilities and resources the action is taken because a valid need to do so has been identified. We are mindful of the importance of complying with the occupational health and safety needs of all police officers in this State. We want to give them the resources they need to do the best job they can for the people of this State. That is the Government's commitment, and we will deliver on that, just as we have delivered on our commitment to provide more police and better equipped police for the past five years.

It is relevant to mention that in 2000-1 the $1.6 billion police budget contains significant commitments that will benefit rural and regional New South Wales. It provides for an increase of 200 police in line with the Government's commitment to make 2,110 more police available on the front line by the year 2003. We will ensure that country New South Wales gets its fair share of the new front-line police. Last Friday week I attended Goulburn Police Academy. There were 339 graduates, and 130 went to regional New South Wales. The accommodation problem at Wagga Wagga is a double-edged sword. The building is not equipped for the number of police there. The honourable member referred to leasing arrangements. Perhaps before he was elected to this Parliament an electricity generating company made an offer—

Mr Maguire: That is the document I talked to you about.

Mr WHELAN: Yes. The price offered at first instance was prohibitive but then there was some sanity in the operation. But, in the main, there is no definitive policy on whether the premises are leased or purchased by way of capital grant except that arrangements must be on a good business basis. There must be continuity of tenancy. The tenancy of two years or less would not be suitable for the Police Service. As a general policy decision it would be very poor business practice to have a short-term lease on premises. I hope that the honourable member is not suggesting that the Police Service would be considering renting for two years.

Mr Maguire: No.

Mr WHELAN: I must have misheard you. All in all, the amount of money being spent on Wagga Wagga may not be satisfactory to the honourable member but I have to take into consideration that there are other pressing needs within the Police Service. I note that $53.1 million has been allocated for works in progress in rural and regional New South Wales, including new stations at Waratah, Tweed Heads and Wellington. There will be much-needed police housing at Walgett at a cost of $300,000. The $10.7 million minor works program will also assist country police who need to replace road safety and smaller items of other operational and plant equipment as well as upgrading existing accommodation.

I did not want a wide-ranging budget debate now; that will happen later. But some questions were asked today in the Chamber about Chatswood and Narellan police stations. I made commitments to build or upgrade police stations at Kogarah, Strathfield, Tweed Heads, Kingscliff and Chatswood when they were held by the Opposition or notionally held by it, as was the case with Strathfield. The Opposition lost four of the seats involved but that did not deter me from meeting my commitments to those areas. Because the Coalition lost the seats, I do not intend to trash pre-election commitments I made in relation to previous Coalition seats. We should not get into an argument about who was responsible in 1998 for the accommodation at Wagga Wagga police station or the fact that Wagga Wagga police serve the community in what would have to be an inefficient and unbusinesslike place, because they are stationed throughout the whole diverse area.

I undertake to find out further details in answer to several of the queries that the honourable member has raised but I cannot provide any surety at this stage to him and his constituents about overcoming the problems at Wagga Wagga. If a property comes up at a reasonable price in the market the police property section would look at it and make a recommendation to me. At Narellan the Police Service purchased the property but ran into environmental and zoning problems. This causes difficulty and added expense to the Police Service. I am not suggesting that that is the case with Wagga Wagga. If a property suitable for policing needs could be found at a realistic price it would be considered and would compete with other areas of police need throughout the State under the capital works program.

Mr TINK (Epping) [4.56 p.m.]: I strongly support what the honourable member for Wagga Wagga said about the state of accommodation of police at Wagga Wagga and the strong desire to improve it. I observe that the Minister for Police acknowledged in his contribution the strong case made by the honourable member for Wagga Wagga. The sad and frustrating aspect is that despite very good advocacy from the honourable member for Wagga Wagga still nothing is happening on the matter. One is inevitably driven to the conclusion that the decision is a political one. As the honourable member for Wagga Wagga has said, the Coalition Government made provision in the 1994-95 budget for Wagga Wagga police station to be rebuilt. In 1995-96, the first budget of the Minister for Police, at page 55 of the budget volume dealing with capital works, Wagga Wagga police station was referred to. The total cost of new police accommodation at Wagga Wagga was almost $7 million and the allocation in that year was $346,000. So this Minister, in his first budget, acknowledged on an ongoing and substantial basis the need for Wagga Wagga police station to be rebuilt.

Since then Wagga Wagga police station has fallen off the radar scope. The Minister, having acknowledged the need and put aside money for the police station that the honourable member for Wagga Wagga so capably argued for today, let it drop off the priority list. I think that it is because his priorities became increasingly political. The sort of cynicism that develops in the Wagga Wagga community—in fact, a lot of rural and regional New South Wales—is born out of the sort of approach that the Minister takes to accommodation. The *Daily Advertiser* in Wagga Wagga, back on 20 April 1998, following on from a visit by Deputy Commissioner Jarratt, made the comment that nothing was going to happen in Wagga Wagga with the police station until after the Olympics because funding was short and the project was off the cards. That was the substance of what the deputy commissioner said.

We might accept that, all things being equal, but all things are not equal under this Minister. That is really where the rub comes in. If there was no money for any police accommodation from when the deputy police commissioner made those comments in Wagga Wagga until after the Olympics, fine. But the problem is that there is plenty of money if one lives in a Labor electorate. In particular, there is plenty of money if one is the police Minister wanting to put accommodation in one's own electorate. A few months after Mr Jarratt made those comments in 1998-99, money was available in the budget to construct a police station at Ashfield and one at Auburn. In the year just gone there was money to construct a police station in Waratah and one in Strathfield. The deputy commissioner went down to Wagga Wagga with the bad news, but apparently there is no problem providing police stations in the Minister's electorate. It is rubbish to talk about planning approvals and problems at Narellan and Wagga Wagga. If the police station is in Kogarah or Strathfield it goes through like a hot knife through butter.

A police station could be built at Wagga Wagga if the strong arguments of the honourable member for Wagga Wagga on behalf of his community were taken dispassionately and objectively by the Minister. WorkCover inspectors have inspected Wagga Wagga police station and 16 improvement notices were issued, yet the Minister talks about a bandaid solution to this substantive problem. Even the Commissioner of Police is depicted in an article standing on the front veranda of Wagga Wagga police station, where I have stood with the honourable member for Wagga Wagga, and is quoted as saying that the location of police stations is a political decision.

Notwithstanding the member putting up a first-class case again and again, a case supported by the WorkCover Authority, local police and others, and even by the Minister, it is the Minister who blows the whistle on how these decisions are made. At least Commissioner Ryan has been open enough to agree that the decision is political, which is why police stations are being built at Strathfield, Auburn and Ashfield, not at Wagga Wagga. We have heard Country Labor rhetoric but we expect more for country people. The honourable member for Wagga Wagga has a strong case and if the Government is fair dinkum it will act.

Mr MAGUIRE (Wagga Wagga) [5.01 p.m.], in reply: The Minister's argument was weak and flawed in a number of areas. I thank the honourable member for Epping for supporting my case and pointing out the

various problems being experienced in Wagga Wagga. As the Commissioner of Police said, this was a political decision. Correspondence from the Minister states that Deputy Commissioner Jarratt specifically asked the property services section to examine the proposal put forward by the Mayor of Wagga Wagga, Councillor Kevin Wales, and stated that a financial feasibility study of the proposal is under way. It was further stated that once the financial feasibility study is completed the matter will be referred to Deputy Commissioner Jarratt for him to assess the operational implications.

The decision about accommodation for Wagga Wagga is political, and the deputy commissioner said to the Minister that something should be done about it. I congratulate him on having the initiative to consider proposals for alternative accommodation, which is more than I received when I presented the GSE building proposal to the Minister, who thought the lease was for two years. That is incorrect. The proposal was for a long-term lease and for the first year it was almost a peppercorn rent to allow the police to amalgamate into one building and to become operational and serviceable. The accommodation problem will not go away. I note that the Minister has said that $700,000 has been spent on police in Wagga Wagga. However, $600,000 went to the communications unit on the top floor of Morgan Street. A further $250,000 is being spent on service and customer areas.

Why is the Minister spending those sums? If the Minister is serious about the proposal, any money that has already been spent will be wasted. Perhaps the Wagga Wagga councillor is having the wool pulled over his eyes about the Minister being interested in the deal. The Minister has the available information and understands the problems facing police at Wagga Wagga. He said that they are disenchanted. The Minister need only acknowledge that a purpose-built police station is needed, through either a long-term lease or the purchase of a suitable building. I do not think the Minister is serious about these two proposals. There have been conflicting reports from the commissioner and deputy commissioner in correspondence and newspaper articles in the *Daily Advertiser*. We are just going round in circles. The people at Wagga Wagga are not happy and seek a proper outcome. As I said at the outset, for many years this matter has been raised in the House and is top priority for my electorate. The Minister and the Cabinet should rectify the problem so that the community can receive what it rightly deserves.

Discussion concluded.

PARKING SPACE LEVY AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr MOSS (Canterbury—Parliamentary Secretary) [5.07 p.m.]: I support the bill. Last night significant criticism was levelled at the bill. One of the Opposition's main arguments was that this measure was another means of raising revenue and that the poor old motorist was being hit once again. Nothing could be further from the truth. Although the bill raises revenue—and the Government does not deny that—the prime purpose is to discourage the use of cars in our larger commercial and retail areas and to encourage the use of public transport. That is why this revenue-raising exercise, which both increases and expands the levy, is about to be introduced. It has not been hidden in any government expenditure; the Government has been up-front. It is especially earmarked for public transport projects. All the funds acquired by the levy will be paid into the Transport Facilities Fund. By June this year the Government will have already spent $87 million in public transport improvements as a direct result of the parking levy. I shall give some examples of that expenditure. In Gordon the Government has provided a car park with 338 spaces to the tune of $3.5 million.

Sutherland has picked up a multistorey car park with 400 spaces, at a cost of $4.2 million. At Padstow $5.2 million has been spent on a bus and rail interchange and car park accommodating 322 vehicles. At Liverpool there is a major bus and rail interchange redevelopment, at a cost of $8.9million. Mr Speaker, you will be pleased that, under the Public Transport Facilities Fund, new ferry wharves have been built at Kissing Point, Cabarita, Balmain and Abbotsford. The revenue that we are raising from motorists is being ploughed back into public transport infrastructure. There is no question about that. The levy applies to areas of high-density commercial activity that are subject to traffic congestion. All of the suburbs mentioned in the legislation suffer from traffic congestion. It is important to point out that the levy applies only to areas that have existing public transport alternatives to private cars. The Opposition said last night that it supported the initial scheme—as it should because it was introduced by the Fahey Government. Opposition members are particularly critical of the fact that the levy has been extended to suburbs such as Chatswood, St Leonards, Bondi Junction and Parramatta.

Mr O'Farrell: Is it coming to Canterbury?

Mr MOSS: I daresay that the levy may be extended further in the future. I have always been amazed that somehow Bondi Junction, Parramatta, St Leonards and Chatswood missed out on the levy when North Sydney was included at the outset by the Fahey Government. What is so different about North Sydney, Parramatta and Chatswood? Public transport is operating in Chatswood, Parramatta and St Leonards. It seems logical that the levy should apply to other major centres such as a Bondi and Parramatta if North Sydney—which has been paying the levy for some years—is included.

Mr O'Farrell: Who is next?

Mr MOSS: A number of suburbs in this city are classed as regional centres. The time may come when traffic congestion and the people's need for public transport are so great that the levy will be increased. I daresay future Liberal governments will be the first to jump in and do that, because a Liberal Government introduced the scheme in the first place. The levy applies only to off-street commercial and office parking spaces; it does not apply to spaces in suburban retail shopping centres. The Shopping Centre Council of Australia was concerned initially that the levy would be applied to shopping centre parking. However, the Government has listened to its concerns and the Shopping Centre Council of Australia now supports the legislation. I make it clear that the levy will not apply to shopping centres.

The suburbs that are now included in the scheme have criticised the levy, and their criticism would be justified if we were not ploughing the money back into those areas. A major station upgrade is occurring at Chatswood, the Bondi Junction transport interchange development is under way and, in the long term, the Eastern Suburbs line is likely to be extended to Bondi Junction. Nobody can say that we are not doing any work in those suburbs. People from the Parramatta region have been most vocal in this debate. However, no area in New South Wales has had more public transport infrastructure improvements than Parramatta, with not only the Parramatta-Chatswood railway line but also the construction of a major bus and rail interchange in Parramatta. There are 90 kilometres of bus-only transitways in the Parramatta area, and work has already commenced on one project. While a levy may be in force in that area, the good citizens of Parramatta cannot complain about the number of local public transport infrastructure developments.

I was in Parramatta today representing the Minister at a Transport Week function with local school students, who have produced some wonderful transport posters. I pointed out to them the great advantages that the Parramatta-Chatswood railway line will offer by linking the area with Macquarie University. The young people of Parramatta are often denied the opportunity to access universities and other areas, such as Chatswood, where there are job opportunities, and this line will go a long way towards helping them. This excellent legislation will encourage greater use of public transport. The average train accommodates about 1,000 people comfortably, which equates to about 200 cars with five persons in each vehicle. What a difference! The average bus accommodates about 60 people comfortably, which is the equivalent of at least 15 cars each carrying five people. Public transport is the way to go. This type of legislation encourages the greater use of public transport, and no government has done more in this area.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

TRADE INDUSTRY NEWS

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [5.15 p.m.]: I draw the attention of the House to a scam that has been operating in my electorate. In late March a representative of the publication *Trade Industry News* contacted the St Ives office of a chemical and mining services company asking to speak to the senior partner. As that person was out of the office, the representative spoke to the business partner. The *Trade Industry News* representative told the partner that the company had advertised in that publication the previous year and thanked him for his support. He then asked whether the company would advertise in the coming issue. Thinking that the company had advertised previously, the partner said that the company would continue to support that publication. On the same day, a confirmation fax was forwarded to the company and was signed on the mistaken basis that the company had advertised the previous year.

On returning to the office, the principal partner had the fax drawn to his attention. He had never heard of *Trade Industry News* so he telephoned its office and told the person who answered that he was not interested in advertising in the publication. He asked for a copy of the publication from the previous year containing the

alleged advertisement and, as this was not forthcoming, he let the matter rest. Some three weeks later he received a telephone call from the accounts receivable section of *Trade Industry News* requesting payment, and since that time he has been increasingly harassed by the publication. He is incredibly surprised that this harassment is occurring when he knows nothing about the publication and had not previously advertised in it. The principal partner telephoned the office of *Trade Industry News* and indicated that he would initiate legal proceedings against the company if the bogus advertisement was not removed. He also requested further information about the publication. In response he received what appeared to be a table of contents for a publication entitled *Trade Industry News.* The document states:

1. The Emergence of Trade Unions—Theories on Need

    1.1 Unions in the Overthrow of the Class System: Marx

    1.2 Protection and Democratic Reform: The Webbs

    1.3 Fellowship and Brotherhood: Tennenbaum & Hoxie

    1.4 Pragmatism—Defending the Dollar: John Commons

2. Origins and Development of the Australian Labor Movement

That chapter explores topics ranging from 2.1, "Gold in the Hills and Power to the People" to 2.7, "Regroup, Retrain, Resist, Relax: The Last Decade". Chapter 3, which is entitled "The Living Wage", explores the Sunshine Harvester case of 1907 and contains articles entitled "In Accord: Indexation Returns" and "Back to the Future: The Living Wage Now". Chapter 4—which would interest the honourable member for Heffron, who has just left the Chamber—is entitled "Women in the Workforce" and explores topics such as "The Struggle for Equal Pay", "Theories on Current Pay Differentials: Why Women Earn Less" and "Women in Unions: From Powerlessness to Jennie George". That seems to be an anachronism: from powerlessness to powerlessness, given her inability to become a member of this House.

I am concerned that this appears to be a rip-off originating from the union movement. It is clearly a scam for unsuspecting companies. To believe that any company, particularly a chemical and mining company, would place an advertisement in a publication which is weathered in the class wars of the 1950s is clearly unbelievable. This was a ruse from start to finish. I am also concerned that despite representations to the Minister for Fair Trading, whom I note comes from the Left of the Labor Party—and, I suspect, given the publication I have referred to, this originates from another left section of the Labor movement—we have not seen the Minister stand up for a company which was clearly a target of a rip-off merchant.

That rip-off merchant, *Trade Industry News*, wrongly claimed that the company had advertised with it the previous year. It duped one of the company's staff into signing a contract for an advertisement this year. I admit that the advertisement cost less than $400, but how many companies are phoned on how many days using that ruse? How many people mistakenly sign up? When invoices reach their company, they are promptly paid without further reference. I am concerned about the operation of this outfit, and about the delay in the Minister's office responding to representations. I am seriously concerned that the two may well be connected, given the clearly political complexion of the company involved.

OLYMPIC GAMES HELLENIC TRIBUTE

Mr STEWART (Bankstown—Parliamentary Secretary) [5.20 p.m.]: I bring to the attention of the House a magnificent story involving the Australian Hellenic Educational Progressive Association [AHEPA] which, during the past three years, has worked with the Olympic Co-ordination Authority [OCA] with the support of the Government to create a special sculptural tribute that is soon to be erected at the Homebush Bay Olympic Games site. This tribute will be an aesthetic interpretation of the famous ancient Greek sculpture Discobolus, a statue of a Greek discus thrower created by the ancient Greek artist Myron. The tribute has been created by the renowned sculptor Professor Robert Owen, who has been working on it for some time.

The tribute is a transformation of an ancient discus into a compact disc which has been thrown through the millennium—a great symbolism. The seven-metre discus will be inscribed with the history of the Olympics and a list of patrons, donors—at gold, silver and bronze levels—and a translation of the history of the Olympics in Greek on the bottom half of the discus. In the glass centre of the discus there will be inscribed a discus thrower going through the various stages of throwing, and this will be illuminated at night. It has cost AHEPA $486,000 to bring this project to fruition. That money has been raised entirely by the Australian-Greek community as its tribute to the Australian Olympic movement and affinity with the Australian way of life.

Last Sunday I was fortunate to attend the dedication of an olive grove at the site of the Hellenic tribute on Stockroute Park, Herb Elliott Avenue, Homebush Bay, just across the road from the stadium. It is an impressive sight. The many olive trees which have been planted there have progressed well. On the outskirts of the site there are some cypress pines. The olive trees symbolise peace, harmony and nationhood, which are also symbolised by the goddess Athena. The cypress pines symbolise immortality. On that important day hundreds of people were in attendance to see the progression of the tribute. Helen Katsaros, representing the Supreme President of AHEPA, and George Lianos, the Grand President of the New South Wales branch of AHEPA, were in attendance. Mr Peter Manettas, the Patron of the Hellenic Tribute Committee, also attended, and I thank him for working hard to get the committee together.

Tasha Vanos, the chairman of the committee, has been a tireless worker and deserves much acclaim. Vince Xuereb, the vice-chairman of the committee, has worked extremely hard and involved me in the cohesion of the project by communicating with the office of the Minister for the Olympics. The Minister has been involved in this exciting project. Bridget Smythe from the OCA is to be commended for the hard work she has put into this project. Initially Bridget was a little dubious about the project; to raise almost $500,000 was not an easy ask. This is a huge tribute; it has been done properly, so it will last forever. Bridget would be the first to admit that she was wrong. The Australian-Greek community has shown that it can work together to raise this money, because it has great meaning and symbolism not only for now but for future generations.

I also thank Ann Locksley, Director of the Public Art Advisory Committee of OCA. The team worked very hard and in partnership to bring this project to fruition. I am pleased to report that by the end of July or early August this project will be in place. The obelisk will be an impressive sight. All members of this Parliament will be proud of it, because it is a demonstration of the multicultural community that we have so long believed in. The symbolism of ancient Greece and the Olympic Games is harnessed on the Olympic site and the discus is thrown from the Olympic site, aimed at Olympia.

Mr Fraser: If it gets there.

Mr STEWART: It will get there, but it is a boomerang: it will come back. Generations to come will be proud of it.

Mr MICHAEL CUNNINGHAM AND THE NATIONAL PARKS AND WILDLIFE SERVICE

Mr FRASER (Coffs Harbour) [5.25 p.m.]: I bring to the attention of the House and the Minister for the Environment a matter of absolute disgrace involving Mr Michael Cunningham, from my electorate, who applied for a position with the National Parks and Wildlife Service as a Field Officer, Aboriginal, Grade 1-2, position number NPN 00/02. Mr Cunningham stated his qualifications in his application. In a letter to me dated 16 May Mr Cunningham stated:

> I am writing regarding a position with the National Parks and Wildlife Service (NPWS) for which I applied recently. The position was for an Aboriginal Field Officer. Positions were available in several areas, including Grafton, Coffs Harbour and Port Macquarie, any of which I would be keen to live in for this job. The essential and desirable qualities and skills for the position were:
>
> - Aboriginal background
> - Landscaping and stonemason experience
> - Or experience in carpentry
> - Understanding of plant and equipment
> - Ability to complete works programs
> - Experience in maintaining and construction of facilities such as walking tracks, buildings and fences.

After he applied for the position he waited many weeks but was not offered an interview. His letter further stated:

> After applications closed on February 25, I waited approximately two and a half months for a reply, but received none. After that time I rang the offices of the NPWS in Port Macquarie and Coffs Harbour. I was told that interviews had already been conducted. I then rang the Recruitment Officer, NPWS, in Grafton and was directed to Cheryl Manning (Manager, Human Resources, Northern Service Centre). Cheryl is a member of the selection committee.
>
> I asked Cheryl why my application was not considered for an interview. Her reply was, "You did not state you were an Aboriginal, and the position was for an Aboriginal Field Officer", and further that "You did not state that you could complete works programs". Yet my application stated that I have had seven years as a landscape gardener, of which most have been as a leading foreman.

Currently Mr Cunningham is employed by Native Landscapes in Coffs Harbour, whose reference states:

> Michael Cunningham has been working for me for approximately 7 years. In this time he is being in a responsible position within our business.
>
> He has dealt with many varied customers, other associated tradesmen and has been in charge of other workers.
>
> I would be happy to see him better himself with this position.

Mr Cunningham's letter of 16 May stated:

> I also invested some $65.00 in photos displaying various projects I had been involved in or lead in. The response to this was: "How do we know you performed those jobs?" One phone call to Native Landscapes would have clarified this issue and confirmed my claim that they were, in fact, my work. I was told that since my application was not being considered, no phone call was to be made.

I contacted Allan Jeffrey, the regional manager, and explained the situation to him. On 22 May he telephoned my office and said that Mr Cunningham's application did not meet all the essential criteria. I suggest that Mr Cunningham would be the most highly qualified person for the position. He is a young man with a family, who wants to better his position. He currently earns about $24,000, and the position he applied for pays a salary of about $35,000. His personal interests in the past have been athletics, swimming, golf and rugby union—first grade in Wollongong, an Illawarra representative and country champion. He has played first grade rugby league at Woolgoolga, Coffs Harbour and Albion Park and has been involved in surf-lifesaving, touch football, fishing and surfing.

Mr Cunningham is a responsible member of the community who wants to better himself. Yet the National Parks and Wildlife Service has seen fit not to even interview him. I met this wonderful fellow and I am pleased to say that I would regard him as a friend. I am appalled that the NPWS did not even offer him an interview for this position. The NPWS has abrogated its responsibility. It was probably predetermined who would get the job. That is a serious claim, and one that needs to be investigated by the Minister. A member of the selection committee said that Mr Cunningham did not meet the criteria, yet I believe that, if anything, he was overqualified. I ask the Minister to fully investigate this matter and give this man an opportunity to be employed in an area in which he excels. I believe that he would be an asset to the Government.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.30 p.m.]: The honourable member for Coffs Harbour has raised some serious allegations. I assure him that I will bring his speech to the attention of the Minister for the Environment tomorrow morning. I have no doubt that the Minister will be as concerned as I am, and I believe that he should fully investigate the allegations raised by the honourable member.

SAVE THE RABBITOHS PARTY

Mrs GRUSOVIN (Heffron) [5.31 p.m.]: I speak on a matter that is causing a great deal of concern for people in South Sydney and particularly members of the South Sydney District Rugby League Football Club. I refer to an application to register a political party in the name of the South Sydney Football Club's Save the Rabbitohs in an attempt to mislead and deceive electors in the local government elections on 1 July. I cannot express the outrage that has resulted from this proposal. The registered officers who applied to register this political party are Ian Longbottom of Henry Street, Lane Cove, a Liberal councillor on Lane Cove Council, and Tania Jollie of Zetland.

It is interesting that in the application to the State Electoral Office Tania Jollie lists the same address as Independent councillor John Bush. There is great concern that this application is an attempt, in effect, to gain preferences for Independent alderman John Bush. The South Sydney Football Club takes this matter very seriously; there is total outrage. In an act of bipartisan support, strong objections have been lodged with the Electoral Commissioner by the club's co-patrons. The Hon. Nick Greiner, a former Premier of this State and co-patron of the club, in a letter to the Electoral Commissioner, states:

> There is no connection or association of this party to The South Sydney District Rugby League Football Club.

He continues:

> The people involved in this proposed party are unknown to The South Sydney District Rugby League Football Club and they should be prohibited from using the Rabbitoh name to obviously mislead our supporters and the general public for political gain.

The other co-patron of Souths, Laurie Brereton, Federal member for Kingsford-Smith, in a letter to the Electoral Commissioner, states:

> As you may be aware our club is currently fighting a well publicised battle to retain our position in the premier Rugby League competition and we have been running a Save Souths/Save the Rabbitohs campaign for some time.

He continues:

> We would ask that those responsible for the false and deceptive behaviour are prevented from using our name and so passing themselves off as being associated with our club.

I have no doubt about the falsity and deception in this application. George Piggins, Chairman of South Sydney Football Club, is outraged and the board of Souths has lodged a strong objection. We are also concerned about the finances of such a party. It is thoroughly objectionable that a party can make a handwritten application, filling in the name of the party and its objectives, membership and meetings in about 10 lines. The application states, "Meetings of the organisation shall be held as and when necessary." Under the heading "Funds" the application states, "All moneys of the organisation shall be paid into the organisation's local account." The South Sydney Football Club, of which I am a director, is concerned that some people may be duped into donating money to this misleading political party. There is no way to account for such donations, which people would believe are for the Save the Rabbitohs campaign.

My colleagues and I are most concerned about this situation. I hope that the Electoral Commissioner seriously considers the objections that are being lodged. I also hope that the Government will respond soon by introducing necessary amendments. South Sydney City Council, in a mayoral minute on 10 May, moved that an approach be made to the Minister for Local Government to consider the making of necessary amendments to address such a situation. I am pleased to be able to bring this matter to the attention of the House.

THEFTS FROM MOTOR VEHICLES

Mrs SKINNER (North Shore) [5.36 p.m.]: The latest crime statistics, released on 17 April, which refer to the period from January 1999 to December 1999 show an alarming increase in the number of incidents of theft from motor vehicles in both the Mosman and the North Sydney local government areas, in my electorate. In the Mosman local government area in 1999 there were 622 incidents of stealing from a motor vehicle, which was a 21 per cent increase on the previous year. In the North Sydney local government area there were 1,508 incidents of stealing from a motor vehicle, a 35.6 per cent increase on the previous year. Although I will focus on the incidents of stealing from motor vehicles, there was also an alarming 165 cases of, or a 37.5 per cent increase in, the number of incidents of stealing from a dwelling in the Mosman local government area.

Stealing from motor vehicles has been a problem in the past in this area. During my visits to Mosman police station—before it was downgraded by this Government to nothing more than a shop front—I spoke with officers about the campaigns they had conducted to ensure that officers were on the beat, particularly at night when these types of incidents generally occur. Those campaigns were a great success. Currently the number of officers available is not enough to enable that type of action to be taken. This afternoon I spoke to Jeff Elliott, duty officer at North Sydney Police Station, now called Harbourside. He told me that it has become such a problem that the police have persuaded the *Mosman Daily*, a high-quality newspaper in my area which takes a particular interest in social issues, to assist them in educating people about the efforts they can make to avoid car theft.

I was told by Jeff Elliott that one major problem is that people leave goods in conspicuous places in their vehicles. When one considers the kind of articles that are stolen from cars, one realises that there is much that individuals can do to prevent cars being broken into. It is not easy in all cases, particularly for people who drive station wagons. If people cannot make their goods invisible by putting them in the boot or out of sight elsewhere, they need to think about not leaving goods in their cars. I want to refer to one or two of the incidents reported in the local *Mosman Daily*, which has a regular page that deals with incidents of crime. These incidents are good examples of the ongoing problem of breaking into and stealing from motor vehicles.

The *Mosman Daily* of 18 May noted that following a rash of thefts from motor vehicles, police were encouraging the use of safety measures to try to discourage further thefts. Those measures include those I have already outlined. The article reported that recent thefts included laptops, cash, mobile phones, sunglasses, compact discs, wallets and handbags. On 11 May the *Mosman Daily* noted that laptop thefts had rocketed out of control in the northern Sydney area, and that 400 had been stolen in the first four months of the year. The report stated that nine laptops been stolen from a locked delivery van in Miller Street, North Sydney, in less than six minutes. On 13 April the *Mosman Daily* reported that 56 vehicles had been targeted in the seven-day period from 3 April to 31 April.

On 6 April the *Mosman Daily* reported—and this one really gets me—that on 3 April all four wheels were stolen off a car in North Sydney. That is an example of how ridiculous things have become. I am sure the police would agree that there was not much that driver could have done to make those stolen goods less visible. Three cars were stolen from the lower North Shore the day before, a laptop was stolen from a car on 1 April, $400 worth of property was stolen from a car at Milsons Point on 2 April, and so it continues. Stealing from cars is a big problem in my area. I commend the police for trying to do something about it. I ask the Government to look into this serious matter and ensure that sufficient police are available to deal with it.

TAMWORTH BASE HOSPITAL ACCIDENT AND EMERGENCY DEPARTMENT

Mr WINDSOR (Tamworth) [5.41 p.m.]: I bring to the attention of the House a matter I will raise in my contribution to the budget debate. I will have some negative comments to make about some aspects of the budget, but tonight I would like to note one of the positive aspects of the budget so far as my electorate is concerned: the allocation of $3.7 million, which was announced yesterday by the Minister for Health, to rebuild the accident and emergency department of the Tamworth Base Hospital. I thank the Minister for that allocation, but I acknowledge the many other people who played a significant role in securing it. Tamworth Base Hospital is the largest base hospital in country New South Wales. It services a large area and it is a very busy hospital.

The accident and emergency department, as acknowledged by the Minister for Health, Craig Knowles, today in question time, is one of the busiest in the State, and that comparison includes some of the major hospitals in the Sydney metropolitan area. I compliment the staff of the accident and emergency department, who have worked in cramped conditions for a number of years. I also compliment the patients, who have often had to put up with adverse conditions in the corridors of the hospital. I am absolutely delighted that the Minister has listened to the concerns of both the residents of Tamworth and the people who operate within those cramped quarters. The Minister has acknowledged and responded to those concerns. No political campaign has been waged, and no mention been made of this matter in the press. The $3.7 million will obviously transform one department of a large base hospital into the environment that is needed to serve a large regional community.

The budget also allocated $1.7 million to extend the Banksia Mental Health facility in Tamworth. One can always be critical of budgets, and I will be critical of some aspects of this budget, but as the honourable member for Gosford acknowledged today, the budget contains a much larger allocation for mental health services than has previously been the case. Tamworth will benefit from that increased contribution because of its regional significance. An extra 10 beds will be available in the area, and they are certainly needed. I thank the Minister for Health for those additional beds.

While I am in a grateful mood—and tomorrow I may be in quite a different mood—I should note that the Minister has taken action in relation to some of the failings in our region. He has been constructive not only in relation to the accident and emergency department of the Tamworth Base Hospital and funding for the mental health facilities; he has also moved to revamp the helicopter rescue service across the State. That service will be based in Tamworth and will soon be available to people in the north and north-west of the State and the New England area who have previously not been able to access its services. I hope the Minister will be as kind to me in next year's budget as he has been in this year's budget.

RESIDENTIAL PARK RENTS GOODS AND SERVICES TAX

Mr ORKOPOULOS (Swansea) [5.46 p.m.]: I raise a matter of great concern to the people in the electorate of Swansea who live in the five mobile home villages. I would like to read to the House a letter I received from Mr John Dawson, General Manager of Wyong Shire Council, expressing the concern of council about the ferocious impact of the goods and services tax [GST] on people who live in mobile home villages. The letter states:

> Dear Mr Orkopoulos
>
> **Goods and Services Tax - Residents of Mobile Home Parks**
>
> Council, at its meeting held on Wednesday, April 12 2000, gave consideration to a report concerning the above matter.
>
> At that meeting Council resolved that I write to you offering Council's formal support in your campaign to review residents of mobile home parks proposed Goods and Services Tax (GST) rental obligations.
>
> Council is concerned that under GST legislation residential rents are not subject to any GST however, caravan parks and mobile home/relocatable villagers and parks are classed as commercial accommodation and are therefore subject to GST for rental purposes. Concessional treatment is given to long term commercial accommodation rental under GST legislation, however they are still effectively subject to a GST levy to 5.5%.

> Residents of parks and the relevant associations believe this is both discriminatory and unfair as there is no justifiable reason to charge GST, while exempting a person renting a residential home. Further, many residents have made substantial capital investment in their relocatable homes or caravans, and see the levying of the GST as inequitable, and regressive. The imposition of the GST may make it impossible for them to realise their capital investment, as demand will be substantially reduced.
>
> The residents and associations have also pointed out that the majority of "residential" rents for houses will in fact be paid to investors, groups or firms which own properties. It is contended that this is not significantly different from paying rent to the owner of a caravan park or relocatable home village. The rental purpose in both cases is residential, and it is socially inequitable to levy a GST on some and not others.

That letter was also forwarded to other members of Parliament. I share the concerns of Wyong Shire Council and join the Federal member for Shortland, Ms Jill Hall, a popular former member of this House, in her vigorous campaign to provide those who live permanently in mobile home villages with factual information about how the Liberal-National Party Federal Government will flood them with a GST on their weekly rent from 1 July, which is only five weeks away. Mr Howard promise that no-one would pay the GST on residential rents has been exposed as yet another non-core promise. Instead of unshackling Australians, as the Federal Government's disgraceful misleading and wasteful $360 million pro-GST advertising campaigns suggests, the Liberal and National parties are discriminating against those who choose to live permanently in mobile home villages. I wonder what the National Party members representing North Coast electorates are saying to their constituents. I wonder how they gloss over the fact the Prime Minister has reduced mobile home residents to the status of victims of another of his non-core election promises.

Are they telling their constituents the same thing as their local Federal counterparts, the Hon. Mark Vaile and the Hon. Larry Anthony, that they hope to change the Federal Government's view—but then do nothing? The GST is a regressive tax and blatantly and unfairly hits people who live in mobile home villages. The broken promise of the Prime Minister that no-one would pay the GST on rental premises has been exposed as a lie that discriminates against those in regional Australia because of where they choose to live. This mangy, divide-and-rule Federal Government will lose and as a result the National Party tail will drop off the corpse of the Liberal Party dog at the next election. I am happy to support the concerns of Wyong Shire Council and the Federal member, Jill Hall. If National Party members in this House and in the Federal Parliament cannot change the attitude of Mr Howard and Mr Anderson on this one issue, their approval rate will drop further than the 30 per cent they currently enjoy.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.51 p.m.]: I totally support the comments of the honourable member for Swansea. People living in mobile homes will have to pay a 5 per cent GST on the rent they pay, while those living in the eastern suburbs or on the North Shore who pay rent up to $1,000 per week will pay no GST. The elderly who have chosen the alternative lifestyle of residing in a residential park will be slugged a GST of 5 per cent GST on their $90 or $100 weekly rent. That is absolutely scandalous! But it is happening across Australia. The Prime Minister is so mean spirited that he will not remove this iniquitous tax on those who live in residential parks. All members of this Parliament should lobby their local Federal members and the Prime Minister to either remove this 5 per cent tax on those who live in residential parks or turn it around and subsidise mobile park residents by applying a 10 per cent GST to those who live in accommodation that attracts a weekly rent of $500 or more.

AGRICULTURAL SHOW SOCIETIES EXHIBITIONS

Mr WEBB (Monaro) [5.53 p.m.]: I raise the predicament faced by show societies in the Monaro electorate and, indeed, across the State. I acknowledge that yesterday in this House honourable members debated a matter of public importance relating to conventions, exhibitions, meetings and so on. To small towns and communities show society functions are fundamental yearly events. Local communities are supported by the fundraising activities of service clubs and organisations. Exhibitions give fledgling and long-time producers the opportunity to display their wares and produce. Show societies encourage young people to volunteer to help run local shows or exhibitions and to join in by exhibiting their own products. Unfortunately, for a number of reasons, including the increasingly aged population and the commitment by volunteers that is necessary to make a show a success, many societies may not be able to put on their annual exhibitions.

Much of the problem is caused by the consequences of providing bar facilities. I refer particularly to the imposition of security, bonds and conditions, together with the imposition of severe conditions on the auditing of the annual work of show societies. They are significant history tools. The Man from Snowy River exhibition at the recent Royal Easter Show is an example. These exhibitions display the cultural aspects of each society. That is certainly so in relation to heritage issues, exhibits of agricultural and craft products and sporting competitions. The history of agricultural shows extends right back to Australia's early days. Indeed, today the Premier referred to the record crowds attracted this year by the Royal Easter Show.

I have been connected with several show societies and exhibitions, and as patron of the Far South Coast and Southern Tablelands Show Societies Association I make these representations on their behalf. I have been involved with the Royal Canberra Show as vice-president and as section head of the commercial industrial section of the show. The Royal Canberra Show started in Hall. I also have memories from the 1950s of the Queanbeyan Show. I have a long connection with the National Sheepdog Trial Association, which runs the world's biggest, and arguably the best, paddock sheep dog trial. That exhibition and the involvement of dogs in Australia's sheep and wool industry are part of our history. The exhibition is currently held at the Hall Showground and this year the Governor-General, Sir William Deane, presented the Governor's trophy and other awards. Apart from the problems related to liquor and audit matters the shows and exhibitions must also tackle high costs and charges, competition from free functions, local markets, and electronic competition from video games, television, et cetera.

Insurance premiums, the difficulty of imposing proper gate charges and the cost of hiring entertainment all place a burden on show societies. Other types of exhibitions and field days such as the Murrumbatemen Field Day for agricultural products, the 4x4 and truck shows at the Queanbeyan Showground and the agricultural shows at Braidwood, Pambula, Bombala, Bemboka, Delegate, Dalgety, Cooma, and Queanbeyan, and horse racing events have all experienced the problem I have referred to relating to bar facilities. Those facilities are a significant part of the shows and contribute greatly to funding, which is then ploughed back into the operation of the exhibition. Unfortunately, the shows are being classed as exhibitions and not as charities. That makes it difficult for show societies to carry out their annual functions and to attract volunteers to carry out this vital community work for local communities, for New South Wales and for Australia.

SUTHERLAND SHIRE COUNCIL MAYORAL VOLUNTEER RECOGNITION AWARDS

Ms MEGARRITY (Menai) [5.58 p.m.]: During question time today both sides of the House agreed that credit should be given where credit is due. It was admirable that both sides of the House agreed on that point because it is not often practised in this place. It is also often not the practice to formally recognise the many people who volunteer their time and effort to serve our community. Recent newspaper reports tell us that New South Wales has about 1.5 million volunteers, on whom 100,000 organisations depend. On Saturday 20 May 2000 Sutherland Shire Council held its first ever Mayoral Volunteer Recognition Awards ceremony. The venue was the impressive new Hazelhurst Gallery in the electorate of my colleague the honourable member for Miranda. Sutherland Mayor, Councillor Ken McDonnell, should be congratulated on establishing the awards. At the ceremony he said:

> Our community relies on the services of those community members who so selflessly give of their time, skills and energy as volunteers.
>
> Volunteers come from all walks of life and are instrumental in helping our shire to be the great place that it is. Some have been involved for only a short time while others have been serving for over 50 years. But what they all have in common is true dedication to the needs of our community, in good times and in times of crisis.

Some 57 people received awards on that day. Given time constraints today, I would like to acknowledge those who reside in my electorate. Donald Carter of Bangor has had 50 years with Menai Bushfire Brigade, 30 years as captain, and with Menai Neighbourhood Services. His award was as a trainer and adviser involved in countless organisations. Peter Coleman of Menai has served on Menai bushfire brigade for 11 years in various positions, in the Royal Volunteer Coastal Patrol at Botany Bay and Sydney and also in St John's Ambulance. It was noted that Mr Coleman was a very active and positive member who serves others. Edward Cotter of Sandy Point has been involved in the Sutherland communications section of the Rural Fire Service after 47 years with Sandy Point brigade. He was noted as a quiet achiever, available for all activities of the service.

Margaret Murray of Menai has had many years of involvement with the youngest age group of the scouting movement. She also helped to establish a new group. She was noted as having influence with the young people of the area. Jean Rodger of Illawong is an active member of the Sutherland Shire Environment Centre and a long-term member of the Illawong Progress Association. She was noted as being involved in community activities for most of her life. Robert Rossini of Menai served 39 years with the Menai Bushfire Brigade, holding a number of key positions. He has been the acting president of the St Vincent Paul Society, Menai. It was noted that he deserved recognition for helping others in times of need.

Jim Sorenson of Bangor is a leader with Scouts Australia for the cub age group since 1983. He assisted in building Menai's first scout hall. It was noted that Jim enjoys serving the community. Allen Walker of Menai is a leader with Scouts Australia across a number of age groups and has served in administrative roles. He

served in various positions with Menai Bushfire Brigade and as a training officer. It was noted that he gives of his time freely and enjoys helping others. Ruth Zeibots of Bangor was a co-founder of the Sutherland Shire Environment Centre, an entertainer in local aged facilities, and a teacher of school scripture with years of service in school canteens. It was noted that she is a dedicated worker for the local environment.

I feel compelled to mention some of the award recipients from outside my electorate that are personally known to me. First, Norman Dixon of Woronora is an active member of the Woronora Valley community in the precinct committee, lifesaving and river patrol. Norman is noted for encouraging others to care for the environment. Betty Dixon has been involved in the Woronora Lifesaving and River Club since 1971 as treasurer, secretary, chief instructor and examiner. She is also active in bush care. Betty was noted as teaching children water safety, a task critical in the area. Bob Walshe of Jannali is a founding member of the Sutherland Shire Environment Centre and a very well-respected gentlemen. He has been involved in numerous community groups and is the author of many articles in the local media. Bob received his award as a worthy acknowledgement for years of long service to the community. Finally, Lawrie and Anne Daly of Engadine were mentioned for their work with Sutherland Shire Women's Hockey Association and Bosco Hockey Club.

Mr Fraser: Is there someone you missed?

Ms MEGARRITY: There are 50 others if you would really like to hear about them. The Dalys help a lot and are very loyal to the people in the club. My colleagues in the shire are very grateful to the volunteers and appreciate the work that they do. Councillor Ken McDonnell said that the shire will organise a similar function next year. So honourable members can look forward to a report on it. Mr Acting-Speaker, as the member for Liverpool I am sure you are aware—I am not sure about members of the Opposition—that the United Nations has declared next year to be the international year of volunteers. At the conclusion of the presentation Councillor McDonnell said that he saluted all for the service they provide and the sacrifices they make for our community.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.04 p.m.]: It is great to hear a member of Parliament acknowledging volunteers. I congratulate the honourable member for Menai on bringing this important information to the House. The honourable member for Keira, as mayor of Wollongong, for many years had a volunteers recognition morning tea. The current Lord Mayor of Wollongong has taken things a step further and holds an awards recognition ceremony. That happened on Friday last week at Wollongong City Gallery. A dear friend of mine, Larry Malady, was recognised for the work that he has done as a volunteer in the community over a long time.

Mr Campbell: Larry Malady deserves congratulations.

Mr MARKHAM: Yes. It is important that volunteers are recognised because our society is much better for the work that they do.

"HOUSING OUR MOB EVERYWHERE" TRAINING PACKAGE

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.03 p.m.]: I bring to the attention of the Chamber a important event that happened in the Coffs Harbour area on Thursday last week. I was fortunate to be invited by the Aboriginal Housing Office [AHO] to launch a very important training package called HOME, which stands for Housing Our Mob Everywhere. That was done at Yarrawarra Aboriginal Corporation, 170 Red Rock Road, Corindi Beach. The AHO plays a significant role in insuring that the Aboriginal community housing sector is accountable, effective and skilled in providing housing services. The enactment of the Aboriginal Housing Act 1998 gave responsibility for developing and managing the Aboriginal housing sector to the AHO. That included the provision of training and support for the sector and improving standards and accountability of Aboriginal community-based housing services.

The "Housing Our Mob Everywhere" training package is a valuable resource which has been developed in close consultation with the Aboriginal community. It represents a major step forward in the "skilling up" of Aboriginal housing organisations in key areas such as property, tenancy and organisational management. The Kungala Sector Support Unit, formerly the Aboriginal Housing Resource Project, has already undertaken a successful pilot of the first two modules of the eight that make up the "Housing Our Mob Everywhere" training package. This pilot program was conducted in several Aboriginal communities across the AHO's six regions. The Mulli Mulli community, which is on the Queensland border, was one of the first local Aboriginal land councils to embrace the package. The trial has assisted in further refining the draft training program in terms of content, style and presentation of the material and trainers.

The main focus in the development of the training package has been on the different concepts of housing while catering to both individual development and a whole-of-community focused learning approach. Even though this training package has been customised to meet the needs of the Aboriginal housing sector, in its day-to-day activities it can also be formally accredited by tertiary institutions. To deliver this training package the AHO has established the Kungala Sector Support Unit as a separate unit staffed by a team leader, Dianne Chapman, and three regional training co-ordinators, two of whom, Leetina Smith and Michelle Donovan, were at the launch.

"Housing Our Mob Everywhere" effectively builds on research knowledge and skills that have been developed from numerous Aboriginal community providers across New South Wales. It is a dynamic learning tool that will be capable of being refined and regularly updated. In other words, "Housing Our Mob Everywhere" has been developed by Aboriginal people for use by Aboriginal people. The successful implementation of this training plan will unable the AHO to meet its responsibility for developing and managing the Aboriginal housing sector. It will also assist in the provision of training and support for the sector and improving standards and accountability of Aboriginal community-based services. The eight training modules include:

Workshop 1 "Helping Us Help You"

Workshop 2 "Doing the Best Job You Can"

Workshop 3 "Making the Law Work For You" Residential Tenancies Act 1987

Workshop 4 "Making the Law Work For You" The Residential Tribunal 1987

Workshop 5 "Working well with our Tenants" Looking After Tenancies

Workshop 6 "Working well with our Tenants" Collecting the Rent

Workshop 7 "Managing our Houses" Inspections

Workshop 8 "Managing our Houses" Repairs and Maintenance

Those eight modules show that Aboriginal people really understand the issues affecting Aboriginal people. The package has been put together over three years by Aboriginal people for Aboriginal people. Members of this House have often heard me say that the only way to succeed with Aboriginal programs is if Aboriginal people own, manage and drive the programs. This is a fine example of what the AHO has done. It has achieved something that the Department of Housing was not able to achieve over decades. It has been put to the test and proven right and Aboriginal people are supporting it.

STUDIO ARTES NORTHSIDE INC.

Mr O'DOHERTY (Hornsby) [6.08 p.m.]: This week I received emails from two young people with disabilities in my electorate and a letter from the co-ordinator of a program called Studio ARTES Northside Inc., which is meeting the needs not just of those two young people but a great many young people from northern Sydney, the Central Coast, Seven Hills, Davidson, Bondi and a large part of the metropolitan area. I have the highest regard for this program, its personnel and what it is able to achieve. The program contains pre-vocational training and art training for people with disabilities who have a range of experience and a range of needs. It is ideally placed to be one of the most flexible post-school options or adult training and learning support [ATLAS] programs that I have ever seen. Already in its first four months of operation it has proved itself to be able to provide meaningful pre-vocational experiences for people with disabilities and ongoing training to allow them to maintain their sense of dignity and worth, and to be active, participating members of our community.

Members of this program are selling artwork, which is widely regarded in the community as very fine artwork. Members who came into the program some time ago with very limited communication ability are now emailing their local member to make their point. I have attended functions in which they have spoken with great eloquence about the importance of these kinds of programs for people with disabilities. I want to read the two emails onto the record and I acknowledge that in doing so I am reading the words of two people with cerebral palsy and whose voices must be heard in this place. The first email is from Brooke, who states:

> I am writing to you to ask for help for our program—Studio ARTES Northside. I have been part of this program since it started, and it is the only program I have felt that has helped me meet friends, learn art and learn vocational training—for example, sending this email. I am worried that this program might have to close if we don't receive government funding. Wendy and Sue

> have dedicated three voluntary days each week (plus a lot more time as well) to setting up and developing the new program. I would be so upset if it closed. We didn't get approval for ATLAS, and we really need it.
> Regards Brooke

The second one is from Matthew, a young man who communicates through a board because he has very limited ability to vocalise, although I have had many very interesting conversations with this fine young man. He has severe cerebral palsy with high support needs. Matthew said:

> We need money, would you please help? Please come and visit us, have a look at our fantastic art work. I can't wait to see you and hope that you will write back soon.
> Thank you for your time
>
> Yours sincerely
> Matthew

On another occasion I remember Brooke grabbing me by the arm and saying, in regard to the post-school options program, as it was then, "You must tell the Parliament these are very, very, very, very important for us." In the last week this program, which draws on the expertise of Wendy Escott, put in an application to receive students with ATLAS funding. Ms Escott is a very fine educator for whom I have the highest regard, who has more than 20 years experience in working with people with disabilities, who currently is a part-time teacher at Clarke Road School for Specific Purposes and for the rest of the week gives her time as a volunteer to Studio ARTES.

The basis on which the application was reviewed by the department causes me great alarm. The department did not ring or visit to find out about the program and because it takes both entry level students and students doing a higher level of training for office skills and communication—indeed, I will be teaching them public speaking in a few weeks time—I do not think the Ageing and Disability Department was properly able to assess their needs for ATLAS funding. I have no doubt ATLAS funding is needed and will be a real enhancement to other available services. The north side needs far more services than are currently available for students requiring ATLAS funding. I make this private member's statement to ask the Minister for Community Services and Minister for Disability Services to visit this program with me or, alternatively, to send a representative to see how good the program is and for the department to look again at approval for ATLAS funding so that ATLAS-funded students can be admitted this year.

Mr MICHAEL CUNNINGHAM AND THE NATIONAL PARKS AND WILDLIFE SERVICE

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.13 p.m.], by leave: I bring to the attention of the Parliament a further response to the honourable member for Coffs Harbour. The Minister has just provided me with a letter addressed to him, of copy of which he has not yet received, from John O'Gorman, Director Northern, National Parks and Wildlife Service, which states in part:

> All applicants for positions must demonstrate how they meet each of the essential criteria for the position. This requirement is identified in materials supplied with the information package.
>
> Mr Cunningham's application did not address the following essentials:
>
> - Aboriginality;
> - Ability to complete work programs;
> - Experience in the operation of plant and machinery such as small motors;
> - Current Class 1A Drivers Licence; and
> - Knowledge and ability to implement Equity and O H & S principles in all aspects of work.
>
> As a result his application was culled. I have personally reviewed the application and agree with the decision of the selection committee to cull.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Lynch) left the chair at 6.15 p.m. The House resumed at 7.30 p.m.*]

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT (1999 SUPERANNUATION AGREEMENT) BILL

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [7.30 p.m.]: I move:

> That this bill be now read a second time.

This bill was introduced in another place on 12 April by my colleague the Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast. I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The Coal and Oil Shale Mine Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill 2000 flags an important milestone in reforms in the New South Wales coal industry superannuation structure. These reforms began almost 10 years ago, and are now nearing full realisation. The Government has been approached jointly by the United Mine Workers Division of the Construction Forestry Mining and Energy Union of Australia and the New South Wales Minerals Council representing coalmine owners. The parties have jointly sought the amendment of the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 to implement the recently executed 1999 Superannuation Agreement.

The bill has two major objectives, which are the central pillars of that agreement. The first objective is to increase pensions paid to mineworkers and their widows and to index those pensions for cost-of-living increases. The second objective is to identify and channel funding to ensure that the remaining deficit and these benefit improvements are paid for. The Parliament is being asked to legislate the principal elements of the re-negotiated agreement between the New South Wales Minerals Council and the principal employee trade unions and ensure the continued funding of the New South Wales coalmining superannuation schemes from 1 July 2000.

Entitlements for mineworkers' superannuation pensions arose under a part of the former statutory superannuation fund that was closed-off in 1978. The amount of these pensions, euphemistically referred to in the industry as Column 5 pensions, has effectively been pegged since 1982. This is because they were originally prescribed in column 5 of a schedule to the Act. The renegotiation of the funding is necessitated by the approaching conclusion of the industry parties' strategy for extinguishing a major funding deficiency. The industry parties have successfully reduced the scheme's liabilities to the extent that it is now prudent to significantly reduce the mine owners' liability to contribute for deficiency funding.

The legislation also provides for the re-direction of remaining deficiency contributions by the mine owners and mineworkers. The level of these contributions will be determined by the superannuation scheme trustee and will be redirected to fund the agreed pension increases and indication. In the context of the major objectives of this legislation, the opportunity is being taken by the industry parties to make an offer to scheme members to transfer their former statutory fund entitlements to the industry accumulation fund. This entails the restructure of future accrual of benefits and guarantees of future benefit accruals for mineworkers who accept the transfer offer.

The agreement also introduces freedom of choice for mineworkers' ongoing accumulation benefit accruals. These can be paid into other complying superannuation funds at the mineworkers choice. This is not required of the industry but is indicative of the progressive direction that miners superannuation has taken.

For the benefit of honourable members, I propose to make some preliminary remarks that will help in understanding the legislated framework, in which the present day coalmine workers' superannuation schemes are placed. I will then outline some of the historical background and industrial context of the 1999 superannuation agreement, which underpins the provisions within this bill.

The original New South Wales coalmine workers' superannuation scheme was provided by the Coal and Oil Shale Mine Workers (Superannuation) Act 1941. The governance and administration of the scheme was also provided for under that Act, in the form of a tribunal presided over by a Minister of the Government and staffed by employees of the Government. Over the years, changes were made to funding requirements and benefit structures and levels, as the scheme evolved to meet award superannuation, superannuation guarantee and deficiency funding requirements.

In 1995, at the express request and agreement of the industry parties, the scheme and its governance and administration were effectively privatised. The scheme was moved to a trust deed arrangement by amalgamation with the industry superannuation fund, and is administered by a private trustee and administration company. The amalgamated fund, and the privatised arrangements are compliant with Commonwealth law governing superannuation schemes.

At the same time, again at the express request of the industry parties, shell provisions were retained in the Act. The Act sets out the broad powers of the private superannuation trustee, and provides for the essential funding requirements of the schemes in operation in New South Wales. There are other ancillary provisions in the Act, but they are not affected by the present proposals.

The approach of successive governments to the administration of the coal industry superannuation schemes, and particularly since the former statutory schemes were incorporated under trust deed, has been to support agreements reached by the industry parties. Governments have provided this support by legislating where it is necessary and appropriate. Hence, the need now to legislate in order to accommodate the 1999 superannuation agreement.

I would now like to provide honourable members with some historical background to the mining industry and the genesis of superannuation for mineworkers. The coalmine workers superannuation scheme in New South Wales began after a difficult industrial period in the industry following a royal commission into mine safety in 1940-41. The establishment of a retirement pension scheme for coalmine workers and compulsory retirement of mineworkers at age 60 were key recommendations of the commission, which were implemented in legislation. The pension scheme was funded by contributions by coal industry mine owners and mineworkers. The scheme provided a basic pension from age 60 for a mineworker and for a widow, and was determined having regard to the beneficiaries' Commonwealth age pension entitlements at age 65. The pension scheme was closed to new members in favour of a new lump sum superannuation scheme in 1978. Of course, there were many thousands of pensions, which continued in payment, and there still remain today more than 3,000 pensioners in the scheme.

Cyclical downturns in demand for coal production over the years led to continual employer departures from the industry. At the same time, benefits were accruing recognising all past service for the new lump sum benefit. The pay-as-you-go system of

funding benefits, in conjunction with employer exits, left a growing unfunded liability for both pension and lump sum benefits in the statutory superannuation schemes. Deficiency funding contributed by mine owners and mineworkers was adopted in 1979 with the closure of the pension scheme, but proved inadequate during successive periods of inflation.

By 1992 the unfunded liability had grown to a figure of approximately $500 million in present value terms. This was clearly not sustainable. In order to address the unfunded liability in the statutory schemes, the industry parties in 1992 entered into the 1992 restructuring agreement with the support of the New South Wales and Commonwealth governments. The Joint Coal Board undertook the future funding of pensions.

The mine owners and the mineworkers agreed to maintain existing deficiency funding for the lump sum benefit accruals, which meant contributions over and above the standard contribution rates in the scheme. The mineworkers also agreed to contribute extra contributions by salary sacrifice—adding a further 3 per cent of the industry basic wage rate, treated as employer contributions to the industry accumulation scheme. The 1992 target for full funding of the statutory schemes was 1 July 2001.

Two further measures have been taken following the restructuring agreement. In January 1993 the statutory lump sum scheme was closed in favour of the industry accumulation fund. In February 1995, as I have already observed, the statutory superannuation fund and the industry accumulation fund were amalgamated and the former statutory schemes were brought in under the privately administered trust deed. The 1999 superannuation agreement was executed by the coal industry parties representing the mine owners and mineworkers on 23 December 1999 and followed a period of 12 months of intense negotiation between the parties. These negotiations were initially focussed on the effort to resolve the serious emerging problem of the Column 5 superannuation pensions, which, as I mentioned, had been frozen since 1982.

The Government received many representations concerning the pensions issue, but has no power of direct intervention in private sector industry superannuation administration. Instead, the Government encouraged the industry parties to negotiate a resolution to this problem. During that process, attention was also focussed on the approaching achievement of the full funding target and ways in which the deficiency funding of mine owners could be reduced.

On the advice of the schemes' actuary, retained by the trustee, it had become apparent to the industry parties that the target of full funding of the liability in the former statutory schemes would be met prior to the target date of 1 July 2001. Of concern to mine owners was the realisation of this funding objective and the containment of any new increase in liabilities for the superannuation fund. The outcome has been the negotiation of acceptable and agreed increases to Column 5 pensions and an acceptable and agreed reduction in the mine owners' funding commitment.

The 1999 superannuation agreement was executed for workers on 23 December 1999 by the coal industry parties representing the mine owners and mineworkers. The 1999 Agreement modifies the 1992 restructuring agreement, which was in itself a singular achievement in the New South Wales coalmining industry.

I now wish to explain the detailed provisions contained within the legislation. The amendments required to achieve the objectives of the agreement are not extensive. The mine owners’ deficiency contributions are expected to be reduced from 5.5 per cent to about 1.5 per cent. However, flexibility is required in setting this new rate in section 19 of the Act so that it can be further changed in the future. The amendments state a basis on which the trustee can set the rate or cease the contributions with agreement of the parties.

Amendments to sections 18 and 18C of the Act deal with the pension account. They re-direct funding flows so that a reserve is set up in that account to pay for the agreed increases to Column 5 pensions and direct contributions by mine owners into the reserve to fund them. A further reserve in the pension account is set up for the purposes of future indexation of Column 5 pensions by the Weighted Consumer Price Index (All Groups Index) for All Capital Cities. Indexation will be funded by amounts determined for the purpose on actuarial advice, by reduction of mineworkers’ contributions otherwise credited to their accumulation accounts in the superannuation funds. This will not change the current arrangements for mineworkers who retain membership of the former statutory lump-sum scheme.

Re-direction of the mineworkers' salary sacrifice contributions is necessary because of the various options to transfer former statutory scheme defined benefit entitlements. Amendments for this purpose are made in section 19 of the Act, and allow for the amounts that will be deducted for the purpose of funding future indexation increases to Column 5 pensions. The amendments also allow for payment of employer contributions to another scheme if this is the choice of the mineworker. This option for future contributions is also available to members who have no former statutory scheme entitlement.

Amendment to section 15C of the Act sets out the powers of the trustee in accordance with the agreement of the parties. This amendment incorporates the express capacity for the deed to empower the trustee to determine priority in dealing with the interests of all members and pensioners, and to distribute any surplus that might arise in the former statutory scheme in the future. This amended power was considered essential to deal with a degree of uncertainty as to precisely when full funding would be achieved in the former statutory schemes. This power will also allow for the disposition of funds held in reserve to provide safety-net guarantees for former statutory entitlements if the safety net contingencies do not arise.

Provisions in section 32A and schedule 3 of the Act set out the bases on which the agreement of the parties can be amended or re-negotiated are re-stated to reflect the amendments. A specific regulation-making power is included in the Act, similar to the power that is currently provided in section 32A, to temporarily modify provisions of the Act, if necessary, arising from the 1999 superannuation agreement. This power would be exercisable only in circumstances provided for in the renegotiation of the agreement, and where the parties agree to the proposed modification. Such a regulation would have a life limited to 12 months. Honourable members can be assured that there are no cost consequences to government arising from any of the proposals.

In referring to the 1992 agreement and the subsequent reform measures taken by the industry parties in superannuation, the then responsible Minister in the previous Government had occasion to congratulate the parties on these industry initiatives and on their efforts in reaching agreement to resolve exceedingly difficult issues. I refer to the second reading speech on behalf of the Leader of the Opposition in relation to the Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Act 1994, which appeared in the *Hansard* of 30 November 1994 at page 6046.

I commend the coal industry parties for their responsibly negotiated resolution of the difficulties faced in dealing with the pensions issue in the superannuation scheme. I also commend the parties in arriving at a new funding formula now that the full-funding target in the former statutory schemes is soon to be met. I am sure that honourable members from both sides of the House will join me in welcoming the industry initiatives represented in the agreement and in the legislation before the House. I commend the bill to the House.

Mr HARTCHER (Gosford) [7.30 p.m.]: I indicate on behalf of the Coalition that we do not oppose the Coal and Oil Shale Mine Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill, which amends the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 and permits the implementation of the renegotiated 1999 agreement relating to the superannuation scheme for coalminers, former coalminers and their dependants. Nonetheless, a number of important principles are associated with the bill. First, this is a successful scheme that is operated by employers and employees. It is an excellent example of collective bargaining, and the Coalition supports the idea that workers and employers should be able to make satisfactory agreements. Second, the bill contains a planned retirement income program for industry employees, which is also to be welcomed and encouraged in other areas, where appropriate.

Employers and employees should look not only for income on a return-for-services basis through a contract of employment but also to future retirement incomes, which is what this agreement does. That principle was enshrined in legislation in 1941. It was quite advanced for the time and unique to the coalmining industry. The principle has become more widespread since Federal governments introduced initiatives in the 1980s and 1990s to encourage workers and employers to plan retirement incomes jointly and to accept that one should lay the foundations for one's retirement through employment rather than leaving it until one reaches statutory retirement age and relying upon the State.

The bill's third principle is about the age of retirement. That is set out in the agreement, which outlines when benefits shall accrue to coalminers and sets out, in table form, the benefits that will accrue to their dependants. The coalition has no problem with that agreement, but it is important to stress again the ongoing issue of the retirement age for coalminers. At present, the matter is governed by statute, which forces coalminers to retire at age 60 years. There is no flexibility in that arrangement; there can be no negotiations through the superannuation agreement. The Coalition believes that is no longer appropriate. It was clearly an appropriate stipulation in 1941—indeed, it was an advance at that time. Coalmining in those days lacked technological support. It was extremely arduous, heavy work. It was dangerous—it still is—and dirty work, and the health of coalminers was substantially affected by long exposure to coal dust and long amounts of time spent underground without adequate ventilation and natural sunlight. It was appropriate to introduce a special rule governing retirement age.

However, times have changed since the 1940s. Some 60 years later, mining technology has improved. Much of the dirt and disease once associated with coalmining has been largely eliminated and safety practices have advanced enormously. Coalminers' health standards do not fall sharply below that of the rest of the community and reflect average levels. Although the danger associated with coalmining remains, it has, thankfully, been minimised quite markedly. The last four deaths in coalmines occurred in 1996-97 in the Newcastle-Mayfield area, and the safety record in coalmines has improved markedly. Therefore, the underlying reasons for the statutory retirement age in the coalmining industry no longer exist. That statutory retirement age makes it impossible to reach flexible superannuation agreements as they can be made only in the context of the existing law, which sets out the retirement age.

The Coalition believes the statutory retirement age should be eliminated and that the parties should be able to make appropriate superannuation agreements based on the wishes of the employees and employers. After all, the employers do not request this rule: they presumably have no particular interest in the retirement age of coalminers. However, the workers are interested in their retirement age and they should have the right and the flexibility to negotiate it. Workers are presently denied that right not through consensual action or resolution on their part but as a result of the role and attitude adopted by the leadership of the Construction, Forestry, Mining and Energy Union of Australia [CFMEU]. The CFMEU does not impose a compulsory retirement age of 60 on its union officials. It does not impose that restriction on its members in the construction industry and it does not impose a compulsory retirement age on its members in the Queensland coalmining industry.

However, it maintains this inflexible compulsory retirement age rule in New South Wales, thereby denying coal industry workers the flexibility necessary to prepare superannuation agreements for their retirement. Accordingly, the Construction, Forestry, Mining and Energy Union stands accused of being the social and industrial dinosaur that it is. It ill reflects the wellbeing of its members, and maintains its old-fashioned, restrictive trade practice which is being eliminated in most other areas. It remains the continuing

obdurate body which does not represent the best interests of its members. It certainly may have a stranglehold over employment, a stranglehold it sought to maintain and which has been maintained at the cost of many jobs in the industry against the best interests of the members and employees. It certainly does not act in the interests of those engaged in the industry.

Why not simply allow a poll to be taken of the union members and ask them whether they want the compulsory retirement age to be maintained or eliminated? The union has not been prepared to do that, because union leadership remains as backward-looking, unrepresentative and restricted in its outlook in 2000 as it was in the 1950s when it wielded its industrial power against the best interests of not only its members but also the Australian nation. Notwithstanding that, the Coalition supports the legislation and will seek to eliminate the compulsory retirement age. It will seek to make future superannuation agreements entered into under the 1941 Act more flexible. The Coalition commends the employers for their preparedness to make agreements in the interests of their staff. The Coalition will continue to push the Government to recognise that it no longer has the right to deny workers in the coal industry the flexibility given to workers in every other industry; that a so-called Labor Government should act in the interests of the workers and not the interests of the union bosses.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [7.42 p.m.]: The honourable member for Gosford amazes me, because he never fails to take an opportunity to knock the Construction, Forestry, Mining and Energy Union [CFMEU], and has done so, again, tonight. This bill is revolutionary as far as one small sector of the mining community is concerned. In 1942 legislation was enacted to set up a miners pension scheme, one of the first pension schemes in this country. For 58 years widows of mineworkers have not been recognised for the role they played in the coal industry of this State. They have been discriminated against for all those years, and I have information which highlights that fact.

The bill amends the Coal and Oil Shale Mine Workers (Superannuation) Act to facilitate the implementation of an agreement between the coalmining unions and coal industry employers, first, to provide improved superannuation entitlements for mineworkers, following upon the successful extinguishment of an unfunded liability, a deficit, in the Mine Workers Superannuation Fund; second, to allow members of the fund to take up an offer to transfer entitlements from the old defined retirement benefit to the Coal and Oil Shale Superannuation Accumulation Fund, which will give them the opportunity to participate directly in the investment earnings of the fund and potentially increase the money value of their retirement benefit; third, to agree to increases to pensions paid to retired mineworkers under the old Mineworkers Pensions Scheme from 1 January 2000 and, in particular one-off increases to the pensions paid to widows of pensioner mineworkers to give them a pension payment equal to that paid to single retired mineworkers; and, fourth, to introduce indexing of those pensions from January 2001 to reflect movements in the cost of living.

Wives of mineworkers have been discriminated against for too long. I have been a member of this Parliament for quite a number of years and on three occasions I have spoken on this legislation. On 17 November 1992 I spoke as the shadow Minister, again on 12 April 1994 and again on 1 December 1994. Hopefully we have got it right this time, because it has been a long time coming. On 16 September 1998 I received a letter from a lady I have known for a long time, Mrs V. E. Peary, the Secretary of the Southern District Retired Miners Association. Her letter stated:

> Dear Sir,
>
> Southern District Retired Miners are seeking your help to obtain an increase in the Miners fortnightly pension, particularly for Miners Widows. The State Retired Miners Association wish to claim the following increases per week.
>
> | | Present Pension | Increases |
> |---|---|---|
> | Married | $49.70 | $59.70 |
> | Single | $36.15 | $46.15 |
> | Widows | $21.10 | $46.15 |
>
> In this day and age of non discrimination on gender grounds, the difference between the male single pension and the widows pension of $15.05 weekly is discrimination of the worst kind. We object strongly to this discrimination. All Miners fortnightly pension recipients badly need an increase in income. Miners worked in very dangerous conditions, many have died from accidents and related illness believing their widows would receive an adequate income and support for their life time, the income they receive now is grossly inadequate. Both male and widow pensioners are having a hard time affording the essentials for life under the present payments.
>
> Much work has been done to try to achieve this increase with no result. Please see papers attached. The last increase in the Miners fortnightly pension was in 1982 despite there being provision for two increases a year in the agreement of 1982, this has never been paid. Mine pensioners were never informed they would not receive any further increases, this is illegal…

> We condemn the attitude of Mine owners who reject recommended increases, or any increase at all to the miners and Widows fortnightly pensions. This is typical of Mine employers over the years.
>
> We ask you please to take these issues up with the Premier, firstly to get a deputation from the State Retired Miners to meet Premier Carr, with a view to getting increases in the Miners fortnightly Pension, especially for Miners Widows. There are 3,400 to 5,000 widows now on the pension. We would be very grateful for any help you could give us in Parliament.
>
> Yours sincerely,
>
> V.E. Peary.

My colleagues from the coalmining areas throughout the State went in to bat for these people. We arranged a number of meetings and achieved some real movement on this issue. In a letter that I wrote to the Premier on behalf of Mrs Peary I said:

> I have attached a copy of a very disturbing letter I received from the Southern District Retired Miners' Association Honorary Secretary, Mrs V E Peary, regarding Miners' and Miners' Widows' pensions.
>
> As you know I worked in the coal industry for twenty-six years before I entered Parliament and I am well aware and very concerned about the problems and anomalies referred to by Mrs Peary. Many of my former colleagues are now retired, or have died leaving widows to face financial hardship because of the failure to increase the Miners' fortnightly pension.
>
> This is a critical issue and one which our Labor Government should remedy forthwith. I await your early favourable reply.

At long last this legislation, introduced by this Government, recognises that the wives of miners, who produced wealth for this nation, have a right to a life other than one of poverty. I referred earlier to four changes in the legislation. Each of these changes means additional benefits to the recipients. I am particularly pleased to see the granting of increases in pensions to mineworkers' widows who, since the introduction of these pensions in 1942, have suffered a reduction in their entitlements upon the death of their husbands. At that time the widows pension was $42.20 per fortnight. What is it today? Under our Government, which forced mine owners into negotiations to arrive at an equitable and fair pension scheme for widows, it is $92.30.

Some people might say that $92.30 is not much, but that is on top of the old age pension. That is what the miners superannuation scheme and pension was all about: It was a top-up to allow mineworkers to retire at 60 years of age and get the full miners pension. When they reached the age of 65 years they were entitled to the old age pension. We topped up their pension, gave them a few extra dollars, to show that those people who had worked their guts out for so long in some of the most hostile and atrocious conditions underground were regarded as favourite sons of this nation. The widows did not receive the same treatment. The men were given a good pension, but when they died their wives got less money and ended up living in poverty. I cannot understand why widows got less than a single man who was a retired mineworker. I know that an increase was opposed by mine owners for a long time. It was not until early this year that the situation was totally overturned.

The honourable member for Wallsend and the honourable member for Newcastle had numerous meetings with the Miners Federation and other representatives of the mining industry to try to turn this situation around. I feel wonderful tonight because we have turned it around. After a lot of lobbying, heartbreak and tears by many people, this legislation, which justifiably recognises conditions for those widows, has finally been introduced. I am told that 2,835 people are in receipt of the pensions, and that 2,048, or 72.2 per cent, are widows. Mineworkers, because of the very nature of their job, die early and leave their wives to continue on for 10 or 20 years. We denied those women, who supported their coalmining husbands, their just rewards. Mr Deputy-Speaker would know that I have personally campaigned on this issue for a long time, because he has heard me speak often about it. At long last something has happened.

I am told that the deficit of the past fund has been addressed largely through co-operation between unions and coal employers and will soon be substantially removed. I congratulate those responsible on the initiatives introduced to address and overcome a major financial problem and to bring in these improvements to mineworkers superannuation entitlements. An old mate of mine, Jack Wright, secretary of Coalcliff Lodge, of which I was a member for 24 years, used to say to me, "Col, now we have got you in Parliament we want you to do something for our womenfolk because no-one else has ever done anything about it. Why should I die and my wife be forced into poverty because there is such a cutback in her pension?" I said to Jack Wright—and it has been recorded in *Hansard* many times—"I will see what I can do, Jack, but I am only one of many people in that Parliament." Poor old Jack is dead and buried now. It is a pity he is not alive to see this day.

Many other retired mineworkers or their widows have at long last seen justification in a struggle, which began in 1942 and continued through to 2000, for equity and justice. These additional benefits will not occur at

a cost to the Government. For many years the Commonwealth Government opposed legislation to address this problem. We could not move on this matter without an agreement from the Commonwealth. Finally we have an agreement, and we have now been able to protect these people. It might be said that I have touched on only one area of the bill. The honourable member for Gosford, as always, wants to criticise the trade union movement and the Construction, Forestry, Mining and Energy Union and attack mineworkers and their families. I would like to know what he will say to the widows who have finally got equity after the union fought tooth and nail to screw this money out of coal proprietors. Coal barons in this country have never changed, and they never will. The only way to get anything out of them is through blood, sweat and tears. We have had a victory. I commend the Government for this great legislation.

Mr MILLS (Wallsend) [7.57 p.m.]: I am pleased to support the Coal and Oil Shale Mine Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill. The bill restores justice, equity and fairness to a significant number of retired mineworkers and their families, in particular their widows. On the figures given by the honourable member for Wollongong, who spoke before me, of more than 2,700 people who are receiving pensions under this scheme 2,040 are widows of mineworkers; that is over 72 per cent. That is a comment on the dangers of the occupation, which often lead to the early death of male mineworkers. We owe it to their widows as a community and as a State to make sure that they are treated fairly.

Meetings of members of Parliament who represent coalmining regions—and 16 Labor Party members and some Opposition members in this House represent coalmining regions—were told by the United Mineworkers Federation division of the Construction, Forestry, Mining and Energy Union [CMFEU] and by the Retired Mineworkers Association that some widows had not had an increase in their pensions under the Coal and Oil Shale Mine Workers Superannuation Act since the early 1980s. We heard the complications that inequity brings with social security and other considerations, and we were moved to assist the affected people.

This legislation is the outcome of the process that included representations to the Premier's Department nearly two years ago. One of the main points we made to the Premier's Department was that the widows of miners received a pension of $21.10 per week, while single retired mineworkers received $36.15 and unmarried retired miners received $49.70 on top of the social security pension. That amount has not increased since 1982, when it represented 38.5 per cent of the pension; two years ago it represented 17 per cent of the pension. In the previous couple of years a number of proposals had been put to the trustees of the superannuation fund to rectify the imbalance between the amount paid to single retired mineworkers and the amount paid to widows of retired mineworkers, as well as to increase the amount of the pension. As those who were in receipt of the pension had to have retired prior to 1978 when lump sum payments became available, the number of recipients of the pension was constantly decreasing. Any further extended delay would be an imposition on the remaining elderly retired workers and the widows of mineworkers. An early response from the Director-General of the Premier's Department in 1998, stated, with some caution:

> The Government's approach in this matter, so far, has been to encourage the parties to reach agreement…Although there is the NSW Act of Parliament relating to the Coal Mine Workers' Superannuation Scheme, this does not empower the Government to take any direct action in relation to the pensions question.

I received an interesting document from the Retired Mineworkers Association, which helped me understand that the two key questions that needed to be addressed were, firstly, how to secure justice for the widows and the affected retired mineworkers; and, secondly, how to pay for the necessary changes. The Retired Mineworkers Association State Council sent me some great historical information and a lot of detail. Included among it were some comments about what happened in 1994 and 1995. The information stated:

> A decision was taken, by parties that did not include the Retired Mineworkers Association, to abolish the Pension Tribunal.
>
> The Coal and Oil Shale Mineworkers Superannuation Tribunal was abolished on the 1st of February 1995.
>
> This Tribunal was a statutory body of the State of New South Wales operating within the administration of the Minister for Industrial Relations.
>
> The Tribunal has been replaced by the Corporate Trustee Coalsuper Pty Ltd.
>
> The Retired Mineworkers Association has a number of concerns with the Coalsuper arrangement…
>
> So the Retired Mineworkers Association has gone from having a State Government Minister deciding on their pension claims to having a coal owner (with Rio Tinto looking over their shoulder) deciding our claims.

In 1999 the retired mineworkers were told by a Minerals Council representative that if they made a major claim for a pension increase it would be rejected, full stop. That indicated the attitude of the coal owners. However,

when the Special Minister of State, the Hon. John Della Bosca, delivered his second reading speech in the Legislative Council he outlined the most recent history in the last year or so leading up to the legislation. He said that the Government had been approached jointly by the United Mine Workers Division of the Construction Forestry Mining and Energy Union of Australia [CFMEU] and by the New South Wales Minerals Council, representing coalmine owners.

He stated that the parties had jointly sought amendment of the Coal and Oil Shale Mine Workers (Superannuation) Act to implement the recently executed 1999 Superannuation Agreement. That comes back to what the Premier's Department told us two years ago: it was up to the parties concerned to reach an agreement. The bill has two major objectives that represent the essence of the agreement. The first objective is to increase pensions paid to mineworkers and their widows, and to index those pensions for cost-of-living increases. The second objective is to identify and channel funding to ensure that the remaining deficit and these benefit improvements are paid for. It is also worth noting that proposed new section 32A in schedule 1 to the bill provides for renegotiation of the agreement and modification of the Act. It sets out the basis on which the agreement of the parties can be amended or renegotiated, and reflects the amendments. A specific regulation-making power will enable temporary modification of the Act, if necessary, arising from the 1999 Superannuation Agreement.

It is worth noting that no cost consequences to Government arise as a result of the proposal. All previous attempts, as outlined in the history in the second reading speech provided to us by the Retired Mineworkers Association, to solve this difficult problem had proved unsatisfactory. I do not want to go into the detail, but I am advised that the 1999 Superannuation Agreement between the United Mine Workers Division of the CFMEU and the New South Wales Minerals Council, representing the coal owners, is acceptable to both parties and the affected pensioners. I can only express in this House the hope that we have got it right this time. We are entitled to be optimistic, especially as it appears that the injustices of the past 20 years have been rectified and that the new scheme will be funded, thanks to the 1999 agreement that has now been put in this legislation. I support the bill.

Mr BROWN (Kiama) [8.06 p.m.]: I am pleased to speak in favour of the Coal and Oil Shale Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill. If honourable members think that the title of the bill is complicated, they should try to find their way through the original Act, the Coal and Oil Shale Mine Workers (Superannuation) Act 1941. Some two years ago, as a solicitor for the trustee I had the displeasure of having to undertake that task when I was providing legal advice on superannuation work. It is very difficult to get much sense from the original legislation. The bill will amend the original Act so that a formal agreement can be implemented between the coal industry parties for changes to the coal superannuation funding and benefit arrangements. The amendments in the bill will have effect from 1 July. They will fund the increase and indexation for cost-of-living pensions paid to mineworkers and their widows, known as column 5 pensions, that are integrated with Commonwealth pension entitlements.

The amendments will also give effect to new arrangements for the continued funding on and after 1 July of the industry superannuation schemes in New South Wales, which will provide for reduced deficiency funding by mine owners. I would like to reiterate the comments made by the honourable member for Wallsend that no cost consequences to government will arise as a result of the proposals, but the proposals will help many of the widows who rely on these pensions. In the context of these amendments the present remaining members of the former statutory superannuation fund are to be offered an option to transfer to the industry accumulation superannuation fund. All members of the former statutory fund and the industry fund will have the right to elect to make future contributions to a complying superannuation fund of their choice.

The original scheme was provided by the 1941 Act, and governed by a statutory tribunal presided over by the Minister. In 1995, at the request of the stakeholders—principally the CFMEU and the mine owners—the scheme, its governance and administration were effectively privatised under the trust deed. When further amendments are required these are usually suggested by the stakeholding parties and enacted upon by the Government. The bill seeks to bring about amendments supported by those stakeholders. As result of the amendments the mine owners' deficiency contributions are expected to be reduced. The amendments for setting this annual rate in section 19 of the Act allow for future change.

Amendments to sections 18 and 18C of the Act—pensions account—redirect funding flows and set up reserves for increases in and indexation of column 5 pensions. The redirection of mineworkers' salary sacrifice contributions should also be considered and arise from the various options to transfer former statutory scheme entitlements, and to fund indexation of pensions, which is necessary. Amendments for this purpose are made in

section 19 of the Act. When dealing with the surplus, the amendment to section 15C of the Act, which relates to powers of the trustee, enables provision in the scheme's trust deed for the trustee to determine priority in dealing with the interests of all members and pensioners, and to distribute any resulting surplus.

In regard to renegotiation of agreement and modification of the Act, provisions in the Act—particularly section 32A and schedule 3, which set out the basis on which the agreement of the parties can be amended or renegotiated—are restated to reflect the amendments. A specific regulation-making power enables temporary modification of the Act, if necessary, arising from the 1999 superannuation agreement. I commend the bill to the House.

Mr HUNTER (Lake Macquarie) [8.10 p.m.]: I support the Coal and Oil Shale Mine Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill. Certainly many retired mineworkers and widows of retired mineworkers in the Lake Macquarie electorate have been waiting a long time for this legislation. I particularly mention the Westlakes branch of the Retired Mineworkers Association and its efforts to see this legislation come to fruition and justice given to pensioners. The Lake Macquarie electorate has seven coal mines: one open cut mine and six underground mines, as well as many disused, old and closed mines, and, on the positive side, a new underground mine on the way. For many years coalmining has been important to the Lake Macquarie area, particularly to the western side, which is where the electorate is situated.

This bill is of great concern to the many retired mineworkers or their partners or widows who live in my electorate. The Retired Mine Workers Association Westlakes branch capably represented retired mineworkers and widows of retired mineworkers, and strongly lobbied the Government through local members in coalmining areas to obtain an increase for pension recipients. Clearly this legislation will achieve that goal. The proposals to be implemented, which are reflected by amendments in the bill, are to take effect from 1 July 2000. Funding for the increase and indexation for cost-of-living of pensions paid to mineworkers and their widows, known as column 5 pensions, are integrated with Commonwealth pension entitlements; and new arrangements for the continued funding on and after 1 July 2000 of the industry superannuation schemes in New South Wales will provide for reduced deficiency funding by mine owners.

The pension section of the bill is important. The honourable member for Wallsend referred earlier to the actual pension amounts received by retired mineworkers. Certainly, retired mineworkers and the Construction, Forestry, Mining and Energy Union [CFMEU] raised this situation with local members. The information provided to us in 1988 when we discussed this matter was that widows of mineworkers in receipt of the pension at that stage received $21.10 per week whilst single retired mineworkers received $36.15 per week and married retired mineworkers received $49.70 per week. Those amounts had not increased since 1982, and at that time represented 38.5 per cent of the pension. In 1998 it was only 17 per cent of the pension. The Minister said in his second reading speech:

> Entitlements for mineworkers superannuation pensions arose under a part of the former statutory Superannuation Fund that was closed off in 1978. The amount of these pensions, euphemistically or commonly referred to in the industry as "column 5" pensions, has effectively been pegged since 1982. This is because they were originally prescribed in column 5 of a schedule to the Act.

He later said:

> The 1999 superannuation agreement was executed by the coal industry parties representing the mine owners and mineworkers on 23 December 1999 and followed a period of 12 months intense negotiation between the parties. These negotiations were initially focused on the effort to resolve the serious emerging problem of the column 5 superannuation pensions, which, as I mentioned, had been frozen since 1982. The Government received many representations concerning the pensions issue, but had no power of direct intervention in private sector industry superannuation administration. Instead, the Government encouraged the industry parties to negotiate a successful resolution to this problem.
>
> ...The outcome has been the negotiation of acceptable and agreed increases to column 5 pensions and an acceptable and agreed reduction in the mine owners' funding commitment.

However, I believe there is still room to further increase the column 5 pensions. The Westlakes Retired Mineworkers Association certainly welcomes this legislation and the increase to pensions, but when I attended its meetings it was stated clearly that the need remains to further increase the pension. I give a commitment tonight that I will pursue that issue on behalf of the local Westlakes branch of the Retired Mineworkers Association. Otherwise, this is good legislation. It rectifies a problem that has existed for many years. It gives relief to those pensioners and widows of mineworkers and is greatly appreciated in my electorate.

MR CAMPBELL (Keira) [8.16 p.m.]: I support the Coal and Oil Shale Mine Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill. I shall keep my remarks brief as I do not

want to take up too much time of the House. A number of my colleagues from the Illawarra electorate coalfields and the Hunter region coalfields have spoken on this bill. It is pleasing to note that there is no opposition to it. For all of the reasons stated by my colleagues, particularly in regard to column 5 pensions, it is important that we have the opportunity to debate this bill and ensure that it is passed. One cannot represent a seat like Keira and not be acquainted with an individual coalmine pensioner or widow who is not affected by the old provisions that this bill now changes.

Since 1982 many individuals have been disadvantaged in their pension payments compared to their colleagues. We should celebrate the way the Government facilitated this change through negotiations and consultation with the Construction, Forestry, Mining and Energy Union [CFMEU] as the union that represents people in this industry, the retired mineworkers organisations and representatives of the coal companies. It took a long time to get there, but it should be acknowledged that people worked together and at the end of the day came up with a solution.

I acknowledge also the representations made to me by individuals, particularly from the Thirroul branch of the Retired Mineworkers Association. From time to time this group gave me a bit of stick but gave me also the opportunity to work with it on particular issues. This is one of those vitally important issues. I congratulate the Minister on bringing forward this legislation. I congratulate all those parties who worked in a co-operative sense to ensure that we achieved a commonsense outcome that allows us to give attention to the contribution that miners have made to their industry and continue to make to their communities.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [8.19 p.m.], in reply: I thank the honourable members representing the electorates of Wollongong, Wallsend, Lake Macquarie, Kiama and Keira for their contributions to the debate. I particularly appreciated the strong historic perspective put on the debate by the honourable member for Wollongong and the advocacy on behalf of retired mineworkers and their families by all members in their contributions. The issue of equity and fairness to the widows of miners who died in service in the mines, and particularly those who died after retirement, drove this bill. Mr Deputy-Speaker, I know of your involvement over a period of years with our other colleagues from the Hunter in a series of meetings with the northern division of the United Mineworkers Division of the Construction, Forestry, Mining and Energy Union [CFMEU], with retired mineworkers canvassing this issue.

I remember the advocacy of the former member for Cessnock, Stan Neilly, and his effort in putting the case on behalf of retired mineworkers across the northern fields and in particular the widows living in the Cessnock electorate. There were successful negotiations between the CFMEU and representatives of the Government. The final superannuation agreement was between the CFMEU and the New South Wales Minerals Council. The Government was approached jointly by the United Mineworkers Division of the CFMEU and the New South Wales Minerals Council, representing coalmine owners. Those parties jointly sought the amendment of the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 to implement the recently executed 1999 superannuation agreement.

The bill has two major objectives, which are the central pillars of the agreement. The first is to increase pensions paid to mineworkers and their widows and to index the pensions for cost of living increases. The second objective is to identify and channel funding to ensure that the remaining deficit and these benefit improvements are paid for. The Parliament is being asked to legislate the principal elements of the renegotiated agreement between the New South Wales Minerals Council and the principal employee trade unions and to ensure the continuing funding of the New South Wales coalmining superannuation schemes from 1 July 2000. That will be the outcome of the bill. There is no doubt that the bill is well and truly due. I again pay tribute to the tenacious approach of the retired mineworkers. I mention particularly Jim Comerford and Coogan Frame, who pushed for introduction of this equity.

The honourable member for Wollongong commented that once again the honourable member for Gosford has got it wrong. Compulsory retirement is not in the interest of union bosses. It is to protect workers at the coalface, those people whose safety is at risk day after day, and historically was greatly at risk in underground coalmines. Notwithstanding the safety improvements that have been introduced over time, coalmining is still the riskiest occupation that workers can be involved in. The bill is not about dealing with the compulsory retirement age; it is about improving the pensions payable to retired mineworkers and their widows, in particular bringing a sense of fairness and equity to the widows of mineworkers. It is about maintaining the value of those increases by introducing indexation of pensions. It is about restructuring financing to reflect the

responsible funding of benefits for coalminers which has occurred over many years. Let us focus on those important steps forward. Let the Parliament support industry parties which made the effort to negotiate agreed positions and bring those positions to the Parliament. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PARKING SPACE LEVY AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr GLACHAN (Albury) [8.26 p.m.]: As I understand it, the purpose of the bill is to double the existing levy, bringing it to $800 per car space, and to extend the operation of the scheme beyond the Sydney and North Sydney central business districts to Bondi Junction, Chatswood, Parramatta and St Leonards, where the levy will be $400 per annum. The bill and what it proposes to do demonstrate clearly the great problem that arises when governments, with the best of intentions, develop new ways of raising money. Subsequently governments, sometimes of the same persuasion and sometimes of other persuasions, extend the scheme. It gradually loses its original purpose and simply becomes a money-raising exercise for the government of the day. That is exactly what is happening here.

It was the Greiner-Fahey Government that introduced a parking space levy scheme in 1992. It applied only to the Sydney and North Sydney central business districts. The funds raised were to be used to finance the development of car parking spaces for commuters at railway stations within the metropolitan area. That was an admirable idea. At the time far too many people were driving their cars into the central business districts of Sydney and North Sydney. There was traffic congestion and pollution and all the evils that go with the use of the motor vehicle. People had adequate public transport access to those areas but they were ignoring the opportunities they had and were driving their cars. So it was decided that car parking spaces were needed at railway stations. The way to raise the money to build the car parking spaces was to introduce the levy. The theory was that it would reduce the number of vehicles coming into the central business districts, it would reduce the pollution, and it would reduce traffic jams. It would put people onto the adequate public transport systems that were available and the money raised would finance the building of parking spaces that would be to everyone's advantage.

It was great in theory, and during the time of the Fahey Government car parking spaces were certainly constructed. Although $6.6 million was raised under this levy in 1996-97, only 326 car spaces were created and less than one-quarter of the money raised was used for the purpose for which it was originally intended. That is regrettable. In 1997-98, the year in which the levy was doubled for the central business district [CBD], more than $13 million was raised but not one cent was spent on car parking spaces at suburban railway stations. The scheme was obviously introduced with the best of intentions, that is, to reduce pollution and vehicle congestion in the city, thereby making it more convenient and more attractive for commuters to leave their cars at railway stations in the suburbs and travel on the public transport system. However, the levy has now simply become another milch cow for an overtaxing Government that is using it as a moneymaking scheme.

The money is not being used for the purpose for which it was originally intended. I urge the Minister to use the proceeds of the levy as they were originally intended to be used. It is with disappointment that I now say the scheme has become a fraud. One must ask what the next step is. I predict that at some time in the future the levy will be increased—not by this Minister but perhaps by some other Minister in some other government—and the number of suburbs affected will also be widened so that in the end the levy may well apply to most regional shopping areas in the Sydney metropolitan area. The original reason for imposing the levy has been circumvented and it has become another way for governments to raise money. I strenuously oppose this measure because I believe it no longer serves the high-minded purpose for which it was originally intended.

Mr O'DOHERTY (Hornsby) [8.31 p.m.]: I wish to make several general and specific points in relation to the proposed amendment to the Parking Space Levy Act. The bill extends the reach of the Government into people's pockets in a way that it hopes will become increasingly invisible as time goes on. Governments tend to do that all the time, although it is not a principle espoused by the Opposition, which prefers small taxing governments. I note that the Labor Party in its current budget is taxing New South Wales

families more than ever before in the history of New South Wales. The revenues of this State are higher than they have ever been. The Carr Labor Government has more money available to it because New South Wales has the highest taxing government it has ever had. The Opposition's great concern is that those taxes are too high and that for many industries and individuals New South Wales has become uncompetitive with States on either side of it. Anyone who lives in the electorates of Albury or Tweed is disadvantaged compared with those across the border in either Queensland or Victoria.

I am concerned that the Government is raking in record amounts of money and not spending the proceeds of the levy in the manner originally intended. I have two major points to make about the bill. First, it will be obvious to anyone who lives in the Hornsby electorate that if the Government is allowed to extend the parking levy to Bondi Junction, Chatswood, Parramatta and St Leonards, the next cab off the rank will be Hornsby. It will be the very next stop on the Minister's gravy train. Its next whistle stop tour is Hornsby. That will impact adversely on the workers of Hornsby. Landlords will pass this levy on to tenants and tenants who are employers will pass it on to their employees. It will become part of a salary package for workers in Hornsby who can park at their place of work. It will lead to a direct cut in the salaries of those who work and live in the Hornsby electorate.

The original purpose of the levy was to provide parking at railway stations. Although the Government has now doubled the parking space levy twice and is raking in record amounts of money from it, the flow of money has stopped to commuters who do the right thing by parking their cars and travelling by train to work. Hornsby is a good example of that. Under the Greiner Government the original CBD car parking space levy—a tightly controlled, smaller levy imposed only on the CBD areas of Sydney and North Sydney—provided money directly to build car parks at places like Hornsby station. The interchange and car park built in the last year of the Fahey Government was funded directly by the parking space levy of the Greiner and Fahey governments. That was stage one of the car park and it was only a short time before that was filled with commuters.

It is now five years down the track and the growth rate in Hornsby shire is approximately 4 per cent, which is higher than any other suburb on the North Shore and higher than many local government areas in metropolitan Sydney. There is also very significant commercial development in the Hornsby CBD. The combined impact of those two factors is that it is now impossible to park at Hornsby, particularly if one wishes to catch a train. Commuters must park well before 7.00 a.m. at Hornsby railway station car park. If they do not they will not find parking spaces, and that goes way down the line. Berowra station has a substandard car park which is crammed with cars prior to 7.00 a.m. and cars are lined up early in the morning for a considerable length of the Pacific Highway, with many commuters coming from the Central Coast to park their cars to catch a train to the city.

The Carr Government has doubled the levy twice and has turned off the flow of funding for the construction of parks, the purpose for which the levy was originally intended. Hornsby station was awaiting the levy to fund stage two of its car park but that has not been achieved. My constituents cannot park their cars near the station. Indeed, they find it hard to park anywhere in the Hornsby CBD, which is a direct result of the Government turning off the flow of funds from the car parking space levy. The Opposition opposes this measure because the Carr Government is raking in additional revenue and extending taxes, but it is not using that revenue for the purpose for which it was originally intended. Taxpayers well understand a levy that is imposed to provide a direct benefit to them. Over the years one of the most popular taxes, if I can use that term, has been the 3 x 3 fuel levy. That levy has also been corrupted by the Government. Under the previous Coalition Government people understood that the additional amount they paid at the pump went directly to improve roads.

So it was with the car parking space levy. People who drove to the city to work knew that revenue from the levy they paid would be used to provide car parking in their hometown, which would make it easier for them to use the trains. That does not happen under the Carr Government. It is a bad principle of government and this Parliament should not allow the Government free rein to collect additional revenue without ensuring that it keeps promises. That is why we oppose this measure. When the bill goes to the other place, we will propose that an independent body be established to ensure that the revenue raised under this measure is allocated fairly and equitably across New South Wales for the purpose for which it was intended.

Mrs Grusovin: Not another body!

Mr O'DOHERTY: This is an accountability measure. The honourable member for Heffron has been in this place long enough to understand that government accountability is important. Over the years the Minister has raised enough money through this levy to meet the parking needs of my constituents. I recently wrote to the

Premier outlining several of my concerns about work that the Carr Government has not done in Hornsby in the past five years. I raised the question of parking at Hornsby and Berowra stations, and the Premier responded by saying:

> The New South Wales Government also spends an average of $20 million a year on commuter parking facilities to encourage the use of public transport. The Department of Transport has developed a five year rolling program of interchange/car park projects, and new commuter parking stations will be built around the State according to need.

There is a clearly demonstrated need in both Hornsby, a major interchange area in metropolitan Sydney, and Berowra, which is where many people from the Central Coast board the train. The Government has been raking in record revenues from the car parking levy and there is easily enough money to build car parking facilities at Hornsby and Berowra. The Premier informed me that the Government has a $20 million-a-year program for commuter parking facilities. In a genuine spirit of service to my community, I ask the Minister: Where in the five-year rolling program mentioned by the Premier do Hornsby and Berowra figure?

Mr Scully: You have never talked to me about it.

Mr O'DOHERTY: My constituents and I have written to the Minister on many occasions and we have received, collectively and individually, a complete brush-off, to put it politely, from his department. The Minister now invites me to come and talk about the matter; I know that is the way in which he likes to do business. I am talking to him about this matter in the context of this bill: I am speaking to the Minister in debate in this House as every honourable member has a right to do. I am standing here as the representative of my electorate and asking the Minister to respond. The Minister has three advisers sitting behind the bar of the House, and it would be easy for him to answer my question. I approached the Premier about this earlier in the year and I have raised the matter with him publicly. I have also spoken about it in the House on several occasions, the last occasion being two weeks ago.

Mr Scully: You have never spoken to me.

Mr O'DOHERTY: I am speaking to the Minister now. Is the Minister prepared to meet me to discuss the matter privately in his office?

Mr Scully: I have answered that question. Many Opposition members come and talk to me about issues, away from the glare of publicity. They are genuine members. If the shadow Minister is genuine and this is not a publicity stunt, he should come and talk to me.

Mr O'DOHERTY: The Minister should know that I have raised this issue genuinely on many occasions, through correspondence and in debate in Parliament. I have raised the matter many times in many different ways, as have my constituents. The Minister has only now paid attention, and I am grateful for that. That is the value of this Parliament. When a member of Parliament and his or her constituency is ignored or overlooked by governments in successive budgets—the Carr Government has overlooked Hornsby in six budgets over five years—the final recourse of that member is to come to this Parliament to plead on behalf of his or her constituency. I am pleased that the Minister has finally agreed to a meeting. I appreciate that, and I will certainly go and see him. I simply ask the Minister not to delay work in our community by holding a series of meetings. I have already written to the Premier, who has told me that there is a five-year program worth $20 million a year. I simply ask the Minister where Hornsby and Berowra figure in that program.

I came to the House tonight to offer the Minister another solution that will help him, my constituents and the budget of New South Wales. I have said that Hornsby is undergoing significant development. Several years ago the then Premier Nick Greiner, who was my predecessor as member for Ku-ring-gai, as the electorate was then called, spoke openly about a plan to develop the space over the Hornsby railway line. I believe the time is right for that development to take place in Hornsby. I suggest that the Minister and I progress my plan to develop the space over the Hornsby railway station to provide both office and community facilities. That would provide a fantastic link between east and west, something that Hornsby has sought for many years and which concerns businesses and the local council on the western side. The money needed could be raised easily by the private sector and the development could provide a significant parking and interchange facility at Hornsby station. I offer that suggestion in the spirit of co-operation, and I look forward to having further discussions with the Minister to advance my proposal.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [8.46 p.m.], in reply: I appreciate the contributions that honourable members have made to the debate and the interest that they have

shown in this bill. However, I am rather disappointed by the misleading comments that a number of Opposition members have made about the way the parking space levy works. They know that it is not a tax that it is paid into the Consolidated Fund for the general operating expenses of government. Yet they have members of Parliament to believe that is how the levy operates. Let us consider the inconsistencies in the Opposition's argument. The shadow Minister for Transport said that the levy is a tax grab designed to pay for all manner of government services. He then said, by the way, that he wants a board to be set up to administer the fund into which the levy is paid, which is then used to finance public transport facilities.

There is a serious inconsistency in that argument. If the levy is used to pay for general government services, there would be no fund for which the shadow Minister wishes to establish a board. He knows also that every cent from the parking space levy, which now amounts to $17 million a year, has been spent on public transport facilities such as bus and rail interchanges, ferry wharves and commuter car parks. It is absolutely untrue to suggest that, because every cent has not been spent on commuter car parking, the levy has somehow disappeared into the clutches of the Treasury Consolidated Fund.

I have a list of initiatives that have been undertaken in the past several years. The shadow Minister confirmed that the project that created 410 parking spaces in Hornsby began when his party was in government. It cost a little under $2 million and was completed by the present Government in October 1995. It was a bipartisan joint initiative undertaken by Coalition and Labor governments using the proceeds of the parking space levy. The shadow Minister made the unbelievable claim that the Government was using the proceeds of the parking space levy to purchase North and Western Bus Lines and Riverside Bus and Coach Services Pty Ltd. That is an appalling misleading of the House. I do not think a shadow Minister can resign, as his position is not a salaried one.

Perhaps the Deputy Leader of the Opposition should be sacked. Although I have a high regard for him on a personal level, professionally this is misconduct. To come into the House and mislead the members is misconduct, but I think he did it tongue in cheek. I do not think he meant to mislead the House, but was trying to be jocular by suggesting that somehow the State Transit Authority, a separate unit under an Act of Parliament with its own commercial operating requirements for revenue and expenses, was being subsidised by the parking space levy. That is absolutely ludicrous. I place on record that it is astonishing that the Opposition proposes, with Hansard recording every word, its total opposition to the purchase of the North and Western Bus Lines and Riverside Bus and Coach Services Pty Ltd.

If we had to list the top ten initiatives in public transport, that rail line would get a very high ranking by the Government and the communities of Parramatta and Ryde. We have had enormous feedback and for the first time ever a government has been able to run buses all the way to western Sydney and Parramatta. One can catch a government bus from Parramatta to Circular Quay. And I advise the Deputy Leader of the Opposition to go out and talk to people at Parramatta and Ryde. He should tell them that it is his policy to privatise Sydney Buses. He should be honest about it and tell the people that he is totally opposed to the purchase. *Hansard* should record that he is nodding in agreement. It is the policy of the Liberal Party to flog off Sydney Buses and to totally oppose the purchase of North and Western Bus Line.

I am appalled at that. I am happy to take this matter all the way to the next election, because I will certainly tell the people of Parramatta and Ryde that if they vote for the Coalition to be elected to Government, they can kiss Sydney Buses goodbye. It will be flogged off in a fire sale and the people of north and western Sydney will have to have a private bus service, again. The honourable member for North Shore cried crocodile tears about her electorate and the impact of this bill on the Kirribilli Ex-services Community and Bowling Club. I make no reflection on that club, I am sure they are genuine people. I am sure that the people who use the services of that club are good people. If that club and the honourable member have genuine and real concerns about the impact of the bill they ought to convey those concerns to Bruce Baird.

Do honourable members remember Bruce Baird? He opposed luggage racks in trains. However, on the way to Damascus, or I should say on the way to the car park outside Sydney's international airport, he discovered that maybe he was wrong, he really did want luggage racks in trains. Someone suggested that Bruce Baird may have been wrong in 1992 and that somehow the Government should be criticised for that. Bruce Baird set the boundaries for the application of the current car parking space in the central business district, and it will continue to apply according to the boundary set by him. I believe that the Deputy Leader of the Opposition was chief of staff when those boundaries were set; so they are Barry O'Farrell boundaries.

Mr O'Farrell: I drew them up.

Mr SCULLY: I know. He would have been up in the drawing room like a latter-day general, marking out the territory for the parking space levy. The Government accepts the boundaries drawn by the Deputy Leader of the Opposition and Bruce Baird and we will not change them except for the new lower levy in Parramatta, Chatswood, Bondi Junction and St Leonards. It is astounding that people suggest that those areas ought not have a parking space levy applied to them but expect the Government to spend hundreds of billions of dollars in upgrading public transport facilities, particularly in Parramatta. The next bill to be dealt with tonight is the Parramatta to Chatswood rail link legislation. The Government is building the Liverpool to Parramatta transitway and has established the Parramatta to Circular Quay bus service. Parramatta is doing exceptionally well, as it should, out of the Government's commitment to public transport.

The shadow Minister said that a board should be established because too much money is being spent in Labor electorates. I place on record that if the Government were to avoid spending money in Labor electorates, there would not be many electorates left. Where would we spend the money if we were not allowed to spend it in Labor electorates? I would have to ask my staff and advisers what electorates are left. If an election were held now the Labor Party would win nine more seats and there would be precious little of New South Wales in which we could spend money. Not surprisingly, with a majority of 17 members, and with a substantial number of Labor electorates, those electorates were disgustingly ignored and avoided. The honourable member for Fairfield and other members who are new to this House, as well as the honourable member for Heffron and the honourable member for Canterbury, who have been here for many years, were ignored for seven long years.

To be frank, the Government needed to redress the imbalance in the Greiner-Fahey investment in public transport facilities in those communities. It is inappropriate that an independent board be put in place. The process is for appropriation bills to go through Parliament, and for the government of the day to be given responsibility for administering those funds according to the public transport priorities as they arise from time to time. The Government will continue to do that. The Government has a program for upgrading public transport facilities and there is an enormous demand for it. Since the Greiner Government instituted the parking space levy, which raised about $7 million, the demand from the community in that eight-year period has grown exponentially for commuter car parking, bus-rail interchanges and ferry wharves. That is why we need to extend the levy—to meet that demand. I reject the suggestions and misleading comments of the Opposition members. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILL RETURNED

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

First Home Owner Grant Bill

TRANSPORT ADMINISTRATION AMENDMENT (PARRAMATTA RAIL LINK) BILL

Second Reading

Debate resumed from 4 May.

Mr O'FARRELL (Ku-ring-gai—Deputy Leader of the Opposition) [8.57 p.m.]: I lead for the Opposition on this legislation. The bill essentially has two purposes: first, to amend the National Parks and Wildlife Act 1974 to allow for the construction of a rail line under parts of Parramatta and Lane Cove parks and to consolidate a land-holding at Lane Cove River National Park to provide for the construction of a rail bridge; second, to amend other legislation to protect the State's investment in existing and future underground rail facilities. The Liberal and National parties support this extension to Sydney's rail system. We welcome any enhancement to the rail system. It is historical fact that this is a Liberal conceived initiative borne out of the Parramatta by-election of 1994, and was an election promise of the Fahey Government in 1995. The Opposition is happy to support continuing development of that initiative but hopes that, unlike the airport link, it grows to a mature adult with proper supervision.

Mr Scully: With you as Minister.

Mr O'FARRELL: Thank you for that vote of confidence, which is better than your last speech. I regret it is typical of the Government's approach to other rail links to start out with a good concept and manage to generate controversy about it. This ought to be a good news story from start to finish, but the Minister has

managed to muddy the water. The environmental impact statement process, which is still under way, was promised to residents affected by the link last May. Month after month the residents called for its release but it was not released until December last year. As residents and other interested people feared, it was released over the Christmas-New Year period in an attempt to ensure that the issues were not fully disseminated through affected communities.

That is no way to handle a project of this significance. When embarking on a significant project, governments need to engender community support and enjoin the community on all these issues. By delaying the release of the environmental impact statement [EIS] until Christmas the Government did not do that, nor did it inspire confidence. Within the EIS a number of areas lacked significant detail, including the ultimate operation of trains on the service and spoil removal—an issue that I will touch on later.

Further controversy has been generated by the registration of interest [ROI] process that is now under way which, in many respects, seeks to pre-empt some of the issues canvassed in the EIS. Whilst I accept that there is a strategic need to ensure that this project is up and running by 2006, the ROI process should not have occurred until the EIS had been determined. That has probably been caused by the delay in the release of the EIS. The issue that has generated most heat—as evidenced by the Minister's private research—and an issue that other speakers in this debate will address, is the route of the proposed link, particularly at its eastern end. I refer to the crossing of the Lane Cove River National Park. I have a personal view on this matter, which I have expressed before. I have always believed that this route should pick up the industrial estates at Lane Cove and Artarmon and join the North Shore line at St Leonards. Others have argued for the more conventional way, which is a replication of that. David Robinson, who is associated with the Guardians of Lane Cove Park—a collection of individuals and groups who are concerned about the future of Lane Cove National Park and horrified about what is being proposed—have put together an assessment of the failings that exist within the current proposal. I would like to touch on some of those.

The project is estimated variously by the Government to cost in the order of $1.4 billion. The private sector says that it will cost in excess of $2 billion. Whatever the price, the first surprising point that is raised by those concerned about the issue and the route is that the proposed Parramatta to Chatswood alignment will not provide any time savings. In other words, passengers will gain no benefit in a reduction in travel time whether they travel from Parramatta to the city by this new rail link or by the main western line. That is extraordinary, given the amount of investment in the project. The figures demonstrate that only 15 to 20 per cent of people who will use this link would have Chatswood as their final destination. The great bulk of the people using the rail link will head towards the central business district. Even if those figures are doubled, a link is pushed up through Chatswood, instead of to St Leonards or other options, which does not meet either a perceived or future need that is identified anywhere in the EIS. The guardians document notes:

> It is therefore inferred that at least 70% to 80% of commuters on the Parramatta Rail Link will have St Leonards, North Sydney or the CBD as their destination rather than Chatswood.
>
> Therefore, the "Parramatta to Chatswood travel time benefits" criterion for the EIS evaluation of alternatives appears to be biased towards a route that travels directly to Chatswood. It puts a weighting on Chatswood as the destination, whereas a station such as St Leonards, may be a preferable destination for Parramatta Rail Link commuters.

The EIS indicates that a trip from Parramatta to the central business district [CBD] on the preferred route for the Parramatta rail link, via Chatswood, would take longer than a trip from Parramatta to the CBD on the main western line. That in itself will make it harder to attract passengers from the main western line to the Parramatta rail link. At the end of the day the heart of this proposal is to relieve congestion on the inner west rail system and to use what is described as spare capacity on the harbour bridge. Therefore, the first point made by the guardians is that the route being proposed provides no benefit in travel times. How does that stack up? The second issue the guardians address concerns operational benefits. A maximum of 13 trains per hour are currently scheduled through St Leonards and Chatswood in peak hour on the North Shore line. The EIS transport background paper states:

> The number of trains over the two hour peak on the North Shore line will rise by 3 by the year 2006.

That is when the link comes into operation. The paper further states:

> 10 trains per hour are planned for the Parramatta Rail Link at peak hour.

In other words, instead of the EIS claim that two trains will have to terminate at Chatswood under the operation plan, it is estimated that more than six will terminate at Chatswood. As I said earlier, I am concerned that the operational issues about the ultimate service on this rail link are not fully documented in the EIS. The

Government is essentially selling people what is meant to be an improved rail service without demonstrating or committing categorically what will be involved. What has not been addressed either within the EIS process or by the Minister in other announcements is that in all the planning for this project there has been discussion about the need for quadruplication of the North Shore line between Chatswood and St Leonards in order to allow additional trains using the Parramatta rail link to commence at St Leonards. A 1995 report prepared by the State Rail Authority titled "Review of Parramatta-Chatswood Proposals, June 1995" stated:

> Amplification of the North Shore line from Chatswood to North Sydney would be necessary, because of the demand attracted by this combination, with most trains terminating at North Sydney. This would also provide capacity for any future services from the Warringah Peninsula to Chatswood/St Leonards to continue direct to North Sydney.

Another reason that Chatswood has been proposed for the termination of this route is the ultimate extension of the link to Warringah. The State Rail Authority report states that to provide for that in future there has to be amplification. This was confirmed previously by Ove Arup and Partners in July 1992. The 1995 report confirmed that, even if the Parramatta rail link did not proceed, it was a necessity with the expected patronage and growth and demand for rail services on the North Shore line between Gordon and Chatswood. My concern, and the concern of the guardians, is that those issues of amplification and quadruplication are not sufficiently addressed in the EIS. The Government may well be taking steps that will ultimately lead to that, but it is not enjoining the community in the debate and setting out the full ramifications.

The third point that the guardians raised in expressing their concerns about the current proposal referred to land use benefits. It is patently obvious around the world that when developing railway lines in this day and age part of the significant benefits relate to the development of land adjacent to those railways. The honourable member for Heffron understands that because of the new airport link in her electorate. The new stations will open up development opportunities around the railway line for residents, workers and commercial businesses. There are concerns about what is proposed for Parramatta and Chatswood. The EIS background paper states:

> The development options with routes into Chatswood were preferable to those directly to St Leonards. The former would provide good access to both centres, whereas the latter would provide only poor access to Chatswood.

The background paper also states:

> St Leonards has a limited capacity to develop further due to space constraints.

That was the rationale provided for favouring Chatswood over St Leonards. When one goes to another arm of government and reads the New South Wales Urban Planning Strategy Overview, which was released last year but was not available to the EIS background paper, one gets a different take on Chatswood. That document states:

> Chatswood has limited development sites available within the walking catchment of the station and the market continues to support redevelopment of sites for high density housing. Local traffic congestion could constrain future major redevelopments.

On the one hand, the EIS argues that Chatswood has further development potential. On the other hand, the urban planning strategy overview counters that argument. It appears that both Chatswood and St Leonards have development constraints, and from a development point of view neither centre is superior. I also note, having seen the recent Forum development at St Leonards and having seen the new station environment at St Leonards, that the potential for development is greater at St Leonards than it is at Chatswood.

St Leonards will, naturally, extend itself. Development along the Pacific Highway will naturally grow in height and width. In Chatswood it is at its maximum level. The fourth issue canvassed by David Robinson's paper is patronage. I have already said that the studies demonstrate that somewhere between 15 per cent and 20 per cent of people want to get to Chatswood—most of them want to go further south on the line—which raises serious doubts about the destination of this link. Recently Lane Cove Council announced its intention to establish "major bus-rail-bike interchange facilities with expanded bus routes and implementation of regional bus routes at St Leonards". It is obvious to blind Freddy that if a proper interchange is to be constructed—an interchange that is not blocked in by development as the Chatswood interchange is—the capacity is greater at St Leonards than it is at Chatswood. That is a concern of the guardians.

The guardians also assess the environmental impact statement. I will not go into this aspect in great detail because I want to raise some of these issues later. The EIS background paper assessed or evaluated the options in terms of seven environmental criteria. On these criteria the direct route to Chatswood was preferred by the EIS background paper, despite the crossing of the Lane Cove River National Park picnic area, as the alternative route to St Leonards would "force passengers to interchange to get to and from Chatswood". I have made the point that most people do not want to get to Chatswood under the EIS proposals. If one looks at seven other issues one can clearly demonstrate that the Y link proposal argued for by this paper is preferable.

First, the Y link would clearly improve local and regional air quality by replacing cars and buses with a rail link because it would appear to serve two industrial estates and get people to where they want to go. Second, it would move people from private to public transport, again for the reason that the EIS demonstrates, that the route sought is the preferred route. Third, it would make less impact on existing land uses and environmental quality. By travelling along the Epping Road corridor rather than through the Lane Cove River National Park picnic area and by locating stations in commercial and industrial areas rather than the University of Technology Sydney [UTS]residential area, the Y link would have less impact on existing land use and environmental policies and the preferred route to Chatswood.

Fourth, the Y link would provide a quality integrated transport system that would meet the needs of all people and improve the flexibility of the rail system, which was the issue I discussed under operational benefits. Fifth, it would maximise access to existing and any future land use of developments to assist in achieving major metropolitan planning objectives. Sixth, it would make a cultural statement of the worth to the community—social values, social equity, visual character and heritage values—by making a genuine commitment to the protection of a national park that is of significance to many Sydneysiders. And, seventh, it would provide for a more efficient allocation of resources by making rail operations more efficient and flexible, providing a shorter route for the majority of Parramatta rail link passengers and servicing three public transport starved areas of the North Shore, rather than one small university that is already serviced by two rail stations and a bus service.

The sixth issue the guardians canvassed in their paper relates to economic performance. It is claimed that the direct heavy rail option to Chatswood gave the best benefit to cost ratio of about 1.4 to about 1.7, with a net present value of $794 million. Unfortunately, in its assessment the Y link option was not considered along these lines. And at point 7 the paper sets out a number of risks that are worth looking at. In broad terms, the risks of the Chatswood option identified by the guardians are its inability to service rail traffic from the Parramatta rail link on the North Shore rail link without quadruplication of the North Shore line between Chatswood and St Leonards, which again goes back to the Connell-Wagner background paper of 1999. This quadruplication requirement was not recognised in the environmental impact statement.

Further risks include the inability to offer passengers on the new rail link equivalent travel times to the central business district in comparison with existing travel times on the main western line; the inability of potential future northern beaches rail passengers to travel to Parramatta without changing trains, a matter not addressed in the environmental impact statement; the environmental, political and social problems in crossing the Lane Cove River National Park picnic area, which were not adequately addressed in the environmental impact statement; social problems associated with building the UTS station in a residential area; and the need to operate an uneconomical station at UTS. I refer in particular in that latter issue to the Connell-Wagner background paper. Again, that issue was not addressed by the environmental impact statement.

Mr Scully: Do you oppose the UTS station?

Mr O'FARRELL: We want these issues aired. When this legislation goes to the upper House we will move to ensure that they are aired. The Minister asked me whether I oppose a UTS station. No, I do not oppose a UTS station, but what I do oppose is providing a taxpayer-funded facility to the University of Technology Kuring-gai campus when the Senate of the University of Technology Sydney provides no long-term guarantee of its continued occupation of the site.

Mr Scully: Yes, it does.

Mr O'FARRELL: That is the advice that Ku-ring-gai Municipal Council has formally received and that is the advice that the Opposition has received from the vice-chancellor of the university. The Minister spends tens of millions of dollars building a rail station at UTS Ku-ring-gai but in a year or two, perhaps—and I do not wish this because it is in my backyard—UTS Ku-ring-gai closes down. Although UTS Ku-ring-gai is beautifully located it has one major problem: it is located down the end of a residential street. It is in constant conflict with its neighbours. If UTS were to go the most obvious pressure for development on that site would be housing.

Mr Tripodi: We could use it for public housing.

Mr O'FARRELL: The honourable member for Canterbury should understand that the honourable member for Fairfield is not interested in public sector housing. He is fully committed to private housing, lock, stock and barrel. The Minister would potentially hand to private developers of that site a windfall profit built on a taxpayers' subsidy of a railway station that was potentially unnecessary.

Mr Scully: If you were satisfied it was staying would you support it?

Mr O'FARRELL: We are concerned that all the options have not been considered. I am concerned that a station adjacent to Lady Game Drive was not considered. Such a station would have provided access to the park. I understand that the National Parks and Wildlife Service was not fond of the idea of mass access to the Lane Cove River National Park picnic area. Such a station would have allowed, via escalators, access to the University of Technology Sydney Kuring-gai campus, and avoided a second crossing of the Lane Cove River National Park by an ugly bridge estimated to be anywhere between 250 meters and, on a map we saw the other day provided by Mr Lee, 350 meters in length. We want to ensure that those sorts of issues are properly considered. We want to be sure what the impact will be of either a 250- or 350-metre bridge adjacent to the most used part of Lane Cove River National Park.

Lane Cove River National Park is an important park. It has a history that stretches back to the nineteenth century. It was a well-known recreational spot by the end of that century. In 1925 a successful widespread and popular movement to preserve the park for future use was led by Alderman A. E. Rudder. Following a number of delays it was finally declared a national park in 1936. Approximately 80 per cent of the users of this park, although located on Lane Cove River in Sydney's north, come from other parts of Sydney. It is a well-known, well-loved, well-liked and easily accessible park. If the Minister does not believe that a 250- or a 350-metre rail bridge with trains running across it will have an impact, I do not know what he believes.

Mr Tripodi: It will make it accessible to us in the west.

Mr O'FARRELL: I welcome the interjection from the honourable member for Fairfield because his argument is one we would like to see supported in the other House. The park could be made accessible to people in the west perhaps by considering the provision of a station adjacent to Lady Game Drive with escalators to the University of Technology Sydney [UTS]. Of course, if the site were to be eventually redeveloped the decision could be made whether to keep those escalators. Let us do that, but let us not have this 80-metre deep station at the top of the abatement well away from Lane Cove River National Park, which would not provide the access to a terrific area of Sydney that the Government correctly wants. I share the concern of the honourable member for Southern Highlands about the deal revealed in Monday's media between the Greens and the Labor Party.

Ms Seaton: Come clean!

Mr O'FARRELL: Indeed, the Government should come clean about what the Greens received in exchange for their agreement to force this bridge upon Lane Cove River National Park. I may well welcome the addition of Browns Waterhole to Lane Cove River National Park. We have seen many additions to that park over many years. I am sure that the honourable member for Ryde will reflect on this in his contribution as I will encourage him to do in my later contribution. The alienation of the southern end of this park is not justification for expediency at the other end. That is a victory of expediency over environmentalism and demonstrates what the Greens represent in this place—not a true environmental movement but a movement determined to provide themselves with a key role in the upper House in order to do deals.

I express also my concern about the actions of the Minister for Fair Trading. In the lead-up to last year's election when this issue was alive and well—the environmental impact statement [EIS] had not been released but was expected—I made it clear that this rail project was supported by the community and by the Opposition generally, but its impact had always been identified as a concern of both those groups. Prior to the last election the Minister was vigorous in putting his views on the record. In a letter to a constituent dated 22 March—a key date; a few days before what was expected to be a close election—he said:

> Thank you for your recent letter regarding the Parramatta to Chatswood rail link.
>
> Please be assured that I am absolutely committed to the protection of the Park.. My first and as yet, only Private Member's Bill in the NSW Parliament was to expand the National Park along the river at East Ryde.
>
> I am also currently chairing a working group that has succeeded in transferring 228 hectares into the Park from Hornsby Council, the largest expansion, in the Park in 60 years. Of course it is a place of great beauty that demands protection.
>
> I am disturbed at the inaccurate reports that have been given out over the rail link.
>
> As you know there are presently two options for crossing the river—

this was prior to the release of the environmental impact statement—

> either by a bridge or tunnel. These options are being presented in the EIS. No final decision has been taken. In my view the bridge option is totally unacceptable for the reasons you outline.

No ifs, no buts and no maybes! This is a clear commitment from the honourable member for Ryde prior to the election. He was out harvesting votes. I repeat what he said:

> In my view the bridge option is totally unacceptable for the reasons you outline.

He went on to say:

> The tunnel option is not, however, unacceptable. In the briefing I received from the consultants the following points were made clear.
>
> 1. The whole length between Epping and Chatswood is well underground in a bored tunnel. No cut and cover tunnelling would be used.
>
> 2. Modern technology has ensured that the construction and operation, would cause no impact on the surface. Noise and vibration we may be used to in the City Circle, for example, simply does not exist with new tunnels. The construction of the Great Southern Rail line showed this to be true.
>
> 3. The tunnel option would have no impact on the Park. It would be very deep underground and there would be no need for ventilation shafts or any link to the surface impacting on the Park.
>
> I believe that when the EIS document is published the bridge option will quickly be rejected. The EIS should also make clear the fact that the tunnel will not impact on the Park.
>
> I will continue to fight for the protection of the Park.
>
> Please contact me if I can help you in any other matter.

That is as good a letter as the honourable member for Fairfield writes on a Friday! I note in particular the last two paragraphs of that letter:

> I will continue to fight for the protection of the Park.
>
> Please contact me if I can help you in any other matter.

Immediately after the environmental impact statement was released at least two public meetings, one of which the Leader of the Opposition attended, constituents of the honourable member for Ryde endeavoured to contact him to seek his support in protecting the park and opposing construction of the bridge. The honourable member did not return phone calls, respond to letters or turn up at public meetings. That is the sort of sympathy he has for Lane Cove River National Park. Having been bought off with a job in the ministry he has forgotten those local concerns. He is more than happy to put expediency behind his political career. It is no surprise that recently Ryde City Council resolved to oppose the construction of this bridge. I assure the honourable member that he is now well and truly off-side with his local community—the community he had on side on this issue.

Mr Tink: If he was a corporation he would be prosecuted under the Fair Trading Act!

Mr O'FARRELL: Not by the current Minister! I wish to canvass a number of other issues.

Mr ACTING-SPEAKER (Mr Mills): Order! People in the public gallery are not permitted to make any comment. If there is any further interruption I will have the gallery cleared.

Mr O'FARRELL: I do not know that person in the gallery, but I heartily endorse the comments. My colleagues will present a number of concerns about this project. One strength of the private sector is that it can bring drive and initiative to government decision making and development. I am concerned that the way in which the Department of Transport has driven this issue has resulted in restrictive processes. As I said earlier, if the private sector had been driving this project it would have paid greater regard to the development potential along certain routes. But when they dealt with the department they were told this was the route and "You will agree to this or you will not agree."

This project requires a commitment that regional environmental plans will be consistent. We cannot put communities along the path of this proposed rail link through the stresses and strains of being told one day that this is the certainty, only to be told the next day that it has changed completely, as happened with the northside storage tunnel. I make the point that that is not the Minister's legacy; certainly it is the legacy with the northside storage tunnel, which is affecting some communities on this side of the harbour. Again I raise my concern about the issue of spoil. This project will remove 231,000 cubic metres of spoil and the environmental impact statement does not contain any proposal as to how that will be moved.

The only table in the environmental impact statement, which I referred to earlier, relates to the 100 per cent removal of spoil by truck, which I assume is unlikely to occur. However, that raises the question of whether it will be removed by truck, rail or barge down Lane Cove River. Each of those options will have an environmental impact and each option should have been considered as part of the process for the environmental impact statement. Frankly, I believe the process is flawed if the Minister does not believe that adding 880 truck movements per day to Ryde Road east of De Burghs Bridge will not have an impact upon people who live in those areas.

Whilst this project will provide relief to the congestion problems we envisage in 2006 for the inner west, it does not provide a long-term solution. I seek advice from the Minister about the vision for dealing with that issue in the long term. All reports referred to in studies on this link over the years indicate that by building this link we put off the inevitable bottleneck in the inner west but do not solve it. We must ensure that we have a long-term process that provides vision for that issue. The current registration of interest [ROI] process is also cause for concern. It is broken into 16 nominated packages and 11 ROIs are expected now, with the balance in 2001-2002. I am concerned that multiple packages will cause delivery, cost and risk issues.

At some other stage we need to debate whether the proposal of the Department of Transport with the private sector will produce the maximum benefit for taxpayers or whether it will build in inefficiencies and potential risk in relation to the final completion of the project. As the Minister said in his second reading speech, the timetable is already tight for a 2006 delivery of the project. I am concerned that the multiple package process evident in the ROI may well make that impossible to achieve. It appears that both Chatswood and St Leonards have development constraints, and from a development point of view neither centre is superior. I also note, having seen the recent Forum development at St Leonards and having seen the new station environment there, that the potential for development is greater at St Leonards than it is at Chatswood.

In the other House we will move to ensure that the Legislative Council, through a committee, will have an opportunity to consider some of the alternative route options proposed by communities in the vicinity of Lane Cove River National Park. The communities are concerned about the potential impact of the bridge on the park. I make one final point which relates to modern technology. In recent days I have been inundated with emails from people who urged me in the process of debating the bill to ensure that the National Parks and Wildlife Service has sufficient funds to administer the expanded Lane Cove River National Park following the deal done by the Greens and the Government in relation to Brown's Waterhole. Earlier I read the letter from the member for Ryde in relation to his expansion of the park, the more than 200 hectares added from Hornsby council, an issue that I supported as the local member for the area.

Mr Tripodi: A great initiative.

Mr O'FARRELL: Indeed, a great initiative. But it was made on the basis of a promise by the former Minister for the Environment that the National Parks and Wildlife Service would be given additional resources to administer the park. That money has not come through almost two years after the addition of the land to the national park. It raises real concerns for me and for the honourable member for Southern Highlands that adding the land to the Lane Cove River National Park and not providing the National Parks and Wildlife Service with sufficient funds involves a risk that the area will not be properly administered. I have to say to the Greens supporters who have emailed me that it is a bit late in the day—after the Greens have done their sleazy deal with the Carr Government—to come to me to urge that the money be leveraged out of the Government when two years ago a commitment was made and not delivered; and when it was not seen fit to be part of the sleazy backroom deal that was done over the weekend in respect of this project. With all due respect to those who emailed me, they can all get knotted because their friends in the upper House sold them out by not ensuring at the time that that was going to happen.

Mr TRIPODI (Fairfield) [9.33 p.m.]: I support the Transport Administration Amendment (Parramatta Rail Link) Bill. The bill will enable the construction of a vital piece of infrastructure providing new transport links from western Sydney to employment and education facilities across the north-western areas of Sydney. I am particularly interested in speaking about the benefits of the new rail link to educational facilities. The Parramatta rail link will provide direct rail access to some universities for the first time. These include Macquarie University and the Ku-ring-gai campus of the University of Technology, Sydney [UTS]. It will also improve the current service to the Rydalmere campus of the University of Western Sydney. The link will result in an increase in the number of trains stopping at Rydalmere from two per hour to eight per hour during peak periods.

Currently, staff and students at most of these campuses rely largely on buses and private motor vehicles for transport. The Parramatta rail link will provide direct access, therefore reducing the requirement to travel by those modes of transport. Improved access to the universities provided by the rail link will attract students and staff from wider catchment areas. For example, the University of Technology Ku-ring-gai campus primarily draws students from the north shore of Sydney. The new link will open the campus to students from new areas including western Sydney and beyond. Most importantly, the rail link will contribute to the development of the full educational potential of each campus.

This is particularly relevant to UTS Ku-ring-gai, which is currently the least accessible tertiary institution in Sydney. At present, only 13 per cent of students access the campus by public transport. When compared with Sydney University's 84 per cent public transport usage, the low UTS percentage reinforces the need for better public transport solutions for students. The Government's commitment to construct a new railway station at UTS Ku-ring-gai campus as part of the Parramatta rail link project was confirmed when a memorandum of understanding was signed recently between the Carr Government and the University of Technology, Sydney.

The memorandum of understanding establishes a framework for consultation between UTS and the Parramatta rail link on planning and construction issues. The station will be the first underground railway station at any university campus in Australia and will make UTS Ku-ring-gai one of the most accessible tertiary education centres in Sydney. The station will also service the needs of the local community. The community access to the station will be located via the Eaton Road entrance. The Vice-Chancellor of UTS, Professor Tony Blake, has said the UTS station will improve access to the university for students from across Sydney, but more importantly attract new enrolments to new courses. In a recent addition of *UTS News* Professor Blake said:

> The station will be of considerable benefit to UTS staff and students who use public transport and will make the campus more accessible to students who now travel by car. The station reinforces our commitment to the campus at Lindfield and we will continue to work with the New South Wales Government on this exciting project.

Currently, a student from western Sydney studying at UTS Ku-ring-gai can drive up to an hour and a half from home to lectures. To complete the journey by public transport would take a comparable time. Second year UTS student, Mr Ryan Nelson, is quoted in *UTS News* as follows:

> The thing with uni students is that not many people own a car. If there was another option, I'm sure people would use it.

Ryan Nelson's comment is typical of the view of any student who attends the university without good public transport. His point reinforces the need to provide the station at the UTS. Another university to benefit from the link is Macquarie University, which has more than 20,000 on-campus students currently enrolled. In addition to the rail link, the bus transit corridor between Parramatta and Liverpool will enable more students to access the universities. Until last year even my brother, living in Fairfield West, or people living in my electorate at Wakeley, Canley Heights or Canley Vale had to drive to reach Macquarie University. That was the only reasonable way of getting there. The public transport option would take at least an hour and a half to get from the western suburbs or south-west Sydney to Macquarie University. So the students had no choice but to use cars to access the University. Of course that created the current congestion the Government is trying to reduce with this initiative.

People who have visited the university or studied there would understand why it is named colloquially "Macquarie motors university". The campus has invested in multistorey car parks since it was founded in 1964. That has been due largely to increased demand for car parking spaces. The new rail link will connect the university to rail services for the first time, cutting travel times from many areas of Sydney by nearly an hour. For the many rail passengers, including students and those without access to motor vehicles, the rail link will represent a major positive addition to Sydney's public transport system. As well as opening up those universities, the project will link them with the burgeoning dot com corridor stretching from North Ryde to North Sydney.

This will allow more partnerships to develop between the universities and this concentration of high-tech industries. It will encourage academic and commercial research and development activities and will give students real-world experience as part of their studies. The link will also use the enormous labour force which continues to grow in western Sydney and guarantee that people in that labour force can access the dot com corridors that are developing in the northern suburbs of Sydney. In generating opportunities for an area which has unemployment and economic recession problems, the public transport access provided by the link will be crucial to alleviating the problems and generating social benefits created by employment opportunities. I urge

the Coalition to support the bill. Without it, the Parramatta rail link cannot proceed and those educational benefits will not be gained. I commend the bill to the House.

Mrs CHIKAROVSKI (Lane Cove—Leader of the Opposition) [9.40 p.m.]: In speaking to this bill I make it perfectly clear that the Opposition supports the concept of the Parramatta to Chatswood rail link; it has made that very clear from day one. I remind the House that the idea for the Parramatta to Chatswood rail link, in fact, originated from the former Fahey Government and, therefore, the Coalition does not object to it. The Opposition acknowledges that such a rail link is an important part of the infrastructure development of this State and, indeed, acknowledges some of the benefits outlined by the honourable member for Fairfield in relation to opening up educational precincts. Opposition concern about the project is twofold. First, it is certainly the case that all major public infrastructure projects in this State should be environmentally sensitive, should protect the environment and should not be counterproductive. Second, the Opposition strongly believes that those projects should be supported by the local community.

My local community has met, rallied and supports the concept of the Parramatta to Chatswood rail link, but it is concerned about a particular aspect of the project, which was made clear to the Minister for Transport when he first announced it—that is, if such a rail link were to be built it could not, must not, should not include as part of it a bridge through the Lane Cove National Park. The local community has not deviated from that view and many months ago made that clear to the then honourable member for Gladesville, now the member for Ryde, who also supported that view. The community has consistently supported the project but it does not and will not support a bridge. I am particularly concerned about the duplicitous nature of discussions about the bridge, both through the environmental impact statement [EIS] and the consultation process. The EIS states:

> The railway bridge over the Lane Cove River will result in a permanent change to the visual character of this section of the national park.

However, the draft outline states:

> The low-level bridge design reduces visual impacts by being partially located within the tree canopy and minimises excavation and site disturbance.

The EIS contains lovely little pictures of a bridge, but one cannot see much of the bridge because it is covered with trees and we are told it will not have much visual impact. However, I remind honourable members of the size of this bridge. It will be 2½ times the size of a football field. It is not equivalent to the existing road bridge at Fullers Road. It will be 14 metres in height and 250 metres in length, and therefore in no way is it comparable to the existing road bridge. It is hypocritical to draw pictures depicting it as a little, low-lying bridge that will not have any impact on the park. It is the length of 2½ football fields, with double lines and will carry trains 24 hours a day.

During the consultation process we were told that the bridge is being built within the noise footprint of the existing road bridge and trains travelling 24 hours a day both ways on the bridge will not make any difference because the noise will just blend into the existing background noise. That is completely wrong. No-one believes that a railway bridge in that position will not have some adverse effect. The solution was to contain the noise by enclosing the bridge in perspex because it was asserted that perspex would stop the noise. Following that meeting my constituents were concerned that not only was there a proposal to build the bridge but that it would be surrounded in perspex, which would not contain the noise, and would mean 250 metres of graffiti-covered perspex.

The proposal has been totally unacceptable from the start and nothing that has been said so far has made it in any way more acceptable to the local community. In order to ascertain whether the local community would accept this proposal, a transport study was carried out by UMR Research Pty Ltd, which prepared a paper that came up with some fabulous features showing that 92 per cent of people in the area support the bridge. Most people had little understanding of the project, but when they gained a little information and were given fairly leading comments, they then had some hesitation about the project. When told that the project included a bridge across the national park, we were told that they dropped their support marginally.

A number of people have written to me about the survey, saying that they were contacted and asked to participate. They made it perfectly clear to the researchers that none of the questions they were being asked to respond to reflected their concerns. When they tried to make the point that they would not support this project if it included the bridge, they were basically brushed off and told that that did not fit the criteria. I do not believe this survey is valid because I have been told that participants were not allowed to give proper responses because

the researchers would not listen. I do not believe this survey is worth the paper it is printed on. I am concerned about the hypocrisy of the Minister for Transport, who is supposedly concerned about the environment but only when it affects Parramatta and not Lane Cove. He was prepared to intervene to protect Parramatta Park. He said:

> Mr Scully said yesterday that the revised plans would ensure that there was no permanent impact on the park. This means no encroachment on the park.

Mr Scully: Good decision.

Mrs CHIKAROVSKI: That is all we want down our way. If the Minister goes back to the drawing board and redesigns the project without encroachment on the park, we will applaud and cheer him. I do not know what the Minister has been told but it is not only local people who object and who will be affected by the noise, visual impact and lack of ability to access their own local park, but the one million visitors to the park on an annual basis. They come from all over the city because it is one of the few parks that still exist within the city environs that people can access and enjoy. Where the bridge is to be erected is one of the most popularly used parts of the park. I know the Minister has ridiculed me previously by saying that I cannot go down and feed the ducks any more. I no longer do that because my kids are beyond that stage but many people still like to use this park with their families.

I know that the consultants keep saying that this part of the park has been alienated because it was previously an artillery ground and that it is not a valued part of the park, but tell that to the one million visitors who use that section each year! The Deputy Leader of the Opposition referred to the fact that a deal has been done and I find it incredibly disappointing that prior to members having the opportunity in this House to debate and argue the merits of this project, the Government has stitched up a deal with the Greens. It is typical of the Minister but it is distressing to the people whom I represent because they genuinely believed in real consultation. They are now being told there is no consultation or avenue for further objection because the deal has been done and the stitch-up is already in place.

That is incredibly distressing for those whom I represent. The issue is fairly simple: we want the matter to be reviewed. We want the community to have an opportunity to explain why it wants alternatives and to have those alternatives considered publicly. That is why we will continue to pursue this matter in the upper House. We will continue to call for a hearing and we will look to the other place to initiate an inquiry. We have made it clear that we do not want to stop the project, but we do not accept that the route that the Government has chosen and the imposition that it has placed on the park must go ahead.

We have spoken to people in the private sector who have made it perfectly clear that there are engineering solutions to all the problems that the Government keeps throwing up. Those solutions will protect the park and provide both a link and the sorts of public benefits that the Government and the Opposition want. However, the Government is not even prepared to consider the matter. In fact, one organisation commented that the Government designed the project and then constructed the EIS to ensure that it went ahead. I think that is probably true. We want the Minister to say that he will consider and take on board the genuine concerns of the community. We want the Government to provide the Parramatta to Chatswood rail link but remain mindful of the environmental impact that the project will have on the park, the community and the future of our natural heritage in that part of Sydney. I acknowledge that the Opposition cannot stop this legislation in the lower House, but I hope that there will be an opportunity in the other place to initiate a proper investigation. I am concerned that a deal has been done behind closed doors and that, as a result, there will be no further scrutiny.

People are confused by some of the information in the EIS. For example, according to the EIS, about 40,000 cars currently use Delhi Road and Lady Game Drive every day. I am advised that it has been claimed at various meetings that all of those cars will be removed from the road by the construction of the rail link. That is nonsensical: there is no way that everyone who currently drives on that road will choose to catch a train from Parramatta to Chatswood. That is the sort of duplicity and misinformation that is concerning people about this project. I have one further request of the Minister. We would like him to reconsider the break-neck speed with which he has approached this project. I ask him to allow time for further consideration of the other options and for community input into that process. I urge the Minister to consider the option of an alternative site for the University of Technology station. In so doing, I hope that he will ensure that, like other major projects, this project protects the environment and, most important, enjoys the support of the local community. If the Minister does that, he will have our support and that of all the people who use the park. Most important, the Minister will end up with a project of which he can be proud.

Mr MOSS (Canterbury—Parliamentary Secretary) [9.53 p.m.]: I listened with interest to the comments of the Leader of the Opposition, who began by telling us that the Opposition supported the concept of the new

line. She justified that support by saying that the Fahey Government first advocated the proposal. That is not true. In fact, the Fahey Government proposed a line from Parramatta to Hornsby, not from Parramatta to Chatswood. That line would have gone nowhere and would not have solved any traffic or commuter congestion on the main western line. The line would not have linked up with educational facilities, commercial centres or with major shopping centres. The Opposition never suggested building a line running from Parramatta to Chatswood. If the Treasurer were here, he would say that this project is every inch a Labor project.

The legislation refers to expenditure of $1.4 billion on the longest extension to Sydney's rail network since 1864. That is fairly serious stuff. The Government has spent much time in the past few months boasting about post-Olympic expenditure. In fact, it has produced a brochure showing all it intends to do to maintain jobs and continue public works projects after the Games. However, this project must be regarded as the flagship of post-Olympic expenditure. I emphasise that this is longer than any rail extension in this State in the 20th century; it is the longest constructed since 1864. That is something of which we can be proud.

The line will virtually halve the time it takes to travel from Parramatta to Chatswood. It is estimated that by 2006 the line will carry 18.6 million passengers. We talk a great deal about cutting travelling time, which is of great interest to those who live in Parramatta and Chatswood. There has always been a Parramatta and there has almost always been a Chatswood and, while those areas have existed, some form of transport has served them. However, we are underestimating another advantage of the project: it will create a brand new line for people who have never before experienced the convenience of a railway line at their doorstep. There is more to this project than cutting travelling time. There has never been a railway line in the corridor between Carlingford and Chatswood, with the exception of Epping station. This line will be a great advantage to the thousands of people living in that area who do not necessarily wish to travel to Chatswood and Parramatta but who simply want a railway line to get somewhere.

The new rail link will involve the construction of about 27 extra kilometres of new track and is likely to include 12 stations. A new line will run from Carlingford to Chatswood, but another advantage of the project that has not been well advertised is the duplication of the line that presently runs from Parramatta to Carlingford. That line could be regarded currently as nothing more than a branch line; it is a single track. This bill is all about good housekeeping and about ensuring that the relevant legislation is in place to allow the approval, planning and construction of the project to proceed. The bill amends several Acts, including the National Parks and Wildlife Act 1974, Heritage Act 1977, Transport Administration Act 1988, Land Acquisition (Just Terms Compensation) Act 1991, Public Works Act 1912 and the Environmental Planning and Assessment Act 1979. That gives us an idea of the enormity of this project.

The amendments to those Acts are for the purpose of this project only, which demonstrates the Government's commitment to improve public transport in western Sydney specifically and in Sydney generally. The line is being built because the Government has recognised that the current main western line will reach saturation by 2006. The Carr Government is exercising foresight by ensuring that the new line is under way and will be up and running in that same year. We are presently at the EIS stage, and the Government has taken steps to ensure that there is thorough community consultation and input into the project through community meetings, a mobile display and the letter-boxing of some 50,000 households along the corridor. I am sure that the magnitude of the project will cause concern. However, it must be acknowledged that a good proportion of the project will be underground, so I do not believe that a great many community objections will be raised. I am sure that the pluses will outnumber by far any negatives. At least there is community input, and the Government is certainly advertising everything it is doing.

The honourable member for Fairfield covered this part of the debate very well, but it is important to point out that the line links up with the Ku-ring-gai campus of the University of Technology Sydney, even though the Deputy Leader of the Opposition is concerned that the access is not good enough. It will be a damned sight better for the kids in Parramatta to get to the university when this line goes through, because at the moment they have virtually no public transport access to that university. The line also links up with the Macquarie University, which is in the North Ryde area. That area has many large employers in the information technology industry.

A large shopping centre is located at Macquarie and there are plenty of job opportunities in the area. At present, the kids from Parramatta and the outer west cannot access that area when searching for jobs. This rail line will solve that problem and will satisfy the needs for access to education facilities at the universities. This project represents the most significant expansion of Sydney's rail network ever undertaken. It is a significant part of the Government's Action for Transport Plan 2010, an integrated transport plan which proves the Government's transport credentials and shows that we are serious about our commitment to public transport for Sydney. The bill deserves the full support of the entire Parliament.

Mr COLLINS (Willoughby) [10.01 p.m.]: During his contribution to this debate the honourable member for Canterbury was bloody-minded. This debate is not about whether the Chatswood to Parramatta rail link is a good idea. Of course it is a good idea. Of course it should be proceeded with and of course it is necessary. Of course it will open up educational facilities, and it will help complete the Sydney rail network. We all own it and we all want to own it. The honourable member for Canterbury said that the rail link had nothing to do with the previous Fahey Government. I was a Minister in the Government, and I sat at the table when proposals exactly like this one came before the Government. I well remember expressing my total and vehement opposition to any extension of any such rail link, which I am sure the Minister for Transport is aware of, from Chatswood to the northern beaches.

Mr Scully: That will happen one day.

Mr COLLINS: That is the agenda of the Department of Urban Affairs and Planning. It is interesting that the Minister interjected, "That will happen one day", and that is recorded in *Hansard*.

Mr Scully: Twenty years.

Mr COLLINS: If it happens within 20 years, as the Minister further interjected, it will mean an additional 250,000 to 500,000 people will move into pristine urban bushland in the northern region of Sydney. If anyone thinks that establishing a heavy rail link or any other transport solution will cater for the additional 500,000 people that the Department of Urban Affairs and Planning wants to move into that bushland, it will not. It will simply destroy a great natural benefit that remains in the great city of Sydney, which now takes its place in the small coterie of the world's great cities. I plead with the Minister to remember that fact in any decision he makes about transport. I hope the Minister will want to make a lasting, valuable and environmentally responsible contribution to transport in this State.

That should be the context of this debate. The agenda of the Department of Urban Affairs and Planning is now on the record, as the Minister knows. I reject it entirely. I do not support and will not support another 250,000 to 500,000 people moving into that area between St Ives and the northern beaches of Sydney. That would be environmental degradation of the worst kind and would exacerbate all the transport problems that bring us together in this debate. The Chatswood to Parramatta rail link was discussed by the previous Government. I join with my colleagues the Leader of the Opposition and the Deputy Leader of the Opposition on this issue. Other members who are to speak later feel the same way. We want to make sure that, when the rail link is established, it works and causes minimum environmental degradation.

One of the battlegrounds that I have observed very closely in New South Wales politics in my association with the Liberal Party, which stretches over 30 years, concerns environmental politics. The Labor Party has sought to dominate that issue wherever it can, and has taken a stand on innumerable occasions, sometimes unreasonably, simply to score political points. Let us turn this debate around. What would happen if a Liberal government were proposing to put a high rail bridge through a national park? How would the Labor Party react? I know how it would react and the honourable member for Liverpool, who is in the chair, knows how it would react. It would fight any such proposition to the end and do everything in its power to stop such a rail bridge being built through a national park. It would join in every demonstration that could be mounted in Macquarie Street, people would be chained to trees in front of bulldozers and the matter would be publicised on the television news night after night.

However, because a Labor government seeks to build this high rail bridge through a national park, everyone is meant to roll over. We are meant to say that it is okay because the Labor Party wants to do it. It is not all right, and we should think carefully about this. I am sure the Minister does not want to leave behind a poor legacy, a bad record, from his stewardship in the ministry for transport. He has an opportunity to turn this around. Those of us who have had ministerial experience know that departments have their own agendas; we have all seen it. It has been ever thus and will be ever thus. As long as this Chamber exists politicians will be in here haggling over some agenda fed to them by bureaucrats. The test for us is whether we can see through it, whether we can pull the politics out of it, examine it and get the politics right. The Minister knows that as well as I do. He knows that in recent weeks I have received the departmental go-ahead on another project; but I held it up to the light. The Minister made an issue of it in the House this week.

Mr Scully: But I kept you out of it.

Mr COLLINS: He left me out of it, because I made the right political decision. Here is his chance to make the right political decision, to turn this around. No-one here would deny the Ku-ring-gai campus its station

or make it tougher for north shore rail commuters or students in Parramatta to go to the Ku-ring-gai campus of the University of Technology, Sydney. There is agreement on all those issues; the issue is whether there will be a high rail bridge through the Lane Cove River National Park. A week ago the Minister attended an address that shed some light on what this House should do. That address was given to an audience of architects at Circular Quay.

The Minister for Transport attended that powerful address, together with one of his ministerial colleagues, and I was there. Paul Keating was the speaker on that occasion. I remind the Minister for Transport what Paul Keating said because the Minister is in a position to make a decision which will reflect what Paul Keating said on that occasion. He said it eloquently, as someone who cares about the future of this great city, how it looks and how its natural and physical environment should be protected. On that occasion the former Prime Minister gave a moving and spontaneous address. One point that Paul Keating made which should be considered in this debate was about the Cahill Expressway. I do not mean the Carl Expressway. When the Cahill Expressway was built by a Labor Government, Joe Cahill—

Mr Scully: Keating offered you $150 million to remove it.

Mr COLLINS: I am coming to that. The Minister is listening, that is good. The Cahill Expressway was built by a Labor government because the bureaucrats said, "Premier Cahill"—the Minister likes the sound of that—"build this expressway over the rail line and over Circular Quay. It is the cheapest way to go, it will get results. It completes the rail link for you, it is the way to go." Virtually from the time the Cahill Expressway was built everyone on both sides of Parliament has regretted it. It is a visual scar, a bridge or a wall across the entry point to old Sydney, the point where modern Australia was founded. As the Minister said, Paul Keating offered the former Coalition Government $150 million to take it down. That was not enough to both take it down and provide an alternative, which the Minister would know if he dug through the archives. But Paul Keating was keen enough to put $150 million of Federal money on the table to take it down.

That project was put in place only about 40 years ago, and it was put in place with good intent. Joe Cahill did not build it because he wanted to maliciously damage the entry point to Sydney. He did not think through whether he was building a wall across the point where the tank stream entered Circular Quay. The Minister has a chance to think about this project. The bridge proposed for Lane Cove River National Park is of similar dimensions. This project is the Cahill Expressway of the Carr Government. I ask the Minister to take a close look at it. The rest of this debate is common ground, as is so often the case in this Chamber. So much legislation in this Chamber, 90 per cent of it, is common ground. When one looks at this bill 90 per cent to 95 per cent is common ground. What are we arguing about? We are arguing about one thing: whether there should be a rail bridge.

Do the figures the Minister has been given by bureaucrats, who want the rail bridge, stack up? Why do the bureaucrats want a rail bridge? Because they and their departments will be here long after the Minister and I will not be here. That is what we as politicians in this Chamber have to come to grips with. I ask the Minister to take on board what has been said by the Leader of the Opposition and the Deputy Leader of the Opposition, who represent the electorates of Lane Cove and Ku-ring-gai. I join with them. We can find a solution. This issue is not about name calling; it is not about taking partisan points. It comes down to a single issue, and the Government can resolve it. I ask the Government to look at the constructive proposal which has been made on behalf of the constituents, including those in my electorate, who feel genuine concern about this matter. They want the project, but they want it to be done well. They do not want another Cahill Expressway in the twenty-first century.

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [10.13 p.m.]: The Parramatta rail link is a solution to the growing transport difficulties in Sydney. It will directly benefit commuters on the wider transport network. Those benefits will directly affect business because of the link's broader benefits to the economy. Building effective links between education centres, hospital precincts and key business areas will contribute to Sydney's overall economic development and employment growth. It is clear that public transport infrastructure has not kept pace with Sydney's growth. Job opportunities, educational facilities and health services are frequently located long distances from new housing. As journeys to work become longer, constraints on the existing transport network increasingly act as barriers to employment opportunities, particularly for those requiring extensive cross-regional transport.

At present employment growth is centred in north-western and western Sydney. The key employment areas of Macquarie-North Ryde, Chatswood, North Sydney and St Leonards-Artarmon currently provide more

than 100,000 jobs. The Parramatta city centre is targeted to nearly double employment from current levels to about 60,000 jobs by 2021 under the Parramatta Regional Environmental Plan. At present, these key employment areas, health facilities and centres for learning are not served properly by public transport. The Parramatta rail link, therefore, addresses the need for a better and more equitable public transport access for all user groups. The current project is designed to meet the objectives of improving public transport services to western, north-western and south-western Sydney. In addition, the Parramatta rail link provides the growing population areas in western and north-western Sydney with links to employment growth centres in Parramatta, North Ryde and Chatswood. The rail link will achieve those objectives by providing a new 27-kilometre rail line, fully integrated with existing lines through Westmead, Parramatta, Carlingford, Epping, North Ryde and Chatswood.

Construction of the Parramatta to Chatswood rail link will result in direct benefits to the community in the generation of significant employment opportunities. At peak periods the new link will employ up to 2,000 people. The project is a key element of the New South Wales Government's plan to ensure the local construction industry remains buoyant in the post-Olympic period. Over the life of the project, more than 10,000 jobs will be created. The Parramatta to Chatswood rail link will provide direct access to three universities—Macquarie University, UTS Ku-ring-gai, and University of Western Sydney, Rydalmere—and improve access to key health facilities at Westmead Hospital and Royal North Shore Hospital. Rapidly growing employment centres, including Parramatta, Chatswood and the dot com corridor of Macquarie-North Ryde-Delhi Road, will be serviced by the rail link. For the many rail passengers, including the aged, students and those without access to motor vehicles, the rail link represents a major positive addition to Sydney's public transport system.

There will be four new stations along the link in areas not previously served by rail—at UTS Ku-ring-gai, Delhi Road, Macquarie Park and Macquarie University. In addition, eight existing stations at Parramatta, Rosehill, Rydalmere, Dundas, Telopea, Carlingford, Epping and Chatswood will be upgraded to the latest standards of urban design, accessibility for all users and travel information systems. The new underground platforms at Parramatta station will be part of a major new regional transport interchange, linking with underground stops for four proposed rapid bus-only transitways. These include the Liverpool to Parramatta transitway, which is currently under planning development. All stations will provide easy access facilities for passengers, including lifts, tactile tiles on platform edges and hearing induction loops. The stations will also be built to meet the latest standards for safety, including high-intensity lighting, help points and closed circuit television security. It is a wonderful project that will bring real benefits to the city of Sydney.

There are two issues I would like to address specifically. The first is the impact at the northern end of my electorate. In particular, I draw attention to the residents of the Wood Street reserve in Eastwood. They have raised with me and with the Minister a range of issues, including tunnelling and noise levels during the process of tunnelling and afterwards when the tunnel is operating. They have also raised the issue of the impact on the valuation of homes. I have met residents to discuss these concerns. The meeting I had with them and follow-up correspondence have been positive and productive.

I brought those issues to the attention of the Minister so that we can achieve a development that not only delivers world-class public transport options but also protects quality of life in my area. There has been close consultation between the project team and those residents, and some sensible options have been discussed. I understand that consulting engineers Maunsell McIntyre Pty Ltd are currently examining options presented at the meeting that I attended with the honourable member for Epping to lessen the impact on the local community. I understand that meetings are continuing between the project team and local residents in the area about a range of issues. That is a pleasing development.

One of the most contentious issues regarding the development of the rail link is the treatment of the crossing of Lane Cove River. Currently, the two options under consideration are a rail bridge adjacent to Fullers Road bridge and a tunnel at the same location. I understand the bridge is the favoured option. Both of the options have positives and negatives. Clearly, in the end one option must be accepted for this major infrastructure project to proceed. The bridge option will mean some disruption to the amenity of the Lane Cove River National Park and the Fullers Road public access point to the park. That disruption must be weighed against the significant transport and environmental benefits that would come from two new rail stations made possible by the option. Clearly, without the bridge the stations at UTS Ku-ring-gai and Delhi Road would not be possible, and thousands of commuters would be denied the benefit of having rail stations close to their home or work. This would have a detrimental effect on the number of vehicles using our road system.

It is worth mentioning that the area where the bridge is proposed is that part of the park that has been most degraded over the years because of human intervention and the major impact of thousands of vehicles

crossing the park at that point at Fullers Road bridge. It is also worth noting that the tunnel option would mean no station for eight kilometres, which raises fire and operational concerns because of the depth of the tunnel and the limited number of services that would be available if such a tunnel were used. Significantly, I understand that the Greens in the New South Wales upper House have accepted that the environmental impact of the bridge option would be much less than that for the tunnel option. The Parramatta to Chatswood rail link is a major infrastructure project that will benefit Sydney for generations. I do not think there is any doubt or disagreement about that. It is the biggest rail project since Bradfield's visionary plan earlier this century. Many issues will need to be dealt with before trains are running in 2006. I am sure that together we can achieve an outcome that benefits the entire community.

Ms SEATON (Southern Highlands) [10.21 p.m.]: We have come to expect hypocrisy from this Government, but the Premier's hypocrisy on the carve-up of Lane Cove River National Park is absolutely breathtaking. This Government treats national parks as vacant construction space. The so-called green Premier is prepared to sacrifice one of the best-loved national parks in metropolitan Sydney, which is visited by one million people a year, without even trying to find other ways to solve the challenges of the preferred route and the geology of the area involved. As many of my colleagues have said, the Coalition strongly supports public transport and an integrated public transport plan. This is essential not only to the functioning of a vibrant city and the social and community connections it sustains but also for reasons of equity of access on an affordable basis for all Sydney people to employment and recreational opportunities. Perhaps most importantly, public transport has the greatest potential to reduce air pollution and improve our quality of life.

Most of the air pollution in the Sydney airshed is attributed to motor vehicle emissions. We support public transport as a way of reducing motor vehicle emissions that contribute to our worsening air quality. We also support the cleaning up of motor vehicle emissions. It is a shame that the Minister for Transport has not been as enthusiastic about the vehicle emission testing scheme as his rhetoric would have us believe. I shall outline the Minister for Transport's real position on air quality. At the end of last year I tried to find out more about the vehicle emission testing scheme, why it was so far behind schedule and why the tender documents had not yet been drafted and designed. I wanted to know when the vehicle emission testing scheme would eventually be open to tender and a tenderer selected, and when the vehicle emission testing stations would be built and commissioned across Sydney.

There was no information on the Internet so I rang the Environment Protection Authority. I started to get shuffled around so I rang the Roads and Traffic Authority [RTA]. I got shuffled backwards and forwards to a few more people. Eventually I spoke to a technical officer who was the only person brave enough to tell me the truth when he said, "No-one wants to own the VET." In this bill we are being asked to give the go-ahead to the carve-up of a national park based on arguments relating to the greater public and environmental good by a Minister who does not even take his own air quality responsibilities seriously. The central issue in this bill is the Premier's determination to carve up Lane Cove River National Park and to ignore the calls from the Opposition and from the local communities surrounding Lane Cove River National Park, including the guardians of the national park, who all simply want to be satisfied that the viability of tunnel options and any other option that would see Lane Cove River National Park saved has been investigated.

People on Sydney's north shore and in the suburbs affected by the M5 East extension have already had a taste of the Government's environmental credentials. The M5 East and the Northside Storage Tunnel have both had the Premier's patent not-in-my-backyard treatment. If he cannot see it he simply does not care. In both cases the original designs set out in original environmental impact statements were dramatically altered, and potentially dangerous and health-threatening effects concentrated on particular community groups along the routes. In the case of the M5 East this Minister has consistently rejected all genuine calls based on sound environmental data to investigate ways to clean the huge volume of concentrated emissions, such as electrostatic precipitators and other technology.

The Minister is not even in the Chamber to listen to this debate. He has deserted the Chamber because he does not want to hear the truth about his so-called environmental credentials and his poor performance on the M5 East. When it is too late, some time later this year, the Minister for Transport has agreed to put that question and other questions about alternate stack technologies to a world export conference, but by then it will be too late. I suppose we are probably expecting too much to think that the Government might take the environmentally responsible path and investigate ways to save the environmental values of Lane Cove River National Park. That is why the Coalition is determined that environmentally positive alternatives should be investigated.

The Minister cannot have it both ways. He cannot claim that the environmental benefits of public transport in this case justify the destruction of a national park, with no effort made to look at alternatives, and on

the other hand ignore all his responsibilities on related environmental issues, such as the vehicle emission testing scheme. I turn now to the grubby backroom deal done with the Greens that has seen Lane Cove River National Park sold out in return for 2.2 hectares of RTA land at Browns Waterhole. It is premature to even think of giving in to the notion of carving up Lane Cove River National Park because we still do not know if there is another viable solution. The Government is refusing to look at all sensible suggestions put forward by the community. I call on the Minister for Transport to table all the records of meetings and negotiations with the Greens on this deal.

We want to know exactly what was traded and what details of the deal the Minister is keeping secret. If we were thinking of protecting remnant bushland on Sydney's north shore and compensating local people for the Premier's conversion of Lane Cove River National Park to a construction site, I would want a lot more remnant bushland to be protected as compensation. I know that many of my colleagues join me in this. It is a pity that the Greens did not take the opportunity to raise with the Minister and the Government the issues that we as representatives in that area have been raising with the Government on a regular basis. I shall give some examples. The honourable member for Davidson has been calling for land along Mona Vale Road between St Ives and Terrey Hills, which is owned by the Metropolitan Aboriginal Lands Council, to be preserved from development and clearing.

The honourable member for Hornsby has been advocating that Landcom sites adjoining the Berowra Valley Regional Park be given the protection that they deserve and that the community wants. The honourable member for Epping has been strongly advocating that the site at Redgum Avenue, Pennant Hills, which is a hospital site owned by the Health Department, be protected and returned to the people of Epping as public space. The honourable member for Pittwater is concerned about the future of the Currawong property at Great Mackerel Beach which is owned by the Labour Council. It is proposed that that property be developed as a conference centre.

There is buffer zone land at Ingleside, comprising Crown and departmental land, that the honourable member for Pittwater is also keen to see protected. In Wakehurst there is land in the area at Red Hill, which would provide a corridor from Garigal National Park and provide the new eastern extremity to that park with three kilometres of natural bushland. All honourable members in this Chamber are aware of the Ardell land adjacent to Manly Dam at Allambie Heights. The honourable member for Willoughby tabled a petition this week concerning three areas known as Willoughby Paddocks, made surplus by the abandonment of the public transport corridor that the Minister for Transport wanted to convert to cash, but which the people in Willoughby want preserved as open space.

There are many sites around Sydney Harbour of high-conservation value, particularly around Middle Head, North Head and Woolwich, which are all worthy of protection. All those sites comprise remnant bushland for which Coalition members have been strongly advocating protection by this Government. But this so-called green Government has ignored every request for protection of that bushland. The bill deals with an important public transport project. No-one in the Coalition is anything but supportive of it in principle and the benefits it will bring to many communities along the way. However, I would like to raise with the Minister a number of representations made to me by people who are frustrated by his lack of willingness to consider other points of view and a reasonable argument. I have had representations from many people via email, one of which is from Mr Landis, which makes the following point:

> The sections of the bill that relate to National Parks, identify the rail link route and pre-empt the findings of the EIS process.

This is all about a Government that is not prepared to properly see processes through or properly investigate all options. There are concerns that the sections of the bill that relate to national parks set a precedent for future resumption of national parks lands. We have to ask what is next on the Premier's agenda for the use of national parks as vacant construction space in areas that are not in his backyard. Mr Landis made the point that he supports the Parramatta rail link in principle, but there are many areas of concern related to the route proposed as the original environmental impact statement [EIS] preferred option. He believes there are more economic and environmentally acceptable routes that have been submitted as part of the EIS committee consultation process that should be considered. That is exactly what the Coalition is saying.

Many options are available that the Minister ought to consider, but he has completely dismissed them because he does not care about the environmental value of Lane Cove River National Park. I would also like to refer to the concerns that have been circulated to many members of this House via email about the lack of funding to Lane Cove River National Park and, more particularly, to the national park system, which was aptly demonstrated in the budget that was delivered yesterday. For the past few months the Premier has been running

around the State claiming new national parks and national park extensions. I was interested to see what sort of provision would be made for the maintenance and upkeep of the new national parks, not to mention our existing national park estate, which is underfunded. The national parks budget received an increase of a mere $19 million.

When one subtracts from the $19 million the amount of money required to sustain the 200 or so jobs that have been promised in connection with the regional forest assessment process announced a couple of months ago by the Premier—200 jobs would account roughly for $16 million of that $19 million—$3 million remains for the maintenance and management of 100 new national parks and 80 additions to national parks. A quick calculation of 180 into $3 million gives a figure of $16,000 per park, which is absolutely pathetic. It is minuscule. For the system to expect National Parks and Wildlife Service officers to do their jobs and to be the custodians of the environment on our behalf with that amount of money is absolutely ludicrous.

I would like to ask the Greens why they are now trying to get other people to lobby the Coalition to lobby the Government to properly resource Lane Cove River National Park. Why was that not part of their original discussions with the Government? I would like to know exactly what the Greens asked for. We want to see all the documents. We want the Minister to table all notes and all documents relating to negotiations and the backroom deal done with the Greens so that we know exactly what was discussed. We would like to know what else was promised, what else was traded off and what other nasties will come out about that grubby deal. I would also like to raise the concerns expressed to me by the Fullers Bridge residents from Chatswood west, who said:

> Please reject the first presentation of the Transport Administration (Parramatta Rail Link) Bill 2000 to allow more time to study its ramifications, including a precedent being set for the resumption of National Parks' lands. A "cut and cover tunnel" is possible to cross the Lane Cove River, retaining the proposed Delhi Road and UTS stations. Would you please obtain comparative costs between cut and cover tunnel and bridge construction.
>
> We look forward to your reply.

They will not get a reply from this Minister because he is so arrogant that he has dismissed all legitimate concerns, all reasonable suggestions and all reasonable questions from the people who are part of that community. I would like to mention another representation from Mrs Helen Ferns who is concerned that the Lane Cove River National Park will be completely destroyed by this proposal. She said:

> We oppose the construction of a rail bridge through the national park believing that alternative tunnel options would have avoided alienating one of the city's better patronised recreation areas.

The Coalition supports integrated public transport, particularly as a means of solving some of our environmental problems and some of the problems caused by motor vehicle emissions and the contribution of noxious gases into the Sydney air shed. There is absolutely no doubt about that and there is absolutely no doubt that we support the provision of better transport infrastructure in that part of Sydney. However, we will not stand by and see the Lane Cove River National Park, one of Sydney's icons, decimated by a Premier who is so hypocritical that on the one hand he is advocating the merits of national parks and lecturing the world about its environmental responsibilities while on the other hand he is endorsing the carve-up of a national park and its use as vacant construction space. It is unacceptable. I urge the Minister to take this last opportunity to listen to the people in the Lane Cove area and to do what they ask, which is to look carefully at those other options and come up with a better solution.

Mr TINK (Epping) [10.36 p.m.]: Broadly speaking, I support the Parramatta to Chatswood via Epping rail link and note, as have previous speakers, that its conception was an initiative and a proposal of the Fahey Government in 1994. However, I am concerned about a couple of specific matters related to compensation, about which I have written to the Minister. I am also concerned about the nature of any changes that might occur to the proposed route of the rail line following the completion of the environmental impact assessment process. I note that compensation is directly relevant under clause 2 of schedule 1 to the bill, which deals with no compensation for acquisition of land for underground rail facilities. I place on the record that the present Government offered property owners above the M5 East tunnel at Bardwell Park a property value guarantee in the following terms:

> There will be no noise and no vibrations. Residents will be able to build or renovate as before. However, as an act of good faith, the Government is proposing a property value guarantee. For a four-year period from approval for the project the Government will offer to buy any home above the tunnel. Purchase will be at the price each home would attract if there were no M5 East, plus relocation expenses.

My request to the Minister and the Government is that they issue a similar property guarantee for the current project, which will take the guarantee beyond the current wording of clause 2 of schedule 1 to the bill, to

incorporate the principles of a four-year period from approval to buy any home above the tunnel or the underground rail facilities as defined in the bill at a price each home would attract if there were no underground rail facilities under that house, plus relocation expenses.

The Parramatta rail link involves rail tunnels that obviously will pass under many densely populated areas of both western and northern Sydney. Having looked at the worms-eye-view maps of the EIS that sets out the project, I note some particularly shallow areas in the electorates of Parramatta, Epping and Ryde, reducing to a depth of 13 metres where the EIS provides that care must be taken to ensure that work does not disturb tree roots in those areas. In my view, this is a real issue of concern. In particular people are concerned about shallow areas, some of which are heavily populated, especially in Parramatta and in the Waterloo Road area of Ryde behind the Macquarie shopping centre in the electorate of Ryde.

Much has been said—and in my view rightly so—about the important public benefits that generally will flow from the Parramatta rail link. I think that is unarguable. Because the link is of such significant public importance not only to northern and western Sydney but to the whole of the greater metropolitan area—precisely because one of the key reasons for the rail link in the area was to ease the congestion on the inner western rail link between Strathfield and Redfern—my plea to the Government and the Minister is that the Government should underwrite the risk of damage to the property of individual owners. Individual owners should not be forced to underwrite from their own personal pockets risk to property posed by a project that is of such great benefit to Sydney as a whole. At a number of public meetings held in my electorate and elsewhere involving, amongst other things, information stalls, I understand brochures were handed out by the Parramatta rail link consortium. The consortium quoted a consultant who had been involved in the eastern suburbs railway line and stated in part:

> In every case investigated we have come to the conclusion that there is no evidence to support the view that the presence of the railway tunnel below a residential property adversely affects market value.

If that is the case—and I do not believe in the Epping context it is, because I have been told, and have no reason to doubt, that the project already has adversely affected properties in the immediate vicinity of the railway line—and if the Government and the consortium are confident in making those assertions, they should bear the risk. If those statements are correct, in fact there is no risk. However, whatever risk there is should be borne by the Government in the circumstances, rather than by the individuals. It seems to me that the M5 East property guarantee is a fair and reasonable way to approach the matter. It involves the Government bearing the risk in the short term. If its assertions and those of the consortium are correct, there will be no risk to the taxpayer in the long term. However, to the extent that individual property owners are subject to and, understandably, concerned about fluctuations in the market with regard to the proposals as they stand, I believe the risks should be borne by the Government rather than by the individual property owners.

I would like to hear the Minister reply to that matter particularly. It is a fundamentally important point that affects the entire project. I reserve my rights to consider moving in Committee amendments to insert a new provision in schedule 1 in the event that the Minister is not prepared to give reasonable undertakings in respect of this matter. The issues that people are concerned about in this context also relate to matters such as reverberated noise, the final get-up of the track, the quality of the connections between the track and the sleepers, the tunnel itself, and the lagging and soundproofing of the tunnel. I believe it would be much better if all of those issues were thoroughly and exhaustively assessed and engineered for best results if the Government were to carry the risk. With regard to property owners carrying the risk, it seems to me that there is not the same pressure on the consortium to design the best possible outcome to deal with issues such as reverberated noise, track welding, the fitting of the track to the sleepers, and so on. I believe that having the Government bear the risk in respect of such matters results in a better outcome for the public generally and the owners in particular.

We hear all sorts of airy statements about how, for example, property values in Epping will boom as a result of this project. That is totally irrelevant to the issue to which I refer until one starts to assess property values, not in the postcode area of Epping but in the area bounded by the yellow lines on the aerial overview map within which are located the houses that have a tunnel bored under them. If someone, after undertaking fair dinkum property valuations and assessments within the yellow lines, so to speak, can confidently assert that there is no diminution of property values, we might have an argument. But I do not believe that that can be done, because the evidence seems to suggest that the values of properties within the yellow lines are significantly affected.

There is a second issue that I would like to address. I had hoped it would not be necessary to raise it, but in light of the arrangement that has been reached with the Greens I am deeply troubled about it and, because

of the process, I feel I should raise it. I have already raised the matter at a public meeting in the presence of the honourable member for Ryde, the Minister for Fair Trading, and Minister for Sport and Recreation, so he is aware of what I am about to say. I noted that the Minister said in his contribution that he hoped that whatever happened the quality of life in his electorate would be protected. Well, I hope that whatever happens protects the quality of life in all electorates, including the Minister's electorate, the electorate of Epping and the electorate of Parramatta. To the extent that proposed changes may be under way to move the present project route somewhere else I would have thought, until this deal was made with the Greens, that we could confidently assert and hope that due process would be followed in the assessment of alternative routes in accordance with the provisions of the Environmental Planning and Assessment Act. As I have slowly come to grips with this deal with the Greens, it seems to me that deals are part of the agenda to get this project going.

I am extremely concerned that, arising from the assessment of the EIS and responses, some deals may be done to protect the quality of life in one area at the expense of quality of life in another area. If the decision is based on fair dinkum, proper, independently assessed outcomes of alternative proposals that are put up, that is fine. Let me warn all honourable members, but particularly the honourable member for Ryde and the Minister, that if there is the slightest inkling of a deal being done in the context of protecting quality of life in one area at the expense of quality of life in another area, the matter will be before the Independent Commission Against Corruption in the blink of an eye and prosecuted in the most aggressive way. The Minister can chuckle, but I remind him that one deal has already been referred to the commission.

I cannot now assume, in the context of the way in which this matter will be determined from this point on, that there will not be other such deals. I sincerely hope there will not be. I sincerely hope that this matter will be determined solely on its merits and on the merits of alternative proposals. I and many other people will watch extremely closely to ensure that due process is followed. We will do all we can to ensure that there is not another deal made behind closed doors that protects the quality of life in one area and not in another. We will strive to ensure that any deal is based on proper engineering principles and a proper and independent analysis and assessment of what is required according to law, no more and no less.

I made that view clear at a public meeting I attended together with the Minister for Fair Trading, and Minister for Sport and Recreation. In light of the deal with the Greens, I feel bound to repeat it in this House. It is a matter of some sadness that I feel compelled to do that, but I am troubled by the arrangement that has been reached, in respect of which there does not seem to be any accountability. As the honourable member for Southern Highlands has said, no documentation or material has been placed on the table to explain why a deal has been done that so significantly affects a national park in northern Sydney. I suppose it is by parity of reasoning that I am increasingly deeply troubled by the issue of compensation as well. Again, one starts from an assumption of a level playing field everywhere and that people are treated equally. However, in the context of this deal, one starts to question whether that is so.

Wherever quality of life is to be affected—and it may be in my electorate, the electorates of the honourable member for Ryde or of the honourable member for Parramatta; it will probably affect all areas—I hope that the one thing we can all agree on, apart from due process from this point as distinct from the deal that has been done, is that there must be compensation for that loss of quality of life. If this is such an important deal, as represented by the Government, and it is such an important project, as represented by the Government, surely the taxpayers will bear the risk to property values that the Government asserts, through the consortium, is minuscule anyway. In the context of the budget and the tax revenue that will be raised by the Government through its latest budget, the sort of money we are talking about to give a property guarantee is small change. But to the individuals who have to bear that risk unless the Government takes a different attitude, it is far from small change.

In a couple of cases that I know of, contracts and proposals for sale that property owners have entered into have fallen through because the proposed route of the railway is under their properties. That does not represent small change to those individuals; it is a major financial issue. To them it is a major lifestyle problem; they feel they will be trapped in their homes until this matter is resolved unless they receive some guarantee of property values that will allow the market to continue, values to be maintained and individuals to be free of having to underwrite a project that, in the public interest, should be underwritten by the Government. Due process and compensation are issues of concern to me. I hope the Minister will address the issue of compensation in his reply. I reserve my rights in relation to the proposed amendment.

Mr O'DOHERTY (Hornsby) [10.51 p.m.]: I wish to make two brief points in this debate. First, with regard to pressure on train services in my electorate of Hornsby—particularly with regard to car parking

facilities at Hornsby and Berowra, which I have raised with the Government in correspondence and in this House in debate on another bill—the Government asserts that the Parramatta to Chatswood rail link will help to increase patronage and service provision to residents in my electorate. If that is so, I should like to underline a point I raised earlier in debate on another bill. It is imperative that the Government puts in place now a plan to upgrade car parking and security facilities at Hornsby and Berowra railway stations. I look forward to discussions with the Minister on that issue.

My second point relates to the environment. As we all know, the Government is working a deal. Other members have referred in this debate to what amounts to State environmental vandalism of Lane Cove National Park, which is an important part of the national park estate in the northern part of Sydney, and the Government is doing a deal in relation to Brown's waterhole. The Government is selling our environment short. Constituents of the Hornsby electorate express deep concern about more than 100 Landcom sites that are at the edge of the newly created Berowra Valley bushland park, which was created by the Carr Government but which is now under major threat from the Carr Government.

The 100 or more Landcom sites are in a most environmentally sensitive area. If they are developed, they will place immense pressure on the Berowra Valley bushland and on Berowra Creek. After being pressured by me in this place, Hornsby Shire Council and hundreds of residents, the Government finally agreed to a moratorium on these developments. It dusted them off but put them on the shelf as soon as it was elected in 1995. They were not promoted by the previous Government. The Carr Government put in place a moratorium and engaged the Total Environment Centre to undertake an ecologically sustainable development study of the sites. The Government has had the results of that study for 12 months. Anybody who knows anything about the environment knows that on any measure these sites will have to be protected in order to protect the broader environment of the Berowra Creek catchment. I wrote to the Premier recently expressing concern that nothing has been said about the development. He wrote back in these terms:

> I am aware of community concerns regarding the proposed Landcom development at Berowra. The issue is under consideration and I will let you know as further information becomes available.

That is not good enough! If the Government is looking to trade off the damage it will do to Lane Cove National Park with other items of environmental significance in the northern part of Sydney, as a matter of course and as part of any deal it does regarding this rail link it must protect those Landcom sites. It would be a breach of trust of our community to not do so. I ask the Premier and Minister for Transport to announce what the Government proposes to do with these Landcom sites.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [10.55 p.m.], in reply: I thank all honourable members for their contributions to this debate. Although I do not agree with elements of it, the former Leader of the Opposition, Peter Collins, gave a thoughtful contribution. However, the contributions of the present Leader of the Opposition and the future Leader of the Opposition, the honourable member for Ku-ring-gai, were disappointing. So we heard from past, present and future Leaders of the Opposition. Obviously, Coalition members have a keen interest in the debate as many of their electorates will benefit from this Labor Government initiative. I should like to put in context that the Parramatta to Hornsby rail link and not the Parramatta to Chatswood rail link was a proposal of the Fahey Government. The present Labor Government rejected the Parramatta to Hornsby proposal because it did not deal with systemic congestion in the western train lines. There had to be a connection from Epping to Chatswood, around and over the Sydney Harbour Bridge.

In a nutshell, Coalition members have demonstrated their hypocrisy by expressing pious concern for the environment. The Leader of the Opposition talked about concern for two football fields. Almost crying crocodile tears, she expressed concern about the process, about alleged environmental damage. She was a Minister in the previous Coalition Government—a government of which the former Leader the Opposition, the honourable member for Willoughby, was Treasurer—at the time the construction of the M2 motorway caused 20 hectares of environmental damage to thousands of trees and more than 100 homes. The environmental impact of a bridge over the Lane Cove National Park will be modest compared with the damaged caused by the M2 motorway.

I listened with absolute incredulity to the Leader of the Opposition's pretensions of concern for the environment. She uttered not a word when the M2 motorway went through. During its construction there was no approval process by the Department of Urban Affairs and Planning, no parliamentary scrutiny and no tick-off by the department. It was all done by the Roads and Traffic Authority. We have gone to great lengths to deal with the environmental impact of the Parramatta to Chatswood rail link. It is an extremely important project. The modest and minimal environmental impact of the bridge will be far outweighed by the provision of an additional

station at the University of Technology Sydney [UTS]. I am concerned that the shadow Minister for Transport seemed to suggest that if he were satisfied that UTS had a long-term plan, he would support it.

Mr O'Farrell: No. I would be satisfied if you would seriously assess the issue.

Mr SCULLY: I suggest he read what he said. He gave the impression that if UTS gave a long-term commitment, he would support an underground station at UTS. The university has given that commitment. It has said that if the UTS station is built, the university will give a long-term commitment to stay at the site, but if a station is not built it will have to reconsider its long-term plans. The shadow minister made no comment about the University of Western Sydney, Rydalmere campus, or Macquarie University. His concern was only about UTS. His speech was a clumsy attempt at trying to present a case for the upper House to refer this matter to a committee to determine the merits of a proposal for a tunnel or a bridge.

I make the point, more for the benefit of the honourable members in the upper House than for the benefit of honourable members in this Chamber, that honourable members should not be fooled by a trick that will delay the project by probably 18 months at least. If the shadow Minister is endeavouring to have his colleagues in the upper House refer this matter off to a committee which will consider matters that have already been exhaustively examined, the project will be delayed. It has to be said that the Government will be letting people in the Epping electorate know that, far from supporting the Parramatta-Chatswood rail link, the honourable member for Epping is doing everything possible to stymie it.

Some of the matters mentioned by the honourable member for Epping are sheer nonsense. The honourable member asked whether the project should go to St Leonards and he bent over backwards to justify an inquiry in the upper House that would kill off the whole project. If the project had gone to St Leonards, the result would have been that the project would have taken longer and would have taken a more expensive route that would have produced far more spoil. The honourable member has expressed support over concerns related to spoil. If the shadow Minister had read the environmental impact statement [EIS], he would know that the EIS sets out a worst case scenario of the removal of spoil totally by truck. In fact, the spoil will not be removed totally by truck but will be removed partly by rail and partly by truck.

Concern was expressed about the process for registration of interest. Nothing stops tenderers bidding for all the packages. The contract strategy recommends the separation of contracts to make the process more competitive and to open the process to more potential bidders who may otherwise have been excluded. The honourable member for Epping also mentioned his concern about a property guarantee. The Government is endeavouring to ensure that impacts on people from the project are kept to an absolute minimum. If a property guarantee were put in place, it would probably cost tens of millions of extra dollars. Those funds would be much better applied by keeping them concentrated on the project and by our doing all that we can to work with the community, consult with the community and minimise the impacts. I thank all honourable members for the contribution. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

Schedule 1

Mr TINK (Epping) [11.02 p.m.]: I move:

No. 1 Page 6, schedule 1. Insert after line 33:

(4) Notwithstanding anything in this section, for a four-year period from approval for the projects, the Government will offer to buy any home above the underground rail facilities at a price any such home would attract if there were no such facilities, plus relocation expenses.

The wording of that amendment is precisely the wording of a property value guarantee that I believe was given by the current Minister in relation to properties that are located near the M5 East over the tunnel in the Bardwell Park area. The Minister says that he is not prepared to give a property guarantee in relation to this project

because of the cost but he is prepared to give one in relation to Bardwell Park. If this Parliament pretends to represent people equally in this State, what is good for Bardwell Park is good for Epping.

Mr Thompson: What is wrong with Bardwell Park?

Mr TINK: The honourable member asks, "What is wrong with Bardwell Park?" What is wrong with the honourable member supporting the property guarantee that his Government has given his constituents and a property guarantee for my constituents and the constituents of his colleagues the honourable member for Parramatta and the honourable member for Ryde? What is wrong with that? That is the question.

Mr Thompson: I am not going to debate that.

Mr TINK: If the honourable member wants to carry on with that point, he ought to cross the floor and vote with the Opposition. That is the issue. Of course, the honourable member will not do that. Labor members never do, and that includes the honourable member who interjected. Members opposite have no principle. If something is good for their constituents, they are content to leave the matter at that. There is no consistency and no principle involved and this has a pretty familiar sort of ring to it. This is the problem with the Government's approach to the M5 East—the property guarantee that is being given for the M5 East, contrasted with property that will be affected by the rail link. It is a case of one rule applying to one group and another rule applying to others. What is particularly galling is that the Minister and the consortium run around my electorate saying that property values will not be affected, yet the Minister says in this Chamber that a property guarantee would cost too much.

If the Minister for Fair Trading, and Minister for Sport and Recreation was not such a joke concerning this matter and did not have such a personal interest in it, a company circulating a document stating that property values will not be affected would, in light of what the Minister has just said, be the basis of some sort of fair trading claim or a complaint lodged with Professor Fels of the Australian Competition and Consumer Commission [ACCC]. The Deputy Leader of the Opposition and I will examine whether what has just been said by the Minister gives rise to some sort of action against the consortium for making false and misleading statements to the people who live in Epping and in other electorates. I invite the Deputy Leader of the Opposition to give consideration to making a contribution to this debate accordingly. In light of what the Minister has just said, what is the accuracy of information that is being circulated by the consortium in my electorate? The document states:

> There is no evidence to support the view that the presence of the tunnel adversly affects market value.

The Minister has just solemnly told this Committee that he cannot give a property guarantee because it would cost tens of millions of dollars, so there are people in the consortium who are lying their heads off. It can only be one way or the other: either the Minister is misleading this Parliament in relation to a very material matter, or the consortium that he has engaged to work for him on this project has lied to my constituents and the constituents of the electorate of Ryde and Parramatta. That is a very serious matter and I promise the Minister that the Opposition will pursue the matter in a big way.

One of the reasons why this matter is so unsettling is that it has all occurred against a background of a deal with the Greens. If due process had been followed and there had been no deals transacted along the way, the Opposition might have had a bit more confidence in the process and in the outcome. The deal that has ruined the Lane Cove National Park is poisoning the whole environment—not only the park, but also the due process that all honourable members hoped and expected would be part of the project. Nothing could set that up better than the Minister's complete and flat contradiction of the information that is being circulated by the consortium. Either the Minister is lying or the consortium that he has retained is lying. Which is it? Is the Minister lying, or is the consortium that he has peddling this information in my electorate lying? The Minister should answer this question: Is he lying or is the consortium lying? Will the Minister face the issue?

Mr Scully: Oh, come on.

Mr TINK: The Minister simply says, "Come on." He will do another deal and settle the matter! I think this is a matter that the Opposition should take further. Hopefully the Deputy Leader of the Opposition will explore it. For my part, that type of conduct provides more reasons why these matters must continue to be examined and why a property guarantee should be given. The Minister has been saying one thing and the consortium has been saying something else. Frankly, neither can be believed. The only thing that is fair and reasonable about this project are the provisions contained in Acts passed by this Parliament which ensure some fair play.

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [11.08 p.m.]: If the honourable member for Epping has any understanding of property acquisition at all, he would realise that the properties above the rail line are valued in the order of $600 million. The holding costs of those properties are in the order of tens of millions of dollars—even if there is no impact on the market value of those properties, and the Government does not believe that there is. The honourable member made quite an emotional outburst. I understand that the hour is late but I point out that it is the holding costs of buying those properties and selling them that is the issue. I do not think it is appropriate for tens of millions of dollars to be diverted from a project when all the advice indicates that those properties will be enhanced in value by the rail line being located in the vicinity of those homes. I reject the amendment.

Mr TINK (Epping) [11.10 p.m.]: People have already had their property values affected. They have been told by the Minister's consortium that market values will not be affected. They have been affected—past tense. What the Minister has told the Chamber is confirmation that they have been affected. It seems more and more clear that the consortium is getting this disastrously wrong. It has been misleading many people in my electorate. The Minister should address the matter a little more seriously and a little less glibly than he has. It is something that ought to go to Mr Fels and, if we had any confidence in him, the Minister for Fair Trading as well. Particularly on this project, we would be wasting our time referring the matter to the Minister for Fair Trading, so to Mr Fels it will go, along with a copy of the remarks of the Minister for Transport in *Hansard*.

Question—That the amendment be agreed to—put.

The Committee divided.

[*In division*]

The TEMPORARY CHAIRMAN (Ms Beamer): Order! It has been brought to my attention that members have been delayed in coming to the Chamber. I will have the bills rung for a further period.

Ayes, 30

Mr Barr	Mr Maguire	Mr Slack-Smith
Mr Collins	Mr Merton	Mr Souris
Mr Debnam	Mr Oakeshott	Mr Stoner
Mr George	Mr O'Doherty	Mr Tink
Mr Glachan	Mr O'Farrell	Mr J. H. Turner
Mr Hartcher	Mr D. L. Page	Mr Webb
Mr Hazzard	Mr Piccoli	
Mr Humpherson	Mr Richardson	
Dr Kernohan	Mr Rozzoli	*Tellers,*
Mr Kerr	Ms Seaton	Mr Fraser
Mr McGrane	Mrs Skinner	Mr R. H. L. Smith

Noes, 42

Ms Allan	Mr Hunter	Mr E. T. Page
Mr Amery	Mr Knowles	Mr Price
Ms Andrews	Mrs Lo Po'	Dr Refshauge
Mr Ashton	Mr Lynch	Ms Saliba
Mr Bartlett	Mr McBride	Mr Scully
Mr Black	Mr McManus	Mr W. D. Smith
Mr Brown	Mr Markham	Mr Stewart
Miss Burton	Mr Martin	Mr Tripodi
Mr Campbell	Ms Megarrity	Mr Whelan
Mr Collier	Mr Mills	Mr Yeadon
Mr Crittenden	Mr Moss	
Mr Face	Mr Nagle	
Mr Gibson	Mr Newell	*Tellers,*
Mr Greene	Ms Nori	Mr Anderson
Mrs Grusovin	Mr Orkopoulos	Mr Thompson

Pairs

Mr Armstrong	Mr Gaudry
Mr Brogden	Ms Harrison
Mrs Chikarovski	Mr Hickey
Ms Hodgkinson	Mr Knight
Mr R. W. Turner	Ms Meagher

Question resolved in the negative.

Amendment negatived.

Schedule 1 agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

MOTOR ACCIDENTS COMPENSATION AMENDMENT (MEDICAL ASSESSMENTS) BILL

Bill received and read a first time.

Second Reading

Mr WHELAN (Strathfield—Minister for Police) [11.29 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 3 May and the second reading speech appears at pages 5037 to 5039 of *Hansard.* The bill is in the same form as introduced in the other place. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

LEGAL PROFESSION AMENDMENT (MORTGAGE PRACTICES) BILL

Bill received and read a first time.

Second Reading

Mr WHELAN (Strathfield—Minister for Police) [11.31 p.m.]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 3 May and the second reading speech appears at pages 5020 to 5022 of *Hansard.* The bill is in the same form as introduced in the other place. I commend the bill to the House.

Debate adjourned on motion by Mr Hartcher.

SPECIAL ADJOURNMENT

Motion by Mr Whelan agreed to:

That the House at its rising today do adjourn until Thursday 25 May 2000 at 10.00 a.m.

House adjourned at 11.32 p.m.