LEGISLATIVE ASSEMBLY

Tuesday, 5th May, 1992

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Mr Speaker (The Hon. Kevin Richard Rozzoli) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

MATTER OF PUBLIC IMPORTANCE

Mr Speaker advised the House that he had received from the honourable member for Miranda notice of a matter of public importance, which would be listed for discussion at the conclusion of formal business.

DEPARTMENT OF THE LEGISLATIVE ASSEMBLY

Report

Mr Speaker laid upon the table the first annual report of the Department of the Legislative Assembly for the year ended 30th June, 1991.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

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FORMER MEMBER FOR DAVIDSON

Mr CARR: My question without notice is directed to the Premier, Treasurer and Minister for Ethnic Affairs. In the light of Dr Metherell's $550,000 senior executive service contract and $330,000 superannuation payout, will the Premier rule out the provision of legal aid for him at the Independent Commission Against Corruption inquiry?

Mr GREINER: That is a matter that will be determined in due course by the Attorney General in accordance with the legislation.

HUNTER VALLEY COAL WAGON TENDERS

Mr BLACKMORE: I direct my question without notice to the Minister for Transport. Has the State Rail Authority recently called tenders for 350 new coal wagons to boost its Hunter Valley coal operations? If so, has the tender yet been awarded and has the Minister been advised what effect the project will have on job opportunities in regions hardest hit by the recession?

Mr BAIRD: I congratulate the honourable member for Maitland for his obvious interest in freight transport and coal transport which is so vital to the economy of his region. I wish members of the Opposition took as strong an interest in the economy of their areas. There is no doubt that coal remains the major resource of this State. In

terms of exports, it is our major commodity and is the major hope for future exports.
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Looking at the figures for coal carried by State Rail, in 1981-82 it was 22 million tonnes; that rose in 1988-89 to 32 million tonnes; and this year it has risen to 42 million tonnes. It is expected that within two years that will rise to 50 million tonnes; therefore, within a very short space of time the amount carried will have virtually doubled. This increase represents major opportunities for us in the international market-place; it also represents major exports. Because of the 25 per cent increase in demand, Freight Rail, now has 1,600 coal wagons. It is clear that in order to cope with growing demand, over the next few years even more freight wagons will be required.

As a result of the expected demand, tenders were called for 350 additional coal wagons for Freight Rail's Hunter Valley operations. The tender for the wagons was advertised worldwide. I am pleased to announce today that the $44 million deal was won by two New South Wales based companies. The $27 million contract to build the wagon bodies has been awarded to the Wollongong based firm EPT, and construction will take place at its Wollongong plant. I expect the honourable member for Wollongong to put out a press release congratulating the Government on this appointment, which will create jobs in the Wollongong area. Most of the material required to build the wagons will be provided by Australian industries. The $17 million contract for 730 wagon bogies has been awarded to the Newcastle based company Bradken Consolidated, a division of ANI Corporation. The honourable member for Newcastle will be able to put out a press release in the Newcastle area saying what a great thing it will be for the Newcastle area. No doubt the honourable member for Waratah will agree with that. It will create a much-needed boost to the economies of both areas, which have low employment levels. The wagons will have a number of features, including improved aerodynamics, to save fuel; better axle designs, to reduce wear on the tracks; and anti-squeal shoes, to reduce excessive and irritating noise.

The contracts will create 450 jobs in Newcastle and Wollongong, which I am sure honourable members would applaud and support. At a time when jobs are desperately needed, this Government is creating vital jobs in the coal industry. Most of the jobs will be in Newcastle and Wollongong. No doubt that will boost the economies of those areas. The new wagons will come on line later this year for testing before being put into commercial operations next year in the Hunter Valley. It has been acknowledged already that Freight Rail's coal operations are among the best in the world. The state-of-the-art technology coal wagons will ensure that New South Wales will continue to have some of the best coal transportation in the world. The wagons will have extra capacity and are certain to improve Freight Rail's reliability and reduce its operating costs. That will mean that the coal industry is placed in a more competitive position internationally. While the Federal Government has been ignoring both the Newcastle and Wollongong areas, this Government has been creating real jobs in those two important areas of New South Wales.

F4 TOLLWAY

Mr LANGTON: My question without notice is directed to the Deputy Premier, Minister for Public Works and Minister for Roads. Is he aware of comments made by the National Roads and Motorists Association that the proposed toll on the F4 is grossly unfair to many motorists? In view of that criticism, will the Minister scrap this extra charge proposed for the motorists of western Sydney?

Mr W. T. J. MURRAY: No.

PURCHASE OF LOCAL PRODUCTS

Mr TINK: I address my question to the Minister for Industrial Relations and Minister for Further Education, Training and Employment. What action has the Government taken to promote the purchase of locally-made products instead of imports? How many jobs have been created as a result of the Government's moves?

Mr FAHEY: The New South Wales Government is involved both on the board and as the major source of funding for the Industrial Supplies Office, a small and, unfortunately, a relatively unknown unit located at Birkenhead Point in Sydney. The board of the company is tripartite. Its chairman is Mr Bert Evans, who is the Executive Director of the Metal Trades Industry Association. Mr Phil Holt, from the Chamber of Manufactures, Doug Wright from the Metal Trades Industry Association and Michael Easson from the Labor Council of New South Wales are also on the board. The Minister for State Development and Minister for Tourism, the Chief Secretary and Minister for Administrative Services and I are the directors and shareholders of the company. The major purpose of the Industrial Supplies Office is best characterised as an information brokerage that leads to industrial development and employment generation through import replacement and export enhancement. Its main thrust is to reduce Australia's reliance on imports.

It is well worth recording some of the statistics. The Industrial Supplies Office has been highly successful in reducing imports through promoting local products and consequently directly creating jobs. Of course, this depends on voluntary decisions by purchasers to buy locally. Purchasers should be made aware of local products available in New South Wales - and at internationally competitive prices - that the quality is up with the best and delivery, of course, is far quicker than from elsewhere. A couple of years ago when I attended a board meeting I was told that a company in Orange was looking for a gearbox component. It sought to obtain this gearbox component or information as to its overseas availability from the Industrial Supplies Office. The Industrial Supplies Office informed the company that it could acquire that particular component in the adjoining town of Parkes. There was no need to go overseas; it could be obtained locally. In 1991 the office has generated $75.6 million in import replacement and export enhancement. That translates directly into 2,495 full-time jobs for one whole year. The benefits also flow back to government. For every $1 million of local production fostered by the Industrial Supplies Office $280,000 in taxes and charges are paid to both the State and Federal Governments; a further $230,000 reduction in Federal Government outlays in social security; and $255,000 in workers' income which is being spent in local economies and creating more jobs.

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

Mr FAHEY: At present the State Government provides funding of $704,000 and the benefits that flow from that funding are four to one. For every $1 outlaid the State Government gets back in the job creation processes $4 in payroll tax alone. Certainly the Industrial Supplies Office is paying its way and its success stories are great. Tender documents should give recognition to Australian products. For far too long much of the documentation was written in a way such that the supply could be obtained only from overseas. Standard clauses have been developed which have led to Australian companies securing contracts.

In conclusion I wish to give a couple of examples. In November 1991, CBI Constructors Pty Limited were awarded the contract for the detail drafting, part-supply and manufacture of two only pressure vessels for a Western Australian company. That

company took the opportunity to thank the Industrial Supplies Office for its interest in the manufacturing industry in New South Wales by giving the initial contract to this company. The contract is valued at $2.2 million, giving 20,000 man-hours of manufacture directly to the Blacktown plant of that company. By putting that brokerage in place more work was created in Blacktown. Another company, BAC Australian Systems Pty Limited, spoke about gaining work for the ANZAC ships project. Information supplied and work done by the Industrial Supplies Office has led to specifications being changed, allowing for this particular product to be manufactured at Plumpton. Prior to that the specifications were for overseas components. All honourable members should be aware of that message and should broadcast that within their electorates. The product is available here and the quality is world competitive. It is time we started looking at home for available products instead of going overseas. Over the past few years the Industrial Supplies Office has done a tremendous job in a tripartite way.

BANKRUPTCY LEGISLATION

Mr KNIGHT: My question without notice is directed to the Minister for Industrial Relations and Minister for Further Education, Training and Employment. Did he yesterday announce that he would push for changes to the Federal bankruptcy laws to give employees first call on liquidated funds? Was the Minister's concern prompted by the plight of the -

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

Mr KNIGHT: Was the Minister's concern prompted by the plight of the 84 former employees of the Tony Packard Motor Company who have lost their superannuation contributions, severance pay, holiday pay and long service leave?

Mr FAHEY: The answer to the first part of the question is yes. The honourable member for Campbelltown should have been listening earlier this year when I brought forward in the House the same proposition that he has stated. I suspect he was not listening, because in those days he was left right out, sitting on the backbench with nowhere to go. He seems to have taken a lot more interest in proceedings in this House since he had his recent reconciliation, or has recently seen the light, or the right, I am not sure which. I have campaigned on this issue for a long time. On the occasion I raised the issue earlier this year I encouraged honourable members, particularly those opposite, to use their influence with their Federal colleagues to bring forward this proposal, because it is about little people. It is a proposal that I support, as do all honourable members on this side of the House. The fact is that it was raised at a Federal level more than a year ago.

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

Mr FAHEY: The advice from Treasury officials, given by the Treasurer - and I am not sure which Treasurer it was because there have been so many Federal Treasurers in recent years -

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

Mr FAHEY: I am not sure which one it was, but the advice was that we might

consider waiving all tax benefits due to us that are more than 12 months old. All honourable members will acknowledge that when it comes to paying the monthly group tax one does not get 12 months credit before there is a knock on the door. So that advice

amounted to nothing. In the meantime the Attorney-General's Department in Canberra has done nothing either. A short time ago at a ministerial conference I said that this has been going on for far too long. Security of payments legislation has been pushed by certain sectors of the building industry. The bottom line is that in a tragic recession period the one who hurts the most is the little person. The honourable member for The Hills would be the first to support this move. Above everyone else he has said on a number of occasions that he would have been delighted if the first people who were paid when the recession killed his business were the individual employees, the little people who have to pay their mortgages and everything else. The honourable member for Campbelltown can make all the political capital he wants in the context of one business that was caught up in the federally induced recession. It counts for nothing. If he is fair dinkum, he and other members will go upstairs after question time, pick up the telephone and tell their Federal colleagues to get off their butts and put the workers first by making changes to the legislation.

VACUUM CLEANER SPECIALISTS SUCTION CENTRES AND SUPERIOR VACS

Mr KERR: I ask the Attorney General, Minister for Consumer Affairs and Minister for Arts whether he is aware of reports that a vacuum cleaner company is targeting senior citizens and using high pressure sales tactics door-to-door to promote the sale of its products. What action is being taken to protect elderly customers from this sort of conduct?

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

Mr COLLINS: I thank the honourable member for Cronulla for his question, his long-standing interest in consumer protection and also his care for the elderly.

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

Mr COLLINS: It has been brought to my attention by the Department of Consumer Affairs that it has received a number of complaints from elderly people who have been the victims of high-pressure selling techniques and unethical practices by representatives of two related companies.

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

Mr COLLINS: Those companies - Vacuum Cleaner Specialists Suction Centres and Superior Vacs - have a common managing director, John Fairley Wadham, a resident of New Zealand. A director of the companies is Igor, also known as Gary, Reznikov, who has been mentioned in complaints to the department. In one such case an elderly man was pressured into signing a contract to purchase one of the machines. This gentleman was an invalid pensioner who could neither read nor write. The salesman accompanied his unsuspecting customer to the bank, demanding payment in cash. On the way to the bank the invalid pensioner was told that the vacuum cleaner would cost $769 in cash, less $109 for his trade-in. To add to the problem, the elderly man had very little carpet in his home and no use for a so-called top of the line vacuum cleaner. In

another case a 92-year old woman who is almost totally deaf, suffers from severe arthritis and is partially blind, was approached in her home by a representative of the company.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber.

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Mr COLLINS: It seems that her experience is not uncommon. The salesman asked to see her vacuum cleaner and she left him at the door to go to the kitchen to get the cleaner. When she turned around from the cupboard the salesman was right behind her. Without her permission the salesman took her vacuum cleaner and returned with a demonstration unit. She was not given an opportunity to try the machine. The elderly woman repeatedly told the salesman she did not want the machine, but she felt so pressured and flustered that she gave in and consented to purchase the cleaner. She was directed to sign a contract, but was not shown the conditions on the reverse side. The type was so small - and keep in mind that this was a 92-year old partially blind woman - she would have been unable to read it. When she arrived at the bank she was so distressed that she looked for a back way out of the bank. Unfortunately, there was not one and she felt compelled to pay the money. The salesman, having obtained his money, eventually dropped the woman off some distance from her unit.

Members will be as shocked as I was when I was told of the company's representative entering a 92-year old woman's home to prey upon her. She was deliberately pressured into buying a product that was totally inappropriate, and certainly not wanted by her in the first place. Nothing could illustrate this company's attitude to its customers more than that example. The Commissioner for Consumer Affairs has formed a special investigation team to examine the conduct of these companies and their representatives in the light of the provisions of the Door-to-Door Sales Act and the Fair Trading Act. Investigators have met with the companies' solicitor and Mr Reznikov to discuss alleged contraventions of the unconscionable conduct provisions of the Fair Trading Act and the instances of apparent non-compliance with the Door-to-Door Sales Act, which requires that purchasers be given notice of a 10-day cooling off period. The directors have now agreed to provide personal undertakings to put in place procedures that include a 30-day cooling off period, to ensure that such objectionable conduct will not occur in the future and to provide redress to purchasers who have complained to the Department of Consumer Affairs.

Full refunds totalling about $10,000 to date have been provided to each of the nine complainants so far, most of whom are being allowed to retain the vacuum cleaners sold to them. In addition, redress is to be provided to other purchasers who have similar complaints. I consider that the company and its directors received rather good legal advice when, not surprisingly, following the production of the department's evidence they agreed to these stringent undertakings rather than try to defend the indefensible. The Department of Consumer Affairs will be keeping a close watch over the companies' operations. In the meantime I warn consumers not to allow themselves to be pressured into signing contracts for expensive products, especially if they have not had the opportunity to assess the quality of the goods or time to make comparisons with similar goods. These cases that I have brought to the attention of the House demonstrate that a free test of a machine often is an excuse to get into the house to sell a new machine. Consumers should not allow sales people the free run of their houses or feel obliged to them in any way. Under no circumstances should they accept the claims of a sales representative about a product or machine which they already own. I thank the honourable member for Cronulla for this timely question. If there are any further

incidents of this kind, I would appreciate if members bring would them to my attention.

HIV-AIDS DISCRIMINATION

Ms MOORE: My question without notice is to the Premier, Treasurer and Minister for Ethnic Affairs. Will the Government set a deadline of a month to accept the report of the inquiry into HIV and AIDS related discrimination and establish an independent implementation committee to ensure the timetables set out in the report are met?

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Mr GREINER: I thank the honourable member for Bligh for her question. It is a matter, as she knows, in which I have taken a very personal interest. Indeed, it is fair to say that without my intervention a year or so ago the Anti-Discrimination Board would not have undertaken the inquiry to which she refers. There has been some recent and fairly poignant television footage on AIDS related discrimination regarding a young girl who went to New Zealand when she could not live in a reasonable way on the Central Coast. The question of AIDS related discrimination is, whether we like it or not, one of the genuine humane issues in our community and will continue to be so, unfortunately, for a very long time into the future. The Anti-Discrimination Board's report, which I launched a week or so ago, contains a significant number of recommendations. I am not prepared to say to the honourable member that it will all be accepted or rejected within a month. Despite the remarkable efficiency of my colleagues on the frontbench I think it would be unreasonable to believe that decisions could be made on what are, in many cases, the very, very complex matters upon which the recommendations have been made.

However, I have given an undertaking - I think the honourable member was there at the time - that the Government will respond as soon as possible and probably progressively. I have already written to all the Ministers whose portfolios are covered by recommendations, asking them to provide me and the Cabinet office with a response. The more logical outcome is that there will be a staged series of responses. I certainly give the honourable member, the House and those in the community who are concerned about this matter my personal undertaking. I do not propose simply to decide or have the Government decide: this is too hard. It is very hard. In that part of the community not associated with AIDS in any way there is a very real resistance to many of the sorts of recommendations, and a resistance to the attitudes of mind, which are behind much of the report. It is not something for which the community at large ought to be criticised; it is, I suspect, where there is a disease of this particular kind, human nature to register a great deal of fear and anxiety. This is so not only in the community suffering from HIV and AIDS but in the community at large. I thank the honourable member for her question, which is a matter of great importance in having New South Wales simply be a humane society. I certainly give her an undertaking that the process I have started will be carried through as quickly as possible and the Government will say clearly to the House those things that it accepts and those that it does not accept.

The only other thing I would like to say is that one of the recommendations of the report concerns education for those who do not have an involvement with AIDS. One need only think back to the situation of Magic Johnson and some flippant remarks made by a member of the Australian basketball team which caused, understandably, a great deal of hurt and questioning around the world. The question of how to effectively educate the community about AIDS - particularly the young community, the children - in a way that is not emotional, is very difficult and equally very important. I ask particularly that the various arms of government address that question, because an

effective community response will not be achieved until young people, particularly, are educated about the truth of the situation. I see education as being the most important single area to come out of the report. I thank the honourable member for her question. I will certainly be happy to report to her, to the House and to the community about the Government's response to the report.

WASTE STRATEGIES

Mr DOWNY: My question without notice is addressed to the Minister for the Environment. When does the Minister expect to move to establish his proposed joint select committee on waste management and disposal?

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Mr MOORE: I thank the honourable member for Sutherland for his question. I know of his deep concern to ensure that there is a rational consideration across bipartisan lines of the need for a long-term waste management, waste minimisation and waste disposal policy for the State of New South Wales. I indicated to the House earlier that at some time in the first half of this year I expect to publish a discussion paper outlining a number of proposals advanced by the Government. The commitment I gave to establish a joint select committee on this issue is not likely to be reached this week. However, when the House returns to debate the report provided by the Commissioner of the Independent Commission Against Corruption I expect that the House will deal with the establishment of that committee at that time.

FANMAC AND HOMEFUND LOANS

Mrs GRUSOVIN: I address my question without notice to the Minister for Housing. Did the Minister say that more than 97 per cent of HomeFund borrowers are happy with their loans? How many of the 44,722 HomeFund borrowers have been surveyed? Who conducted the survey and when?

Mr SCHIPP: This morning I heard the Leader of the Opposition complaining on radio about the lack of coverage he received for so-called policy initiatives he announced on the weekend. I think he was probably talking about the big hole in housing policy of this person opposite. The other day I mentioned the questions the Government is being asked to try to fill the gaps in Opposition policy about HomeFund. There is an absolute blank as far as the Opposition is concerned. As to the first part, about the 97.2 per cent: I did not say people were happy, I said -

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

Mr SCHIPP: This is where this honourable member for Heffron cannot tell the truth. She goes out and she says anything, like, "People receive cheques", when they do not receive cheques. Then she said, "I didn't say cheques". People who were in the press gallery at the time said, "She distinctly said, `A cheque was handed to the people'".

Mrs Grusovin: That is a lie.

Mr SCHIPP: Tell the press gallery they are lying. Perhaps the other reason why the Opposition is not getting coverage is because of those offensive remarks made by the Leader of the Opposition the other day regarding Madam Deputy-Speaker. The female members of the press gallery are offside as well. What I said was that 97.2 per cent of borrowers are meeting their repayments on time, some with some difficulty. I

even spelled out to the House, which the honourable member for Heffron would know if she was not so thick and would listen, that there is assistance built into the program. I even mentioned the figures. There were the subsidies, the special nets, which amount to $63.8 million, all calculated within the program. The sort of survey about which I am speaking is the same survey that showed the Leader of the Opposition went down the tube because of his attacks last week. The results this morning show that he came a thud. Because of his over the top attacks last week he has gone down in public esteem. A survey was taken of 600 HomeFund borrowers, a figure used regularly in polling tests, which showed that 81 per cent of the people said that they would borrow through HomeFund again. That is a very high figure. Sixty-one per cent -

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

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Mr SCHIPP: Sixty-one per cent have effected renovations, additions and improvements to their houses since purchase. Eighty-three per cent said that they are better off today, or as well off today in their housing, than before taking the HomeFund loan.

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

Mr SCHIPP: That percentage covered a range right through to those who said they were substantially better off. What the honourable member for Heffron has to address is what she is going to do with HomeFund. She casts aspersions on anything and anyone. I find it interesting to see the media responses from people who have worked their butts off to get the co-operative housing society system going, helping people. I am told some of the honourable members' present advisers - these two people who earlier went to the media - were sacking people because they were not getting out and selling enough HomeFund loans. These are the people who are now complaining about HomeFund. The honourable member really does not know what she is talking about. The honourable member will not disband this program; she cannot disband this program; there is no reason to disband this program. Again I will tell her what is going on. If people like Rosie Mobbs want to report in the *Australian Financial Review* that because the honourable member for Heffron raised these matters all great things are happening, let me point out that the operations of Central City Co-operative Society were discovered in the middle of last year and are now under police investigation. At that stage the Government, through the Department of Housing, requested FANMAC to become more directly involved in the auditing of the co-ops and the supervision of the origination processes.

As at October last year the Department of Housing introduced a standard loan approval letter to overcome some confusion that existed. That letter became tantamount to the mortgage document and was in a standard form. Between those two processes and prior to July last year 80 loans were reassessed to see whether they had been fairly evaluated by the co-operatives. Between July and October another 1,200 loans were re-processed to ensure that they were fairly evaluated. I said all this last year, so the honourable member cannot contend that she brought this into the open. She has adopted the figures as her own. Between October and today one application has been evaluated again. In total 1,281 are in the process of being reviewed. I suspect that the bulk of them will not be approved because certain criteria must be met. We are talking of a total number of loans of 44,500 of which 1,281 are under review.

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

Mr SCHIPP: There is nothing intrinsically wrong with HomeFund. Some difficulties arose because of the transfer of responsibilities last year and those issues are being addressed. I have written to every HomeFund borrower saying that, if they feel they were unfairly knocked back, they should reapply. We must remember that many of the inquiries are oral inquiries that are not able to be tested. However, anyone who feels that an application was unfairly treated should go back to the co-op involved and make application again. Today I will approve the written criteria on which those loans are to be reassessed so that we can determine whether any mistakes were made, extraneous to HomeFund.

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

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Mr SCHIPP: The honourable member for Heffron does not know one thing about HomeFund. She will not get her mind on the job and obtain some real advice, such as from Mr Frank Walker, who might be able to tell her something to get her on top of the job. The fact is that this issue is being addressed in the most responsible way.

ASIAN VEGETABLES

Mr SMALL: I address my question without notice to the Minister for Agriculture and Rural Affairs.

Mr SPEAKER: Order! I will hear the question in silence.

Mr SMALL: Is there evidence of a lucrative market for Asian vegetables both at home and for export? If so, what action is the Government taking to encourage growers to produce these goods?

Mr ARMSTRONG: I thank the honourable member for Murray for his question. The honourable member represents an electorate that encompasses one of the fastest-growing and more important horticultural areas in the State. Significant prospects for both domestic and export markets for specialist Asian vegetables are expected. To ignore this potential would be to waste a vital marketing opportunity for New South Wales grown produce. The domestic sales of Chinese cabbage, buck choy, Japanese pumpkin and other varieties of Asian vegetables and fruits for Asian restaurants alone is valued at between $25 million and $30 million a year. Production has developed noticeably in the past five years. Demand will no doubt continue to grow as we see increased consumption of Asian foods in Australia. The challenge is for the New South Wales vegetable industry to match that demand with increased supply, at the same time maintaining excellent quality standards that have already been established. That challenge is underlined by the fact that imports of vegetable products have been running consistently at in excess of $500 million a year. The supply of Asian vegetables is an ideal starting point for an accelerated program of import replacement.

The new regulations on country of origin labelling will be of particular help, especially in sales of processed products. In 1991, 213,000 Asian visitors came to New South Wales and that figure represents a 13 per cent increase on the previous year's figures. On average they stayed 22 nights and spent $1,820. It can be seen that we need an increased supply of Asian foods, particularly vegetables and horticultural products, to meet that market. The potential is even greater for the export market. More than half

the 200,000 tonnes of Australian fruits and vegetables that are exported annually go to Asia, notably to Singapore, Malaysia, Hong Kong and Japan. Only 5 per cent of those shipments are specialist Asian lines. Japan alone buys fresh vegetables worth $120 million a year. Hong Kong and Singapore spend about $75 million on fresh vegetables each year. Specialist Asian vegetables imported into those markets in processed form reach a staggering figure of $2 billion annually. New South Wales Agriculture has several programs under way to assist market drives. For example, the senior research horticulturist at Gosford research station, Dr Vong Nguyen, has just returned from Japan, where he was promoting a trial shipment of fresh, semi-processed Asian vegetables and seed worth about $500,000. There is the prospect of considerable orders. The market response to Dr Nguyen's visit was outstanding. Japan has estimated the market to be worth $50 million a year for Asian vegetable imports within the next two or three years.

Supporting the research effort, successful field experiments have been conducted in a range of climates across the State, including the Sydney metropolitan area, the Central Coast, the Hunter Valley and the Murrumbidgee Irrigation Area. These trials

focused on cultivation methods, optimum planting season and choice of varieties. Other complementary research has been undertaken at Yanco and Griffith. Later this year the department will publish a series of information sheets using these research results. The Government is maintaining its export market emphasis on Asia, where 75 per cent of global export market growth is expected between now and the turn of the century. Once again New South Wales is leading the field to encourage Asian trade. There is an increasing realisation that the future for agricultural products rests with Asia. I am delighted that New South Wales has been successful to this point and I look forward to further expansion in horticultural exports into Asia.

URBAN CONSOLIDATION

Ms ALLAN: My question without notice is directed to the Premier, Treasurer and Minister for Ethnic Affairs. Why have no railway stations on the North Shore line, other than Hornsby, been targeted for increased medium-density development in a study currently being conducted by the Department of Planning? Is it the case that populations around railway stations in western and southwestern Sydney could be increased by up to 35,000 each if such a proposal is implemented?

Mr GREINER: I noticed the report in the media of this very fine initiative taken by my colleague the Minister for Planning and Minister for Energy in another place. As the House would be aware, I have been at the forefront of encouraging Hornsby Shire Council and the State Rail Authority to look at the proposal along the lines indicated. I am advised by my colleague that places such as Cheltenham and Pennant Hills are part of the proposal. I assume that the Department of Planning looked at each case on its merits. I want to make it clear that the decision was obviously made by them on planning grounds.

Ms Allan: Rubbish!

Mr GREINER: The honourable member for Blacktown says, "Rubbish". Presumably she assumes that I was in there, with my colleagues, determining which particular areas would be included. One might ask this question: in the 12 years that the Labor Government was in office, including the time when the present Leader of the Opposition was Minister for Planning, what happened in regard to urban consolidation? The answer is absolutely nothing at all.

Mr SPEAKER: Order! The House will come to order.

Mr GREINER: Let me take advantage of the opportunity to say again that I would encourage the State Rail Authority and Hornsby Shire Council and, indeed, Civil and Civic, which I understand has a contract for the bus exchange at Hornsby station, to pursue Hornsby as an obvious example of a location where there could be an opportunity for significant medium-density or high-density residential development. I am sure that any other location where the planning and technical considerations are appropriate will be considered and I and the Government would encourage it.

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

MINING EXPANSION

Mr JEFFERY: Has the Minister for Natural Resources received advice indicating an expansion of mining projects in New South Wales? If so, how many jobs are forecast to flow from such an expansion?

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Mr CAUSLEY: I thank the honourable member for Oxley for his question - a positive question coming from a side of the House that is obviously interested in jobs and development throughout New South Wales. In coming years there are positive prospects for growth in this State's minerals sector - growth which will provide both care for the environment and sustainable job opportunities. New South Wales, with its huge coal and mineral resources, is well placed to satisfy increasing demand in international markets. Markets for our basic mineral products are generally well-known and serviced. Because of this we look to steady growth rather than spectacular growth in the immediate future. Nevertheless, it is significant that mining companies are increasingly looking to New South Wales as a commercially attractive place in which to prospect and establish new ventures. In the past year private exploration expenditure rose from $54.7 million to $60.7 million in New South Wales, while Australia wide exploration expenditure fell by $5.3 million.

This year new mining and mineral recovery projects already under way include: an open cut copper mine at Girilambone; a new open cut gold mine at Junction Reefs near Blayney; and a tailings retreatment process at Woodlawn mines via Goulburn. More than 100 jobs will be created as these projects gain full momentum. Specialist mineral products provide further scope for significant trade growth in the future. The building or dimension stone mining and processing industry is one such group targeted by the State Government as having great potential. The Department of Mineral Resources has joined with this fledgling industry to introduce the State's dimension stone in the world's largest stone trade exhibition held annually in Verona, Italy. The result could be millions of dollars worth of orders for New South Wales stone in Europe and North America. This specific promotion of a relatively new product has led this year to almost 200 international trade inquiries for New South Wales sandstone blocks, slabs and granite tiles. The continued development of new export market opportunities will depend upon our ability to compete with lower cost producers overseas, but the results so far are extremely encouraging. Exploration work throughout New South Wales is gathering apace. An operation near Oberon, which I think is now in the electorate of the Minister for Agriculture and Rural Affairs, is showing tremendous potential for sapphires, gold and diamonds. When this area is further explored I am sure we will see a good industry developing.

PETITIONS

Woollahra Traffic

Petition praying that the House take all necessary steps to reduce the traffic volume in Ocean Street, Woollahra, and that Ocean Street be returned to a safe and pleasant street consistent with residential neighbourhood values, received from **Ms Moore**.

Eastern Distributor

Petition praying that the House, because of the impending opening of the Sydney harbour tunnel, implement stages 2 and 3 of the Eastern Distributor, received from **Ms Moore**.

Duck Hunting

Petition praying that the House legislate to ban the annual duck hunting season to protect native waterfowl and New South Wales wetlands, received from **Ms Moore**.

Royal Agricultural Society Showground

Petition praying that the House will prevent the sale by the Government of foreshore and public parklands, including the Royal Agricultural Society Showground, the E. S. Marks Athletic Field and part of Moore Park, and that residents be included on their administrative bodies, received from **Ms Moore**.

Endangered Fauna and Wilderness Legislation

Petition praying that the House repeal the Endangered Fauna (Interim Protection) Act, the Wilderness Act, and wetlands legislation SEPP 14, received from **Mr Chappell**.

Chaelundi State Forest

Petitions praying that the proposed logging of the Chaelundi State Forest not be proceeded with and that the area be declared an extension of the Guy Fawkes River National Park, received from **Ms Allan and Mr Knowles**.

Ingleburn and Macquarie Fields Police Stations

Petition praying that the House provide, as a matter of urgency, a permanent police station at Ingleburn and upgrade the existing police station at Macquarie Fields, received from **Mr Knowles**.

Newcastle Rail Services

Petition praying that the rail line between Civic railway station and Newcastle railway station not be closed, received from **Mr Hunter**.

Newcastle to Central Coast Rail Services

Petition praying that rail services on the Newcastle to Central Coast line be restored and that easy access be provided to platform No. 1 at Fassifern railway station by the installation of ramps to the overhead walkway, received from **Mr Hunter**.

Wollongong School Bus Services

Petition praying that the House take urgent steps to require private bus companies in Wollongong to co-ordinate school arrival and departure times and ensure services are not overcrowded, received from **Mr Sullivan**.

Woolloomooloo Finger Wharf

Petition praying that public money not be wasted demolishing the structurally sound finger wharf and establishing a walkway on the western side of Woolloomooloo Bay but instead that basic renovations be carried out on the wharf and an integrated multimedia arts centre be established, received from **Ms Moore**.

Newcastle Buses

Petition praying that the House support the continuation of the public transport system provided by Newcastle Buses, received from **Mr Bowman**.

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Northern Illawarra Hospital Services

Petition praying that the proposed redevelopment of Bulli District Hospital be commenced immediately and that there be no further cuts to services or staff at the Coledale District Hospital or the Garrawarra Hospital, received from **Mr McManus**.

Lidcombe Hospital

Petition praying that because of dissatisfaction with the rationalisation of health services the House prevent the downgrading and possible closure of services at Lidcombe Hospital, received from **Mr Shedden**.

Royal Hospital for Women

Petition praying that the House provide funding to the Royal Hospital for Women to ensure that it maintains its leadership role in women's health care, received from **Ms Moore**.

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Mr WHELAN (Ashfield) [3.9]: I seek leave to move the suspension of so much of the standing and sessional orders as would preclude a debate forthwith of the matter raised by the honourable member for Strathfield this day. I assume the honourable member for Strathfield has provided the House with a copy of his motion.

Leave not granted.

Mr SPEAKER: Order! Members will exercise decorum in the House. I call the honourable member for Kogarah to order for the second time.

ZOOLOGICAL PARKS BOARD (CONSERVATION AND ENVIRONMENTAL OBJECTIVES) BILL

Bill read a third time.

BUSINESS OF THE HOUSE

Unanswered Questions Upon Notice

Mr SPEAKER: In accordance with sessional orders I draw the attention of the House to the following unanswered questions on notice: No. 303, standing in the name of the Minister for Agriculture and Rural Affairs; and No. 317, standing in the name of the Minister for Health Services Management, representing the Minister for Health and Community Services.

Mr ARMSTRONG: The answers have been lodged today and I will follow up with a reply. I apologise for the delay.

Mr PHILLIPS: I am unaware of that particular question in the large volume of questions that come through. I will proceed and I am sure we will have a response by this evening.

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CONCORD REPATRIATION GENERAL HOSPITAL

Matter of Public Importance

Mr PHILLIPS (Miranda - Minister for Health Services Management) [3.16]: I move:

> That this House notes, as a matter of public importance:
>
> 1. The need for a bipartisan political approach at the State and Federal level to consider the proposed transfer of Concord Hospital from the Commonwealth to the State Government and the related restructuring of health services in the inner west; and
>
> 2. As part of this bipartisan approach the participation of all parties in a consultative process before a decision on the proposed transfer of Concord Hospital from the Commonwealth to the State occurs.

Today in this Chamber the Opposition faces an acid test of its willingness to act in the broader public interest as opposed to its more narrow political interest. Following the vote on this motion the people of New South Wales will be able to answer the question they have increasingly begun to ask: Is the Labor Party interested in the welfare of the State as a whole or is it just another political machine that will stop at nothing and will stoop to any act of political opportunism just to gain power. In a personal sense this is a very real acid test for the Deputy Leader of the Opposition who sees himself as an alternative health Minister. Can he, as I sincerely hope is the case, cast aside his political interest in favour of the broader medical judgment and the overall interests of the New South Wales health system or will he emerge as just another Opposition politician

hellbent on wrecking anything governments try to achieve? The choice today is his: to remain isolated in this issue and risk inflaming a community's rage at the hijacking of a sensible and reasonable approach to a difficult question or to make a constructive contribution in hammering out a broadly acceptable outcome that will benefit the community. Today's debate provides the escape clause of the New South Wales Labor Party from a growing community perception of it as a critical destructive element in the life of this State. Today we will decide whether the rest of this State will be joined by the New South Wales Labor Party in a bipartisan consultative process to discuss the issue of Concord hospital and the extent of restructuring of health services in the inner west. If the Opposition supports this motion, we will go on from there and discuss with the rest of the community all the issues in relation to health services in the inner west. If, and only if, we can decide on a joint position as a community, we will proceed in such a way that all the facts are made clear and laid bare, without political manipulation, for the public to see.

I want to make one thing clear, the New South Wales Government has no fixed position on this issue. Health services in the inner west are facing a D-Day when wide-ranging and crucial decisions have to be made about the future. We have an abundance of ageing hospital stock, housing ageing and increasingly outmoded technologies, all of which require massive capital investment to bring them up to date. One can stand on the roof of Concord hospital and see eight district hospitals and two major teaching hospitals. At the same time we have an ageing population requiring different technologies and treatments that may not necessarily be on offer in the current health system. Transposed over this is a medical fact that as medicines, technologies and treatments improve more people need less time in a hospital bed to heal or be treated. Let us not forget the broader economic content of an economy in recession and the responsibility for ensuring that every health dollar is spent in the most effective way. Within this framework the Federal Government has asked us, along with every other State, to take over the

treatment of veterans and has made us an offer of a 700-bed teaching hospital with world renowned technology for the treatment of the aged and the broader community, especially in the inner west. As a community we have to decide if we are going to accept that offer. If we do, we have to decide how we will adjust the rest of the State's health system to accommodate a tremendous asset like Concord hospital.

I take this opportunity to debunk a couple of claims or concerns about the Concord transfer. One concern is that the hospital is already full of veterans and community patients and that they will have to go somewhere, and that 80 per cent of the veterans who live in the local area will have to move to nearby hospitals. Concord hospital has 724 beds and the average occupancy is only 612 beds. This consists of 60 per cent veterans and 40 per cent community patients. The very reason Concord hospital has been taking more community patients is that the number of veterans in the hospital has been gradually declining over a number of years and the number will continue to decline as the veterans move to hospitals closer to where they live. Ultimately about 450 beds would be freed under this process. Already two-thirds of the veterans are treated in the general public health system and the numbers will continue to increase. These are the reasons why the community should be putting political interests aside and come together to discuss this issue. I do not pretend I have covered all the problems, but I suspect and hope that the consultative process will unearth any hitherto unforeseen problems. That is what a consultative process is for. I want to emphasise a couple of other matters in regard to this issue which is of great importance to Sydney. The process will not happen overnight. The program will take at least five or six years to implement and we need to make the decisions now and look to the future to make sure that the

process proceeds smoothly.

People are saying that Concord hospital can continue to be run by the Commonwealth. Commonwealth funding to Concord hospital will continue to shrink as the number of veterans treated declines. The hospital will progressively die. That would be a tragedy for the local community and the taxpayers, because Concord hospital is one of the most modern and best equipped hospitals in Australia. Earlier I said that the New South Wales Opposition is becoming isolated on this issue. I want to illustrate now just how isolated it has become. To do so, I shall list those parties that support the New South Wales Government in its endeavour to foster a bipartisan consultative approach. The process of consultation has not just happened; it started many months ago.

[*Interruption*]

The honourable member for Kiama should listen to me because his colleagues are involved. In February this year the New South Wales Labor Council, which obviously has a great interest in the consultative process, because its members are involved, agreed to participate in the process and has formed a committee with my office to pursue the issues. At the same time the Australian Medical Association, on behalf of the medical fraternity, established a consultative committee with the Government on the issue. The veterans have established a consultative committee and want to participate in the process. The Government knows from the political angle that the proposal that Concord hospital come into the system came from the Federal Labor Government. As recently as last Thursday evening my colleague the Minister for Health and Community Services and I met with the Deputy Prime Minister, Brian Howe, who agreed to participate - and to speak to the Opposition about participating - in a bipartisan consultative process because of this matter's importance to Australia and to people of Sydney's inner west. In spite of the document that caused great concern and was made public in the *Sun-Herald* on the weekend, the people of Western Suburbs Hospital met

and resolved not to go on strike but to proceed with the consultative process because they believed it would work. Today, the Federal Opposition, John Hewson and the member for Lowe, Bob Woods, who is affected by the proposal, have agreed to participate in the consultative process on a bipartisan basis. But it does not stop there. The deans of the two major teaching hospital universities in Sydney wrote:

> We, the deans of the two Sydney-based medical schools believe that it is imperative that agreement be reached between the New South Wales Government and the Commonwealth Government in the shortest possible time regarding the future of Concord Hospital.

They want to participate also, and they urge the Opposition to participate in the consultative process. The medical staff council at Concord Repatriation General Hospital welcomes the proposed integration consultative process designed to determine how the transfer of Concord hospital to the State system should proceed. Honourable members paraded in the Chamber and gave notice of motions they want to debate tomorrow to defend their local hospitals. I understand why local members would want to do that, but this issue is bigger than politics; this is about the health network in the inner west in the next century. Lidcombe and Bankstown hospitals wrote:

> Both medical staff councils see the redevelopment of the new Bankstown-Lidcombe hospital as an essential component of the fusion and that without redevelopment an injection of capital to upgrade deficiencies in clinical and diagnostic services the fusion will not be viable. Both medical staff councils are prepared to participate in a consultative process to reach a final

decision on the future of Bankstown-Lidcombe hospital.

The Federal Government, the Federal Opposition, the State Government, the medical staff councils of a number of hospitals, the universities, the Labor Council, the Australian Medical Association, the veterans - absolutely everyone - want the proposal picked up out of the political gutter and put on a much higher plane to ensure that significant improvements occur in the health services of the inner west and that Concord hospital is properly integrated into the State system. Everyone wants that except one group - the New South Wales Labor Opposition, which is totally isolated on the issue. This is its opportunity to come forward and not follow the usual Opposition stance of opposing anything and everything that a government does and trying to cause as much pain as possible. This is the Opposition's opportunity to lift itself up, to join with its colleagues in Canberra and the New South Wales Government in a proper consultative process so as to reach a formula that will be to the ultimate benefit of the people of western Sydney. If the Opposition is not willing to do that, it will have to account to the community for torpedoing the process. The Opposition has asked questions about individual hospitals. I do not know the final formula that will be reached. This is a difficult issue, and it must be addressed in a bi partisan way. I am willing to go down that line and make that offer to the Opposition and the Independents. Recently I read one of the many reports on health services in the inner west. I was struck by the attitude of a front line hospital staffer. In relation to the general treatment of the health sector she said:

> Because governments change four years later, the whole policy is changed. How can there be long-term planning when every four years they do an about-face? It costs hundreds of millions of dollars even to change the letterheads.

That is precisely the concern I am trying to address today. If we as a community cannot lift ourselves above the political ruck from time to time and set broad bipartisan community goals after consulting with the community, the fears and frustrations of the health worker I just referred to and many like her will continue to grow, and the health system and the community will continue to feel helpless and divided in the hands of political manipulators. There it is. The choice lies with the Deputy Leader of the

Opposition and the Opposition. Are they willing to join with their Labor colleagues, the Federal Opposition, the New South Wales Government, the Labor Council, the universities, the hospital staffs, the veterans - and the list goes on and on? Are they willing to put away their political bias, their natural tendencies to cause the maximum amount of pain over any issue, to lift themselves up, support this motion, and to speak with the Government and their colleagues in Canberra about taking a bipartisan approach on this most difficult but most essential issue, not only for the benefit of this State but especially for the people of the inner west? This is the major opportunity for the people of the inner west to get health services right for the next century.

Dr REFSHAUGE (Marrickville - Deputy Leader of the Opposition) [3.30]: The Opposition was quite willing to support this motion until the abusive statements of the Minister for Health Services Management. It is difficult to believe that the Minister is offering bipartisanship when he berates the Opposition for highlighting problems that have occurred, denigrates the Opposition's role and says that it has no right at all to talk about difficult issues. It is difficult to take the Minister seriously when he tries to bully the Opposition. The Minister moves a motion of bipartisanship on the health debate on inner city hospitals and does not specify what that bipartisanship means, except by implication that the Opposition should not speak up for those residents. He does not offer anything except words, attempts to bully and force from us in this Chamber a commitment for something that has not been spelled out. It is difficult to support the

Minister when he gives falsehoods. The proposal by the Labor Council for a consultative process did not stipulate that it would maintain that consultative process if any service was closed.

Mr Phillips: That is not what it is about. It has agreed to have a consultative committee to find out what to do.

Dr REFSHAUGE: The Labor Council has agreed to participate in a consultative committee but specifically has told the Minister that if one bed is cut or one service lost, it will withdraw from the consultative process. The Federal Government is concerned about the Concord Repatriation General Hospital being part of the State hospital system. It will not be part of the consultative process about other changes the Minister is seeking to put on the agenda as part of Concord hospital's induction into the State system. It is a matter of Federal and State negotiations whether Concord hospital is part of the State health system. I am sure the Minister and his predecessors have argued that the State should receive a fair allocation of extra resources to maintain the running of Concord hospital. I support the Minister in his argument for the best deal. The Opposition has not criticised that. The Opposition has taken a bipartisan approach to the induction of Concord hospital into the State's system. It has not drawn red herrings by saying that Concord hospital should not come under the system; it has not tried to whip up aggression from the veterans by saying they will lose a hospital that guarantees their services. We believe, as do the Federal Government, this Government and the previous Government, that bringing Concord hospital into the system will provide a better range of health services and will not disadvantage the veterans - though a case could be made out for the change disadvantaging veterans.

The Opposition has maintained a bipartisan approach but what thanks has this Minister given for our bipartisan approach to Concord hospital entering the New South Wales health system? Why does the Minister seek a bipartisan approach on these hospitals but not on the closure of Kiama District Hospital? If the Minister has sought a bipartisan approach on Kiama District Hospital, why has he refused to answer the request by the honourable member for Keira to have a delegation meet him? The Minister has played favourites, having spoken to his Liberal Party friends from that area.

Where is the bipartisanship on Kiama and on Port Macquarie hospitals? It is only because this Chamber forced embarrassing censure votes on decisions about Port Macquarie that the Government had to find another way out. The Premier said, "We are not going to submit that contract to any scrutiny at all. It would be totally inappropriate to do that". All of a sudden the Government is forced to have an inquiry into the matter. The Government has found that its proposals are not being accepted by the people of New South Wales. It has two options for public hospitals: either to privatise them or to close them. The people of New South Wales will not accept those options because they are bankrupt ideas with nothing to offer the people in matters of public health. The Government has run out of ideas on Concord hospital entering the New South Wales health system. The Government says it has nothing to add, does not know what to do and seeks bipartisanship. It does not want to be told of any problems except behind closed doors. The Minister is only offering consultation. Does consultation mean it will tell us what it is going to do after it has decided?

Mr Phillips: No. I clearly said "to participate in the process".

Dr REFSHAUGE: The Minister will get his turn to answer. I ask about this paper about options for inner city hospitals, be it a Cabinet document or low level public service document. If bipartisanship was sought, why was information not provided to us

beforehand so we could look at what was going on? It is only because the *Sun-Herald* on its front page has shown the disaster that could happen on Concord hospital entering the hospital system that the Government has been forced to say: "We cannot stand the heat. Our policies are duds - and the Opposition can highlight the fact that they are duds - we want to muscle the Opposition and have some form of bipartisanship or consultation". When the Government was asking for bipartisanship, it should have taken the time in this House to spell out exactly what it was offering. Is it a matter of muscling the Opposition or having the Opposition and other organisations involved at the beginning?

Mr Chappell: Would the honourable member do it?

Dr REFSHAUGE: The Minister is the one offering it. The honourable member for Northern Tablelands should ask the Minister whether he would do it. If bipartisanship is sought, one cannot go part of the way and provide part information. Bipartisanship is making sure the Opposition is there right at the beginning and all the way through. If it is consultation or informing us before the general populace is informed, that is not on. If it is bipartisanship, we will certainly accept it but it must be bipartisanship and be right from the beginning.

Mr Phillips: What about the report I sent the honourable member? That was right from the beginning and the honourable member knows it. I sent him a report on the consultation process months ago.

Mr SPEAKER: Order! The Minister will have the chance to reply later on.

Dr REFSHAUGE: The Minister has determined a way of consultation -

Mr Phillips: Proposed, not determined.

Dr REFSHAUGE: A proposal of consultation and he certainly has circulated

that widely. I have seen that proposal from a number of sources, including the Minister himself. I thanked him for the opportunity to look at that and to make any constructive criticisms. That is fine. What about the rest of the information? That is consultation but the Minister is not asking for consultation but bipartisanship. He must work out what he wants. Does he wish to consult us or have bipartisanship? If it is bipartisanship then he must provide us with a lot more than papers once they have been worked out and the Government has made up its mind. If the Government seeks bipartisanship, the Opposition will be part of it, or does the Government merely want consultation? Does the Government only want to inform us of its intentions and therefore try and buy us off? If so that will not occur. Our input can be there at every level and if we are part of the decision-making process, that is bipartisanship. The Opposition will listen intently to the Minister's reply to hear exactly what the Government is offering.

The Opposition asks: at what stages; what input can we have; does the Government have power of veto over input; what will it give the Opposition in bipartisanship? Is the Government merely saying that it does not like the heat and flak and, unless the Opposition rolls over, the Government will not incorporate Concord hospital into the State health system? It will be interesting to learn how much the Minister is committed to including the Opposition in this bipartisanship. The Minister needs all the help he can get. The Minister says that the Australian Medical Association wants consultation. Every organisation with involvement in the health care system and the way it should work would accept any Minister's offer of consultation. Organisations even accept shadow ministers' offers of consultation, surprising as that may be.

Consultation is one thing the democratic process actually thrives on. It is not surprising that the Minister can list a whole range of organisations - august as they are - which are quite prepared to be part of consultative process. However, bipartisanship is a big step further than consultation.

Let the Minister specify in absolute detail what he is offering in return for bipartisanship. It is important also to put on record that as Concord hospital comes into the New South Wales system it is not as if that hospital will float from Mars and arrive in the inner city. For those who might have been confused by the Minister's statements, I should say that Concord hospital actually does exist; it is within the New South Wales boundaries, treating patients in New South Wales. People from the local community and veterans go to that hospital. Doctors, nurses and others work there regularly. The money for running that hospital at present comes from the Federal Government. Part of the reason for the movement of Concord hospital is not just to have the administration come under the control of the State Minister instead of the Federal Minister, but also so that extra resources will be available to run it, and more money will come into the system. The Minister cannot argue that, as Concord hospital comes into the State system, all of a sudden he will have this new hospital that did not exist before that he will have to run, or that he will not get any money for it and will have to find the money elsewhere. The money is there, the hospital is already looking after patients. That hospital has a potential, if it is administered properly, to provide extra services for the people of New South Wales.

When the Minister tries to link in that hospitals must close he must be careful to show that those other hospitals will have to close as a result of Concord hospital coming into the public hospital system. If there are any changes, the Minister must show that the facilities that will come on line at Concord hospital have not existed before in the State public hospital system, have not been available to the people of New South Wales. He must show that new, additional services are being provided. He must take into consideration also the fact that Concord hospital effectively is a teaching hospital, though

I cannot guarantee that all of the patients would require tertiary referral services. He must show that the hospitals that his department is suggesting would be changed provide district hospital level services.

There are a lot of hurdles to negotiate even if - and I doubt that this has necessarily been proved - when Concord becomes a State responsibility extra services will be available in excess of those required for the people of the area. Another issue has arisen, and that is: what will happen to the proposal for the amalgamation of Canterbury hospital, Western Suburbs hospital and what was Marrickville hospital - what has been called the supermac hospital? Is there a role for that hospital? Consideration must be given to the problems related to the supermac hospital and how they could be ameliorated. I return to the essence of the motion. The Minister is asking for bipartisanship, but all he is offering is consultation. Consultation is not good enough. If there is real bipartisanship, the Minister should spell out what that means. If it is really bipartisanship, the Opposition will welcome that opportunity.

Mr ZAMMIT (Strathfield) [3.45]: The Minister for Health Services Management said today that he is seeking a bipartisan approach, an approach that will include consultation with all the groups he mentioned, including the Opposition. It is difficult for me to take the Deputy Leader of the Opposition seriously if that is what he really means and all the pained expression was genuine. Yesterday morning he pulled a stunt at my office and harassed my staff. He phoned my office only 10 minutes before he arrived there. The first words he said to my secretary were, "I understand that Mr

Zammit is not in the office today". He brought with him the honourable member for Ashfield, the honourable member for Drummoyne, the press and other members of the media, knowing full well that I was not in my office. My telephone number is in the phone book and it is possible to ring me at any time to discuss any local issue. I am always available. But the Deputy Leader of the Opposition did not do that.

Mr Whelan: The honourable member was not available yesterday. He was on the South Coast.

Mr ZAMMIT: Yes, I was visiting the South Coast and the New South Wales State Land Council. The honourable member for Ashfield does not understand the problems of the Aboriginal community.

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

Mr ZAMMIT: The Deputy Leader of the Opposition said that he wanted to depoliticise the issue and make it a community matter, that he wanted bipartisanship and community consultation. Today the Opposition has an opportunity to join with the Government in talking about a very serious matter for the inner west, and that is the provision of the best possible health services for that region. In the short time available to me I should refer to Western Suburbs Hospital. I have a lot of time for that hospital and its staff. They work extremely well and have a high reputation. The hospital services are keenly sought by the local community because the hospital is close and has easy access. I recall when I was first elected as the member for Burwood in 1984 I went to the Western Suburbs Hospital and was shown the premises and the work done there. I do not want the Western Suburbs Hospital to be downgraded or lost. If we all work together in the interests of the people of the inner west, we will be able to make available for them the best possible hospital services.

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The Deputy Leader of the Opposition said that he wanted to have spelled out by the Government exactly what was meant by a bipartisan approach. If the Deputy Leader of the Opposition is serious, he will sit down with Government members and it will be possible to set up a committee to the satisfaction of the Opposition and the Government, so that the committee will be able to address all of the issues, examine all the options, and make those options known to the community for discussion and comment. The Minister has made it clear that nothing will happen until that consultation process has been exhausted and people have commented on what they would like to happen, the sort of health services they require, which hospitals they want and under what conditions those hospitals should operate. The easy political way of handling this issue in regard to the Western Suburbs Hospital might be to say that the Western Suburbs Hospital should remain. That is not good enough. The hospital needs to be able to provide better services, by having improved equipment and an upgrading of its facilities. That must occur also. We must work together to provide the best possible services for the people of the inner west. This is a unique opportunity for the Opposition to stop what the Deputy Leader of the Opposition said was politicising the issue. He said to my secretary, "We want to depoliticise the issue and make it a community matter". He has that opportunity now to discuss the issues with the Government and open them up for consultation with community groups who should have a say in what are the best possible services that can be made available for the people of the inner west.

Mr WHELAN (Ashfield) [3.50]: One glaring omission from the motion moved by the Minister for Health Services Management is that there is no guarantee of continued

health services for the people of the inner west, particularly in the electorate of Ashfield. I noticed that the honourable member for Strathfield was quite specific. He did not say that he would fight for the continuation of Western Suburbs Hospital.

Mr Zammit: Yes, I did.

Mr WHELAN: No, the member did not. Let me tell him a few facts. The Labor Party built the casualty unit at Western Suburbs Hospital, notwithstanding that from 1973 through to 1976 the former coalition Government promised that unit. It was the Labor Party Government that built the hydrotherapy pool at Western Suburbs Hospital.

Mr Zammit: When has the honourable member for Ashfield been to Western Suburbs hospital?

Mr WHELAN: It is in the electorate of the honourable member for Strathfield, not in mine. If that hospital were in my electorate, I would be tearing this place down to keep its health services running. The Minister was gracious enough to be in the Chamber on 17th March when I raised the very issue about the proposal, and the *Hansard* records what the Minister said about the retention of Western Suburbs Hospital. But why would the Government contemplate the closure of a hospital that treats 62,000 outpatients, cares for 4,600 inpatients, has an occupation rate of 85 per cent to 90 per cent, where 80 per cent of all inpatients reside in the hospital's designated catchment area, its accident and emergency department has 15,000 attendances and the hospital is situated on an intersection of the busiest road in Australia, namely the Hume Highway, near Parramatta Road. More than 20 per cent of all accident and emergency attendances are admitted to the hospital due to the urgent nature of their condition. What the House should acknowledge is that in 1990 the hospital received enhancement funding for an additional 10-bed rehabilitation ward. In July 1991 it was awarded a three-year accreditation status. The award by the Australian Council of Health Care Standards is an acknowledgment by an external body of the high standards and quality of care provided by the hospital's highly professional and caring staff.

I want to speak about what the motion means to the people of the inner west, particularly to my constituents. It may be all very well to talk about bipartisanship if ultimately Western Suburbs Hospital is closed, but I would like the Minister, in reply, to explain how my constituents who live in Summer Hill or Marrickville or Dulwich Hill will get from their residences to Concord hospital? There is no train service, no bus service, no public transport facility at all. The Government is effectively severing people's rights not only to attend hospital and receive treatment but also to visit friends or relatives in hospital. The honourable member for Strathfield moved this pious motion today, condemning the variety of people who sought treatment. Together with eight or nine journalists I went there. The question of whether anyone was intimidated was not a subjective judgment by me but was an objective judgment by those who were present, whether they be from the Australian Broadcasting Corporation or radio journalists or journalists from local newspapers. My personal view is that they were not intimidated, they were well received. We shook hands with the staff, left a letter and removed ourselves from the office in an orderly manner. We were there for only a very short time. The Deputy Leader of the Opposition suggested to all assembled that the honourable member for Strathfield was not present because he was on tour in his capacity as a member of the Staysafe committee. There were no political vibes about his absence from his electorate.

The honourable member for Strathfield should not talk about this matter turning nasty, he should be guaranteeing his constituents that they will be granted hospital inpatient and caring treatment. Western Suburbs Hospital has existed for many years. It is a 109-bed hospital and a focal point of the community. It is a community-based hospital. I get annoyed when I hear the honourable member stand up and start to rant and rave about what the Labor Party did and what Dr Refshauge did and what I did. The honourable member has not given to this House and to his constituents a guarantee that he will ensure the retention of the hospital and its caring for the people of the inner western area of Sydney. I will give that guarantee. I have no compunction about it at all. I intend to lobby heavily to ensure that Western Suburbs Hospital is retained. It is a very important focal point of New South Wales health care and the New South Wales health system. Fortuitously I have had no need to be a patient at the Western Suburbs Hospital. However, it was the Whelan children who went there and were stitched up when they fell off their dinkies and bikes and it was children at kindergarten who were hit and went there to be stitched up. It is a family hospital, it is a community hospital and it should be maintained.

The whole argument has become quite nasty. Yesterday I received a letter addressed to me from Benjamin and Osborne, solicitors, acting on behalf of Dr R. L. Woods, who is the member for Lowe. He said that I defamed him. What I said about Dr Woods was this, and if he regards it as defamation he is sillier than I thought, "Dr Woods would clearly be out of step with his parliamentary colleagues and the Liberal Party but he is very much in step with the rest of the community". The rest of the community wants Western Suburbs Hospital to stay intact; they want the provision of health care services in the whole hospital arena, all the various services that the hospital provides and has provided for many years.

Ms MACHIN (Port Macquarie) [3.55]: I have absolutely no vested interest in this debate, unlike last week perhaps when the debate was about a hospital in my electorate. It has been interesting to observe this debate from that perspective. I do not often agree with the honourable member for Ashfield, but I do agree with one of his closing remarks, which was that the debate has turned nasty. I have just witnessed a little of that in the Chamber and I think it is a shame that it should happen. Concord hospital

is held in warm regard by everybody. It is one of those hospitals that occupies a place in everybody's heart, because of its history and the people it treats, particularly the veterans. Even those who do not attend Concord hospital for treatment are very concerned about its future. That is the point of this debate, that there really is a genuine desire, certainly from the point of view of the Minister and the Government, to have a bipartisan approach at State and Federal level to the possible handover of Concord hospital to the State.

I have only been to Concord hospital once, and that was for a different function when I was representing the Minister for Health and Community Services in another place. I have had some friends who trained at Concord. I have heard excellent reports of the hospital and I know it provides an outstanding service. I hope the Deputy Leader of the Opposition does not change his position. I understand he was essentially supportive of the bipartisan approach, which is a logical step to take. He is generally a fairly reasonable person, so perhaps he is just having a prickly day or perhaps the Minister got under his skin; although I cannot understand how a nice Minister like that could possibly do such a thing. A number of issues need to be considered: one is the direct impact of the handing over of Concord hospital to the State and its impact on other health services. Another is the wider debate which has continued for some years under this Government;

the provision of health services generally. On the second point, all members of the Opposition will agree that if they were sitting on the government benches - an unlikely event - they would have to make some tough decisions as well. The budget position is not good and changing the Government will not change the budget position. The budget is the reason the Minister is trying to re-examine health services. If he has to do that in the context of changing management or changing responsibility for Concord, that is a logical step to take.

There are a number of hospitals in Sydney and in the inner west. If there were to be any changes to the structure in health systems, there would be no diminution in the level of service provided, in fact the opposite would be the aim of the Government. The inner west is the growing part of Sydney. It will continue to grow. It is now essentially the geographical centre of the city. It makes sense to constantly re-examine the services provided in that area. Honourable members get a bit hung up on things like beds and bed numbers - we all do it; the Government did it when it was in opposition and when it suits the Government probably does it now - when what really needs to be addressed is the level of services provided, what is appropriate in what community and the number of people who can be treated. The record shows that in recent years the Government has been successful in the health system and hospitals in treating many more people each year. The Government is to be congratulated on the job it has done.

If Concord is handed over to the State the level of current service will not be diminished. I do not think any member in this House, no matter on which side that member might sit, would want that. The honourable member for Strathfield, the honourable member for Ashfield and all honourable members who represent parts of the inner west and know the problems there, know that it is necessary to try and continue to provide enhanced health services, but the real challenge lies in finding the money to do so. Therefore the Government has to look at how it can deliver those services. It should be remembered that the Government has no fixed position on the issue of Concord hospital. It is something that is in the arena for discussion, consultation and debate. The Government and the Minister are sometimes accused of not consulting. I think, occasionally, what that really means is that people do not agree, rather than that there has been no consultation. In this case there is a genuine need for bipartisan political approach at State and Federal levels to consider the proposed transfer of Concord hospital.

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I will state it again for the record. The Government has no fixed position on this issue. This problem must be solved. A number of issues arise from the transfer of Concord hospital and I would like to think that those matters can be dealt with by civilised consultation with members of the Opposition and with the communities involved. This approach has the support of the Federal department and of the Federal Minister, as well as veterans groups, the medical staff council at the hospital, the Nurses Association, the Labor Council, the deans of the University of Sydney and of the University of New South Wales, as well as the New South Wales branch of the Australian Medical Association. With all that support, let us hope we can do it. [*Time expired*.]

Ms NORI (Port Jackson) [4.0]: I am pleased that the Minister is talking about consultation. That is obviously a step in the right direction when compared with what happened in recent times. However, I am a little concerned that consultation might just be the spoonful of sugar to help the medicine go down. In the case of Balmain Hospital, so much of what is supposed to happen when and if Concord hospital comes into the system has already begun to occur. How else would be explained the fact that wards are

being reopened there for geriatric services and that there are moves to relocate the psychogeriatric patients from Rozelle to Balmain? Why are there concerns that when the Glebe annexe lease is due for renewal at the end of the year patients will be moved to Balmain? As the local member I am concerned that, regardless of what happens at Concord, Balmain that will be downgraded to a subacute hospital. This issue must be looked at in the context of other hospital closures and other changes to the hospital system in the inner city. Marrickville hospital has closed; Sydney Hospital was downgraded; the casualty section at Rachel Forster has gone; the Glebe homeopathic unit has been closed; and there have been cuts to services at the Royal Hospital for Women at Paddington. It is probable that we can add to that list hospitals at Balmain, Lidcombe, Canterbury, western suburbs and Ryde.

There are major implications for the people of the inner city arising from this strategy. Now that Sydney Hospital has been downgraded the people of Millers Point and Pyrmont, who previously used that hospital, will have to travel to Royal Prince Alfred Hospital. Of course, those who always used Royal Prince Alfred Hospital will continue to do so, but now we have the spectre of the people of Balmain, Rozelle and Leichhardt also using that hospital. One big problem is that Royal Prince Alfred Hospital cannot cope with the strain and this will result in a massive downgrading of health services in the inner city if the proposals to cut these services and to close the hospitals come about. I want to make it very clear that the Balmain community is not opposed to part of the hospital being changed for subacute care. Quite clearly there is an aging population in the inner city and their needs must be met. But that should not mean that the casualty section, the coronary care unit and the intensive care unit should go, along with the x-ray department, pathology and all the other services that make up a general hospital.

Is the Minister aware that last year the casualty section at Balmain Hospital treated 21,509 patients? The hospital performed 3,200 operations and between 75 per cent and 79 per cent of those who used the hospital live within the municipalities of Leichhardt and Drummoyne. The average wait in casualty at Balmain Hospital is 15 minutes for a non-emergency case. Imagine the problems that would be encountered by someone who was ill trying to travel along Victoria Road to get emergency treatment at Royal Prince Alfred Hospital, because that hospital provides the only alternative. A number of people have told me of relatives who had heart attacks and were rushed to

Balmain Hospital and their lives were saved. Had those people had to go to Royal Prince Alfred Hospital, they would not have made it; they would have died. I ask the Minister to take these points into account when he considers the future of Balmain Hospital. Many people use the casualty section at Balmain Hospital for their children because the waiting time at the children's hospital is too long. In any case, the Royal Alexandra Hospital for Children will be moving west within the next couple of years.

It seems to me that this Government is not dovetailing its planning between health policy and urban consolidation policy. It is a bit like driving a car and applying the brake and the accelerator at the same time. On the one hand we have the spectre of hospitals closing in the inner west, particularly Balmain Hospital. At the same time proposals are under way to bring about massive increases in population. There will be a 70 per cent increase in the population of the Balmain peninsula alone within the next couple of years. The Pyrmont redevelopment will involve thousands of people coming to the area within the next 10 to 15 years. The city west strategy envisages 9,000 jobs being created in the White Bay and Glebe Island areas alone and many thousands more jobs within the strategy itself. Where will these people go for health care? When talking about the inner city one cannot just look at the numbers there at the moment. One must

cater for the number of people who will live there in future. One must consider also the number of people who come to the city every day or into the city's hinterland every day, and their health care needs. There is tremendous support for Balmain Hospital. An organisation of which I am proud to be chairperson, the Guardians of Balmain Hospital, has raised quite a lot of money. I will not tell the Minister how much it has raised because every cent of it will be thrown at this Government if it dares to close Balmain Hospital. All the local sporting clubs are right behind the hospital, including the Balmain Leagues Club. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health Services Management) [4.5], in reply: I repeat what I said in my remarks on moving this motion. This Government has absolutely no fixed position about Concord hospital. It has no fixed position about what the network of health services should be in the inner west. The Federal Government has asked the State Government to take over the care of veterans within the State system - as occurs in other States - as well as the running of Concord hospital. That issue has been examined. We should seriously consider the basic principle of taking a first-class, international, tertiary hospital into the State system to give greater care in the system for veterans and for the community in the inner west, and to improve those services. The Federal Labor Government wants a bipartisan approach, a consultative approach, to this issue. The Federal Opposition, with Dr Hewson and Dr Woods, wants a bipartisan, consultative approach as it recognises how important this matter is. The Labor Council of New South Wales has formed a consultative committee with my office; and the Australian Medical Association has formed a consultative committee with my office; the veterans have a consultative committee with the department. The workers at Western Suburbs Hospital met and said they would not strike, that they wanted to go through the consultative process because they understood it to be important. The two major teaching universities, Sydney and New South Wales, have both written to say that the Government must bring Concord hospital into the system because it is important to the overall health system to do so. The universities support the consultative process. Letters from the medical staff councils at Lidcombe Hospital and Bankstown Hospital support the consultative process. Those councils believe that the two hospitals should be amalgamated, but capital is required and a consultative process must be undertaken.

Everyone wants to lift this issue above political wrangling and the difficulties of local politics. It should be dealt with on a bipartisan basis. However, I get vibes from the other side that it will oppose it. The Deputy Leader of the Opposition sought certain assurances from me. I am happy to give those assurances. I believe this issue is vital to the people of New South Wales, to the health system of this State and, quite frankly, that we should give it a go. The easiest thing I could do would be to dump it, to walk away from it, and to tell the Federal Government to get lost and to sort out the problems of Concord hospital having fewer and fewer veteran patients, because I have a political pain. That political pain is the Federal seat of Lowe and the State seat of Strathfield. The winners will be those who invest capital in a number of major hospitals in the inner west. There is talk about so-called losers, but no talk about the winners or the problems of hospitals in that area. Bankstown, Lidcombe, Western Suburbs, Balmain and Royal Prince Alfred hospitals are screaming out for money. They are all screaming for capital.

The Federal Government proposes to give us Concord hospital with a bundle of cash. Both governments have to reach agreement on what is to be done with that cash. If we so choose, it could enable a significant capital investment into health services in the inner west. I have no fixed position about where that money is to be spent, but this matter is so important that I am prepared to work with the Opposition to determine that.

Constituents in the electorates of Opposition members will be the beneficiaries; not my constituents. Opposition members should seriously consider any rejection of this motion. By rejecting this motion they will be saying to the Government: "We do not care. You can take your negotiations with the Federal Government and shove them. We do not want any bipartisan approach; we will kick you to death over every move you make on this issue". If the New South Wales Opposition does not join forces with the State Government on this issue, Concord hospital is dead. I will not cause a major upheaval in the community by bringing Concord into the State system. The Federal people want it, we think it is great for the system, but it must be dealt with apolitically and on a much more sensible level.

Dr Refshauge: Send all your policies to us.

Mr PHILLIPS: This is not about policy.

Dr Refshauge: Send all your policies.

Mr PHILLIPS: The Deputy Leader of the Opposition has made his position quite clear. He is totally isolated on this issue. Earlier the Deputy Leader of the Opposition asked the Government whether it wanted to consult on this issue or whether it wanted to take a bipartisan approach. The honourable member for Port Jackson suggested earlier that this offer is just a bit of sugar.

Ms Nori: Balmain is not up for grabs.

Mr PHILLIPS: It is not a question of hospitals being up for grabs; this issue concerns health care services for the inner west. What can we do for hospitals in that area that will give people in the inner west the best care into the next century? I say to the Deputy Leader of the Opposition and to the Leader of the Opposition, who is in the Chamber, that this Government wants to take a bipartisan approach. That is the only way to achieve our objectives.

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Dr Refshauge: You are not getting bipartisanship on closing hospitals.

Mr PHILLIPS: This is not a matter of closing hospitals.

Dr Refshauge: Forget bipartisanship.

Mr PHILLIPS: I have already said that the Government has no fixed view on this issue. The document referred to earlier was not approved or sought by me. I have said for months that there is to be a full and open consultative process. I wish to work with the Opposition on a bipartisan basis to achieve several things. First, I wish to determine, after examining all available documents, whether it is worth while for the State Government to accept the deal offered by the Federal Government to take on board. Second, I wish to determine whether the capital funding and other funding that comes with it is a fair deal. I wish also to determine the best way of spending that money to upgrade health services in the inner west, or the west, as honourable members opposite have spoken about Fairfield and Liverpool. What is the best way of improving the New South Wales health system? Opposition members have accused this Government of knee-jerk reaction. Last Thursday I discussed this matter with Howe. He agreed to approach the New South Wales Opposition to try to achieve a bipartisan approach to make this work. I am happy to talk with Opposition members about how that system

will work.

Dr Refshauge: Tell us before we are briefed.

Mr PHILLIPS: It is difficult when so many parties are involved. The Opposition, the Federal Government, the State Government and the Labor Council are all involved.

Dr Refshauge: Do not spring it on us without telling us what it is going to mean.

Mr PHILLIPS: I am asking members of the Opposition to commence discussions about a bipartisan approach with their Federal colleagues and with the State Government and to accept that in principle. If the committee structure that is to be formed is not to the liking of everyone, we will not proceed. We have to decide whether or not we want to proceed.

Dr Refshauge: You show us what you mean first.

Mr PHILLIPS: Is the Deputy Leader of the Opposition saying that he is in support of a bipartisan approach? I emphasise that the Concord deal includes a sum of money. The Government, the public and the Opposition will have to identify ways of spending that money to upgrade hospitals in the inner west. I am prepared to work with the Opposition to determine the best way of doing that. This matter is of importance to the community.

Dr Refshauge: Start now. Do not spring it on us.

Mr PHILLIPS: It was only sprung on the Opposition because of the leak in the *Sun-Herald* on Sunday. I am trying to recapture the agenda. The Opposition has the report that was processed months ago. That report showed the Government's good intent on this matter. [*Time expired*.]

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Question - That the motion be agreed to - put.

The House divided.

Ayes, 46

Mr Armstrong
Mr Baird
Mr Blackmore
Mr Causley
Mr Chappell
Mrs Chikarovski
Mr Cochran
Mrs Cohen
Mr Collins
Mr Cruickshank
Mr Downy
Mr Fahey
Mr Fraser
Mr Glachan

Mr Griffiths
Mr Jeffery

Dr Kernohan
Mr Kerr
Mr Longley
Dr Macdonald
Ms Machin
Mr Merton
Ms Moore
Mr Morris
Mr W. T. J. Murray
Mr Packard
Mr D. L. Page
Mr Peacocke
Mr Petch
Mr Phillips
Mr Photios
Mr Rixon

Mr Schipp
Mr Schultz
Mr Small
Mr Smiles
Mr Smith
Mr Souris
Mr Tink
Mr Turner
Mr West
Mr Windsor
Mr Yabsley
Mr Zammit

Tellers,
Mr Beck
Mr Hartcher

Noes, 44

Ms Allan
Mr Amery
Mr Anderson
Mr A. S. Aquilina
Mr J. J. Aquilina
Mr Bowman
Mr Carr
Mr Clough
Mr Crittenden
Mr Doyle
Mr Face
Mr Gaudry
Mr Gibson
Mrs Grusovin
Mr Harrison

Mr Hunter
Mr Iemma
Mr Irwin
Mr Knowles
Mrs Lo Po'
Mr McBride
Mr McManus
Mr Markham
Mr Martin
Mr Mills
Mr Moss
Mr J. H. Murray
Mr Nagle
Mr Neilly
Mr Newman

Ms Nori
Mr E. T. Page
Dr Refshauge
Mr Rogan
Mr Rumble
Mr Scully
Mr Shedden
Mr Sullivan
Mr Thompson
Mr Whelan
Mr Yeadon
Mr Ziolkowski
Tellers,
Mr Beckroge
Mr Davoren

Pairs

Mr Greiner
Mr Hazzard
Mr Moore

Mr Knight
Mr Langton
Mr Price

Question so resolved in the affirmative.

Motion agreed to.

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FIFTIETH ANNIVERSARY OF THE BATTLE OF THE CORAL SEA

Mr GREINER (Ku-ring-gai - Premier, Treasurer and Minister for Ethnic Affairs) [4.20]: I move:

That this House:

(1) Remembers with pride the victory of the Allied Naval Forces in the Battle of the Coral Sea 50 years ago.

(2) Expresses the gratitude of this House to the Members of the Allied Forces who were fighting to protect freedom and, particularly, remembers the sacrifice of those who gave their lives in that battle.

(3) Places on record the support of the House for the continuing peace processes being followed in areas of conflict in the hope that the agonies and destruction of war can be avoided for future generations.

It is a great honour for me to move this motion which commemorates the fiftieth anniversary of the Battle of the Coral Sea and it is certainly an honour to do so in the presence of our distinguished visitors in the public gallery: Admiral Charles Larson, Commander-in-Chief, US Pacific Command, and Mrs Larson; Mr Phillip Lincoln, US Consul-General; and Mr Eric Neal, Chairman of the Australia-United States Coral Sea Commemorative Council, and Lady Neal. On behalf of the Parliament I would also like to extend a warm welcome from New South Wales to the other honoured visitors to Sydney, most notably, of course, the United States Secretary of Defense, Richard Cheney, and also the many distinguished officers and service personnel, both active and retired, who are here to take part in the wide array of activities that have been organised for the Coral Sea commemoration.

As I have said before in this House it is important that we, the current members of Australia's oldest Parliament, are constantly mindful of our history and of the traditions that have passed down to us and of which we are now the custodians. By understanding and commemorating the past we can perpetuate the best of our heritage and give greater meaning and historical continuity to our present thoughts and deeds. For these reasons this House should always take the time to commemorate the landmark events in our history, the events that have shaped our nation and indeed our region of the world and that have helped create the society that we enjoy today.

The Battle of the Coral Sea is certainly an event worthy of commemoration. It was one of history's great naval encounters, a mighty battle between great naval powers led by skilled tacticians and fought between courageous service personnel. It was the first ever carrier-against-carrier naval battle in which all the losses were inflicted by air action and no ship ever sighted another. Thus it heralded a new age of naval strategy after thousands of years of face-to-face naval conflict. Of course, it turned the tide of the war in the Pacific, halting the Japanese downward thrust and preventing the planned invasion of Port Moresby. The losses inflicted on the Japanese fleet set the scene for the Allied success at the decisive Battle of Midway, although the losses of the *Lexington*, the *Neosho* and the *Sims* were tragic and heavy losses to the US fleet. In a military sense therefore the Coral Sea was absolutely vital to Australia's security interests as it preserved our region from imperial invasion and conquest.

Today we must recall with gratitude and pride the officers and service personnel who risked everything for the defence of freedom and in many cases paid the ultimate sacrifice. This Parliament should honour the great leaders such as Admiral Nimitz, the

Commander-in-Chief of the US Pacific Fleet, Rear Admiral Fletcher, who commanded Task Force 17 which was specifically formed to fight in the Coral Sea, Rear-Admiral Fitch, who commanded the *Lexington*, Rear Admiral Crace, who commanded the force that included the Australian heavy cruisers *Australia* and *Hobart*, and of course General

Douglas MacArthur, Commander-in-Chief of the southwest Pacific area. This Parliament should also remember all the servicemen and women from both sides who fought with honour for their countries. However, we should also note today that the significance of the Battle of the Coral Sea for Australia goes well beyond the immediate results, well beyond the preservation of our sovereignty and independence, half a century ago. The battle forced Australia to reassess its view of the world and reconsider its place in the region and its future interests.

The most important result of this process and one of the most significant themes of Australia's post-war history was the formation of the strong and enduring alliance of friendship and co-operation we have enjoyed with the United States since then and enjoy to this day. This relationship was forged by several important factors: it was forged by the camaraderie of the Australian and US service personnel who fought together; it was forged by the co-operation and interdependence of the military and political leaders as they pursued their common objectives; and it was forged by the general realisation that became apparent at all levels - from the government, to the military, to the general community - that Australia and the United States were destined to share a future of common interests, common attitudes, and common goals based on the preservation of peace in the Pacific region and around the world.

This spirit of friendship and mutual understanding has been the foundation of 50 years of the strongest and closest relations between our two nations. It was the spirit that saw us fight once again side by side in the Gulf conflict to preserve international security, and it is the same spirit that is very much apparent in all the commemorative events occurring throughout Australia in the last week. It is a spirit we never want to see fade, because as Woodrow Wilson once said, "Friendship is the only cement that will ever hold the world together". We know that the spirit of friendship between Australia and the United States will never fade. That is why it is so important that this Parliament reaffirm today our commitment to the ideals, to the co-operation, and to the courage that was shown at the Battle of the Coral Sea. The proud and patriotic way in which we in Australia remember those who have served our nation in times of war is one of our greatest traditions and strengths as a community and we will certainly need strength and courage if we are successfully to face the new challenges that await us in the 1990s. Fifty years ago we faced an immediate and very real threat to our security and to our future as a sovereign nation. American and Australian forces met this threat in the Coral Sea, and Australia reshaped its view of the world accordingly to meet the needs of a new age.

Today, while militarily more secure, we face new problems and new challenges that again call for an intelligent and courageous assessment of our future directions. They again call for us to look north to the Pacific region to see our destiny taking shape. They demand from us an active and, indeed, a leading role in regional affairs. I am sure that we as a community will meet these demands with our customary resilience and spirit as we carve out a new place in our region, where 50 years of progress has replaced the battlefield with the world's most dynamic trading markets and where the hand of opportunity now beckons to Australia. With this motion the Parliament can formally commemorate one of the most important battles in our nation's history and, at the same time, extend a gesture of appreciation to those United States and Australian personnel who fought with such courage and distinction to preserve peace and freedom in the Pacific. I commend the motion to the House.

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Mr CARR (Maroubra - Leader of the Opposition) [4.30]: Great moments in

history do not depend for their ultimate significance only upon what actually happened and why. Just as important, and ultimately more important, is what men and women thought was happening and why they thought it was happening. In Australian history the Battle of the Coral Sea falls very much into that category of events. The war historians may disagree about its actual military significance and strategic consequences. There are those, indeed, who question the validity of the tradition that it was the battle that saved Australia. These are not questions to be dismissed as irrelevant because they are essential to our full understanding of the truth about the war. But what is not in question is its deep, immediate and lasting impact on the Australian people. From the day the first news reached Australia the Battle of the Coral Sea became part of the national consciousness in a way matched by only two other military events: the news of the landing at Gallipoli and the news of the fall of Singapore.

The Battle of the Coral Sea took place between 5th and 8th May, 1942. It was the largest naval engagement ever fought in close proximity to Australia's shore. The invasion force of the Japanese Empire was intending to attack Port Moresby. This force was intercepted in the Coral Sea by American and Australian forces, including HMAS *Australia*. Over the next three days the two fleets did not at any time have sight of each other. It was the first such engagement in the history of naval warfare. Aircraft taking off from carriers searched the surrounding seas and attacked on sight. Though the Allies suffered more losses than the Japanese, the invasion force could not continue. The important immediate outcome was that the 11 transport and support vessels destined for Port Moresby had to turn back. The Japanese had to abandon their strategy for a naval landing in the south of New Guinea and concentrate their military endeavour in an overland assault. Hence the drawn out struggle along the Kokoda Trail. The first accounts of the encounter reached Canberra on the morning of 8th May by way of a communiqué from Washington, handed to Prime Minister Curtin while he was actually speaking in the House of Representatives, replying to a question from the Hon. Harold Holt about "rumours of an impressive victory in the Pacific area". Later that day, after he had received a fuller communiqué from the Commander-in-Chief of the Allied forces in the southwest Pacific area, General Douglas MacArthur, Curtin made a brief but memorable speech, in which he said:

> At this moment nobody can tell what the result of the engagement may be. If it should go advantageously, we shall have cause for great gratitude and our position will then be somewhat clearer. But if we should not have the advantages from this battle for which we hope all that confronts us is a sterner ordeal and greater and graver responsibility.

Better than any of his hearers, John Curtin knew and understood the implication of the global situation against which the naval war in the Pacific and the land war in New Guinea were taking place. The key to that global situation was the agreement between Winston Churchill and President Roosevelt upon the "Beat Hitler First" doctrine. That doctrine informed all Allied planning and allocation of resources, from Pearl Harbour on, after Churchill and Roosevelt met in Washington in January 1942. It misrepresents the position of Curtin and the Australian Government to suggest that we opposed the basic doctrine, much less sought to undermine it by insisting on the return of our troops from the Middle East. The agonising decision we made to retain the Ninth Division in North Africa, leading to its decisive role at El Alamein in 1943, is the real measure of Australia's loyalty to the higher Allied strategy - a decision and a sacrifice unique in the annals of war - the maintenance of a third of our most seasoned forces 8,000 miles from home, when the homeland itself was in peril. But what Curtin did insist upon was that the safety and survival of Australia was essential to the achievement of the Allied global strategy. On 13th May he called the Australian external affairs Minister, Dr H. V.

Evatt, who was then in London, instructing him to stress the importance of Australia as a base for the ultimate offensive, and Curtin cabled Evatt to urge the argument with Churchill in these terms:

> If Japan should move in force against Australia and obtain a foothold, as threatened to occur last week with the Coral Sea action, it may be too late to send assistance. Possibly in the long run the territory might be recovered but the country may have been ravished and the people largely decimated. History would gravely indict such a happening to a nation which sacrificed 60,000 of its men on overseas battlefields in the last war and, at its peril, has sent its naval, military and air forces to fight overseas in this one.

It is a matter of historical record that the advocacy of Curtin and Evatt, supporting, and supported by, General MacArthur and Admiral Ernest King, Commander-in-Chief of the United States Fleet, did achieve a vital allocation of resources to the Pacific theatre. By 17th June, 1942, Curtin was able to say in a broadcast to the people of Australia:

> The war against Japan can be won only if Australia is held and if Australia is strong, and if Australia's capacity to strike carries the full punching power that the Australian people and our Allies can accumulate.

It was in that broadcast to the Australian people that Curtin confirmed the importance he attached to the Battle of the Coral Sea. It was, he said, "a merciful deliverance - a deliverance like that of Dunkirk and the Battle of Britain". Such was the strength of Curtin's perceptions and conviction about the significance of the Battle of the Coral Sea. Those perceptions, deeply shared by the Australian people, are part of the reality of our history, in no way diminished by our postwar knowledge that Japan had not planned a full-scale invasion of continental Australia, any more than our postwar knowledge that Hitler had no immediate plans for the full-scale invasion of Britain diminishes the deliverance of Dunkirk or the glory of the Battle of Britain. In the light of the historic and entirely honourable conflict of will between Curtin and Churchill, it is worth noting Churchill's own assessment of the Battle of the Coral Sea. In his war memoirs, Churchill, the greatest Englishman, wrote:

> This encounter had an effect out of proportion to its tactical importance. Strategically, it was a welcome American victory, the first against Japan.
>
> Nothing like it had ever been seen before. It was the first battle at sea in which surface ships never exchanged a shot. It carried the chances of hazards of war to a new pitch. The news blazed around the world with tonic effect, bringing immense relief and encouragement to Australia and New Zealand as well as to the United States. The tactical lessons learnt here at heavy cost were soon applied with outstanding success in the Battle of Midway island, the opening moves of which were now about to begin.

That was Churchill's assessment. Clearly, viewed at every level and from every perspective, the Battle of the Coral Sea was an epic event. We do well to remember it 50 years on. We do well to honour the men who served. We do well to recall the vital part it has played in shaping this nation, whose safety it secured, as the bastion of democracy and the springboard to victory.

Mr W. T. J. MURRAY (Barwon - Deputy Premier, Minister for Public Works and Minister for Roads) [4.40]: I join with the Premier and the Leader of the Opposition in welcoming the opportunity to recognise the tremendous significance to Australia of those fateful hours between the dawn of 7th May, 1942, and the dusk of 8th May, 1942, known to us as the Battle of the Coral Sea. Those hours saw the task forces of

Australian and American ships sail to engage the Japanese invasion force of more than 50 ships. The Allied fleet comprised two carriers, eight cruisers, 12 destroyers, one

support ship, 11 submarines and 141 planes. The Japanese fleet comprised four carriers, nine cruisers, 15 destroyers, 12 transport ships, three gunboats, three oilers, seven submarines and 156 planes, a vastly superior fighting force to that brought together by Australia and the United States. However, the Allied fleet was glorious in turning back the Japanese offensive, the first such reversal for the Japanese in the second world war.

The damage inflicted on the Japanese fleet contributed significantly to the great American victory over the Japanese fleet just weeks laster at Midway. History records these two battles as the turning point in the war in the Pacific. They were not won without cost. As we commemorate the fiftieth anniversary of the Coral Sea battle we honour American, Australian and other Allied servicemen and women who, by their courage and ultimate sacrifice, made this important victory possible. There are many aspects to the Coral Sea battle which history records as significant, but surely the most lasting benefit has been the bond forged between the United States and Australia. America, Australia and our former enemy, Japan, now form important links in the dynamic Asia-Pacific region - the region destined to become a huge and powerful economic force within the world. The co-operation between Australia and America in the Battle of the Coral Sea marked the beginning of the ANZUS Treaty, which was formally established in 1951. The commitment by the United States to an ongoing agreement with Australia means a continued check on potential flashpoints, and aggression in the South-east Asia Pacific region conflict can be the only deterrent to economic growth and prosperity among the countries of the Asia-Pacific region.

As it was 50 years ago, it is today a great comfort to have that lasting friendship and bonds with people of the United States. Despite the triumph of democracy over communism in Europe, we must remind ourselves that four of the world's five remaining communist countries are located in Asia, they being North Korea, Vietnam, Laos and China. Who knows what our fate may have been had not the Japanese been turned back in the Battle of the Coral Sea 50 years ago. It is highly likely that those people who exercise their democratic right to protest about the presence this week in our harbour of the United States ships may have found difficulty in doing so under a different regime. We thank those who came together to preserve the freedom which we have and acknowledge them for their efforts.

Mr NEILLY (Cessnock) [4.43]: I support the motion presented by the Premier to commemorate the fiftieth anniversary of the Coral Sea battle. I also support the remarks made by the Leader of the Opposition and Deputy Premier in relation to this motion. As a prelude to speaking today I examined *Hansard* of this Parliament of 1941 and 1942. Not a great deal of comment was made - which was probably natural in the vein of the day - relevant to Australia's involvement in the war and the war in general. It was mainly about the effort at home. In February 1942 the Leader of the Government and the then Minister for Justice, Mr Reg Downing, referred to the imminence of war which was likely on Australian soil and its impact. He referred to the bombing of Pearl Harbour in December 1941 and the perilous situation of the Dutch and Dutch positions north of Australia. He referred also to the attack on Darwin, suggesting that our allegiance with America - which certainly proved to be most fruitful during the war and after - was something to which we could look forward. At that time the Leader of the Government expressed the belief that Australia could succeed, that our endeavours in war would be fruitful but assistance was needed with our home war effort. I thought back about the Coral Sea battle and noted I was but a few weeks old when it took place. I reflected on those 50 years that have intervened. I, and many others of my vintage, have

been provided with many opportunities in Australia. I thought also of my mother, who is 74 years of age, and the bitterness she still feels towards the Japanese in the aftermath of war. Many people of that same era retain that sense of bitterness.

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I speak with respect of the men who participated in that battle - those who lost their lives, those who returned and died, and those who still remain with us. I speak in memory of my father who, at that time, was a stoker aboard the flagship of Rear Admiral Crace, the HMAS *Australia*. My father had been a mineworker and joined the permanent Navy in May 1939. In September 1939 he was stationed on the HMAS *Australia*, had been overseas and seen battle, initially off Dakar against the Vichy French. As part of the British home fleet he had seen active service when stationed at Scapa Flow and the North Sea. Of late I have read of instances of other persons serving on that same vessel during the same period. I recall reading about the encounters of the HMAS *Australia* during the Coral Sea battle and suggestions that it had been subjected to torpedoing from land-based aircraft. I recall that 19 high level bombers subjected the HMAS *Australia* to extensive bombing attacks. According to newspaper accounts, it was because of the skilful navigation by the captain that the HMAS *Australia* was fortunate not to suffer permanent damage. As a touch of irony, three B17 bombers flying out of Townsville dropped a couple of bombs on the HMAS *Australia* but fortunately their aim was not good. Yesterday I received a letter from a former member of this House, Harry Moore. This is Harry's account of the Coral Sea battle, which is written in his inimitable style. I shall not read it all but he speaks first of Ceylon. He states:

> On the 9th April 1942 the Carrier *Hermes* (which was old, slow and small) was sunk off the East Coast of Ceylon, after 10 bomb hits along with the Destroyer *Vampire* and the Corvette *Hollyhock*, all of who were members of the Eastern Fleet under the Command of Admiral Sir James Somerville, while the Japanese Force was under the Command of Admiral Chuichi Nagumo who had a formidable striking force with five of the six Carriers which had attacked Pearl Harbour, four fast Battleships, two Cruisers and some Destroyers.
>
> One may ask what has the foregoing got to do with the Coral Sea battle. To say the least a great deal.
>
> On the day *Hermes* was sunk, the Americans and Filipinos on Bataan surrendered. The survivors were subjected to a sixty-five mile "Death March" on which they were denied food and water and compelled to march under a boiling sun for long periods being clubbed and bayoneted as they stumbled along.
>
> Bear in mind that in six months the Japanese had established an Asian Region, an Empire of 90,000,000 people from Rabaul to Rangoon and contained 88 per cent of the world's rubber, 54 per cent of its tin, 30 per cent of its rice and the rich oilfields of the East Indies. History reveals that the Far Eastern World rang with their victories when they really did seem invincible. It is said that Nagumo's aircrews returned to Japan in April 42, most of them suffering from victory disease, a very human affliction.

And that is Harry all over. He continued:

> However a change of pace was to take place during the Coral Sea Battle.

Harry's words are spot-on. The change of pace did occur, as has been stated already in this debate. It was a turning point, according to war historians. It is difficult to discern

who won, but certainly that battle diminished the Japanese force for the Battle of Midway, which was the ultimate naval victory in the Pacific. The Battle of the Coral Sea was a turning point which to a great extent saved this nation. I doubt that we can resile from our allegiance to and reliance upon the United States of America. We cannot afford to resile from that position. This is an occasion for fond memories; certainly for me it brings back fond memories of my father, who served as a member of both Houses of this Parliament. It would also bring back memories for those in this Chamber of the people with whom they served and with whom they have strong associations as friends and comrades. They can all be proud that they have assisted this country in its achievements and helped the people of the Pacific region in the intervening period. I support the motion.

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Mr COLLINS (Willoughby - Attorney General, Minister for Consumer Affairs and Minister for Arts) [4.51]: I join with the Premier, Treasurer and Minister for Ethnic Affairs and others who have spoken in support of the motion. If a nation's character is developed through adversity, the early months of 1942 must rate as the greatest character building test ever confronted by the Australian people. From Pearl Harbour, through the fall of Singapore, the disaster of the Battle of the Java Sea, and the defeat of the United States forces in the Philippines, the litany of Allied humiliations was in stark contrast to the invincibility of the Japanese forces. Now, 50 years on, it is easy to forget that in 1942 a successful invasion of Australia seemed inevitable. Darwin was being attacked by the same carrier force that had successfully attacked Pearl Harbour, while Port Moresby was under constant siege from Japanese air strikes launched from northern New Guinea. But Prime Minister Curtin's rallying call to the nation was blunt and to the point. He said:

> However that may be, Australia will, if invaded, fight to the last man and apply the scorched earth policy.

It is against that dark and desperate backdrop that the Battle of the Coral Sea must be measured. To our American allies it was an important prelude to a possible attack on the western coast of the United States of America. To us it was a desperate, last-ditch stand, protecting our families, our homes, and our way of life from hostile takeover. In this hour of peril it was the Australian Navy that destiny chose from among our forces to issue the first check to the ambitions of our foes, and to answer the heartfelt prayers of every Australian man, woman and child. And proudly we were represented in this task by the cruisers *Australia* and *Hobart*. In a joint task force with the American cruiser *Chicago* and destroyers *Perkins*, *Farragut* and *Walker*, their commander - a good Queanbeyan boy - Rear Admiral John Crace was given a simple job. His task: intercept and stop the Japanese Port Moresby invasion force.

History naturally gives the carrier battle the major role in the Battle of the Coral Sea because of its significance as the first aircraft battle in history where two fleets fought without ever sighting each other, and because it proved in the long run to be a significant American strategic victory. It established the supremacy of naval aviation which endures today. But it should not be forgotten that it was Crace's joint task force that forced the Japanese to postpone the invasion of Port Moresby, and effectively halted their advance south. In paying tribute to all the forces involved in the Battle of the Coral Sea I make special mention of Rear Admiral Crace's joint task force, because of its significance to future joint United States-Australian naval operations. Over the period 7th May to 10th May, 1942, the foundations were laid for all of our subsequent joint naval operations, a proud record that stretches from the Battle of Midway, through Korea,

Vietnam, the Gulf War and to this very day when Australian ships sailed in company with the aircraft carrier USS *Independence* from Sydney.

Australia is the only island continent. We are born of the sea. Ships and the Navy itself have always been the mediator between Australia and the world: our first bridge to other countries. As we commemorate the Coral Sea battle, I would like us to recall that not only did that battle effectively signal the end of the Japanese southern advance, thereby guaranteeing Australia's freedom, but also it gave tangible expression to the special relationship that exists between Australia and the United States of America, a relationship born of many common ties of language, family and history, but forged most permanently in the heat of battle. These shared experiences are not lightly cast off. This is a relationship which has endured and flourished and was typified last weekend when hundreds of thousands of Sydney people sought to visit elements of the United

States Seventh Fleet at Garden Island, much as their forebears did in 1908 who flocked to see the first major foreign warship visit by the American Great White Fleet, an incident which I understand the British Foreign Office did not appreciate at the time because it was the first truly independent foreign affairs decision taken by the infant nation of Australia. The warmth and camaraderie that surround the fiftieth commemoration of the Battle of the Coral Sea demonstrate the deep and growing bonds between the Australian and American peoples. It is therefore most fitting that this House should pay tribute today to all of those who took part in that epic conflict half a century ago. I support the motion.

Mr McMANUS (Bulli) [4.56]: I support the Premier, Treasurer and Minister for Ethnic Affairs, the Leader of the Opposition and others who have spoken to this motion on the commemoration of the fiftieth anniversary of the Battle of the Coral Sea. Only two years ago on 5th April, 1990, I had the privilege, honour and humility of being able to stand in this House and acknowledge the commemoration of Anzac Day. On that day, as today, we were humbled - and that is not always the case in this House - by those present in the gallery. I acknowledge that presence today and our humility in respect of those who have joined with us in this commemoration. The Battle of the Coral Sea was one of three major naval battles that took place 50 years ago. It occurred between 5th May and 8th May, 1942. The other two battles were the Battle of Midway of June 1942 and the Battle of Guadalcanal of November that year. Those who read the history of wars, and in particular this battle, know of the conjecture as to whether the Japanese really intended to attack Australia. When one reads of that history and considers the conjecture one is left in no doubt that, if it were not the intent of the Japanese to attack this country, with the fall of Port Moresby it would have been inevitable that they would have moved into this nation. The Battle of the Coral Sea repelled the Japanese forcibly from the Port Moresby region. That ultimately led to their total ejection from the region and inevitably their downfall. Today we recall, as we did two years ago, the men and women who served to protect our country. As a former Vietnam veteran, and I might say with extreme pride today a former naval person - as my colleague the honourable member for Bathurst readily acknowledges - I welcome the presence of former naval persons in the Chamber. As a Parliament we appreciate the work they did. Personally, as a parent I appreciate what they did to give me the freedom I enjoy today and no doubt that my children will enjoy for many years to come.

On 5th April, 1990, we spoke about the reasons for wars, the non-glorification of war; we acknowledged that it had happened and looked with fear to its happening again. It has happened again and again, in your time and in my time. I wonder, as I get older, how long it will be and how often war will happen before we start to realise that must change. It can only change, honourable members, when we, the legislators of this

country, and when others similarly placed in other countries understand that we must talk and continue to talk until we learn that war is not the be-all and end-all. This is important, extremely important for our future, for the lives of our children, for the sake of our world that we find the answers and do so quickly. In earlier days the strength of navies may have coerced negotiation by countries at war but in the present day missiles like Polaris leave not much chance of missing the enemy, and the coercing strength of navies becomes diminished. This makes it all the more important that we, as legislators, ensure the safety of our future. In closing, I acknowledge, as I did before, those who served and those who died. It is important that we continue to recognise those who have died for us and for our country. Lest we forget.

Motion agreed to.

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DEATH OF FREDERICK JOSEPH MILLER, A FORMER MEMBER OF THE LEGISLATIVE ASSEMBLY

Mr GREINER (Ku-ring-gai - Premier, Treasurer and Minister for Ethnic Affairs) [5.1]: I move:

> That this House extends to Mrs Miller and family the deep sympathy of members of the Legislative Assembly in the loss sustained by the death of Frederick Joseph Miller, a former member of this House.

It is with regret that I rise to move this condolence motion to mark the passing of Fred Miller, the former member for Bligh, and to offer on behalf of the House my deepest sympathy to his wife Phyllis and his family. It is a sad irony following the passing of Pat Hills last week that another former member of the House, with so deep an attachment to the inner city of Sydney, should pass away at the same time. Fred Miller lived in Surry Hills all his life, from his birth in 1926 until his death last Friday. His long record of public and community service is certainly a testimony to his great love of the area and his dedication to its people. His original career was as a plumber but his desire to serve his local community saw him become active in politics, joining the Surry Hills branch of the Australian Labor Party and serving as its secretary for 13 years. From there he rose to the positions of secretary of Phillip Federal Electorate Council and then president of East Sydney FEC and Sydney FEC. He was also a member of the Australian Labor Party central executive for nine years. He had long associations with local government as an employee and alderman of the Council of the City of Sydney and as an employee of South Sydney Council.

In 1981 he reached his ultimate ambition of local community service, being elected as the member for Bligh and holding the seat for the Australian Labor Party until 1984. As member for Bligh and throughout his life Fred Miller was a tireless worker and advocate for the particular causes and issues that are important to the people of his inner city region. These included development - he served as chairman and co-ordinator of the first urban development committee - the needs of the aged and underprivileged people; youth problems; conservation; child care; and homosexual law reform. After leaving the Parliament he served as co-ordinator of the police gay liaison unit and in that capacity did an excellent job promoting greater tolerance, education and understanding throughout the inner city community. Fred Miller had a deep love of the area in which he was born, grew up and served the public. He understood its people and its complex and diverse problems. He was able to do a great deal of good over many years to improve the well-being of an historic and unique area of the city of Sydney. For this he certainly

deserves the honour and the appreciation of the House.

Mr CARR (Maroubra - Leader of the Opposition) [5.4]: I second the motion and join the Premier in this condolence motion to the family of the late Fred Miller. In the files I secured a quote from Fred Miller about growing up in Surry Hills. He said:

> When we were kids the key was never out of the door. If anyone ever got sick my aunt was one of the people who would take the hat around and the neighbours would drop in their threepences and their sixpences.

That is a symbol of the kind of Surry Hills in which he grew up. He was a product of the inner city and knew first hand the problems of poverty and deprivation. It is interesting to note that probably the only time Neville Wran lived in a Labor electorate after leaving Balmain was when Fred Miller represented the seat of Bligh and the electorate of Woollahra had a Labor member. I did not doorknock Woollahra for Fred

Miller, but I doorknocked Paddington and I can assure you that it was hard going. It could not be seen as a natural Labor constituency. But he did very well, given the diversity of the electorate and the difficulty it presented to the Labor Party. It was an electorate which he described in his maiden speech, on 10th November, 1981, as incorporating Darling Point, Double Bay, Edgecliff, Woollahra, Kings Cross, Elizabeth Bay, Darlinghurst, Woolloomooloo, Surry Hills and Redfern. In that maiden speech he spoke about issues which still are fairly contemporary: youth refuges, youth programs in Kings Cross, apprenticeship training for the young, welfare housing and hospital policy.

It is worth noting that Fred Miller was an advocate of including discrimination against homosexuals in the anti-discrimination legislation. I am told that his influence was decisive in having it so included. Although he was defeated in the 1984 election he advocated decriminalisation legislation that was introduced, from recollection, after 1984. It was noted in one profile of Fred Miller that dissolving prejudices was his speciality, because after his defeat this former Sydney council alderman, this former plumber, this former inspector for the Sydney City Council, went on to work at changing police attitudes to homosexuals, working in the gay liaison unit for the police force. It was an unlikely role for a former representative of an inner city working class community to occupy. Fred said on one occasion that his father would be astonished to find him in such a job. From all accounts he fulfilled it to distinction, enhancing police relationships with an important part of the inner city community.

For someone who, I suppose, entered politics 30 years or more before - elected to Parliament in 1981 as a representative for the inner city working class, the Labor Party of Eddie Ward - he ended up very much part of a different society, working for toleration and working for anti-discrimination. All my colleagues join with me in extending our condolences to Fred's wife, Phyllis, to his daughters, Barbara, Lorraine, Kerry and Deborah, and to the other members of his family. He was a workhorse for the Labor Party, one who distinguished himself by winning a very difficult seat and coming close to retaining it, in losing it by 655 votes. He served his party well. He served the cause with which he had always identified. We mourn the passing of a genuine representative of the inner city working class, Fred Miller.

Mr W. T. J. MURRAY (Barwon - Deputy Premier, Minister for Public Works and Minister for Roads) [5.9]: I would like to join with the Premier and the Leader of the Opposition in the condolence motion for Fred Miller. I did not know Mr Miller very well but I did know that he was a quiet, personable and caring man. As the member for Bligh between 1981 and 1984 he related closely to the community in which he was

raised. In trying to deal with the many problems that inevitably existed within that community he did all he could in this House. His speeches were directed to that area, as would be those of a quiet and caring man.

Fred Miller entered State politics relatively late in life but had served on Sydney City Council between 1969 and 1974 and, therefore, had a strong preparation for political life. After all, there were many days of turmoil in the council at that time. As the member for Bligh he was well known to the electorate. He was brought up in that area and lived there in later life. When I was a child it was known to be a very tough area. However, that is rapidly changing and it is now recognised as an area of quietness, with caring people. Fred took on a somewhat difficult role, defending the rights of the gay community, and he returned to that role after losing his seat in 1984. On behalf of my colleagues in the National Party I extend deepest sympathy to Mrs Miller and to her daughters.

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Mr E. T. PAGE (Coogee) [5.11]: I support the motion. I knew Fred Miller for more than 25 years and I knew him as a man of excellent character. He gave the impression of being a tough person but was a man of great sensitivity and in many ways was shy. One characteristic was his tremendous loyalty to his family. Obviously that came from the tribal spirit of the Surry Hills in which he grew up. He had an extended family and we have all heard the story of the key in the door. Fred was a great family man. He was a person who, having identified what was worth while in life, became completely involved in a cause. He was virtually a lifetime member of the Australian Labor Party, in which he had a strong belief. He loved the suburb in which he lived. He worked in and loved local government. He became an alderman on the city council. Unfortunately I believe that it was too late in his life that he became a member of this House.

Both Fred Miller's elections were significant. First he won a very difficult seat, one that many other candidates would not have been successful in winning. I recall that when he lost the seat he had probably the lowest swing against him of any sitting Labor member who lost a seat. He was a good local member. He identified with his electorate. He saw the injustice involved with society's view about the gay community and he worked as the local member to overcome those difficulties, to establish rapport with, and to remove criminal sanctions against, people in the gay community. He followed up that matter when he was appointed to a position within the Police Service as a liaison officer. I hope that no one accuses Fred of being given a job for the boys. In that position he provided great service to the community.

Today's funeral was a wonderful tribute to Fred Miller. The church was packed; there must have been 450 people there from all walks of life. I noticed among the mourners Lionel Bowen, a former Deputy Prime Minister, as well as other members of this Parliament and a swag of friends of Fred and the family. A very moving eulogy was delivered by one of his sons-in-law, Tony Moses. That eulogy summed up the view of Fred by someone who had come into the family, established a relationship with him and become a firm friend. I extend my sympathy to Phyll and the girls, who were extremely upset at the funeral today. It is a measure of the man that he gave them so much that, now he has gone, they realise what they are missing. I am pleased to support the condolence motion.

Mr YABSLEY (Vaucluse - Minister for State Development and Minister for Tourism) [5.15]: I wish to place on record my sympathy for the family of Fred Miller. I

knew Fred on the political battlefield of the inner city in the electorate of Bligh, going back to 1981 and 1984. In 1981 Fred Miller won the seat of Bligh from John Barraclough, the incumbent who had held it for about 14 years. It was said of the seat of Bligh that it is was a Labor seat held by a Liberal, but could be won by an Independent. How true that turned out to be. Through the various encounters and exchanges Fred and I had around the electorate of Bligh in 1984 when I won the seat, debating lively issues at the time such as Juniper Hall, the flow of traffic on Ocean Street - still current issues - it was always a clean campaign. I remember Fred as a gentle person but as a formidable opponent, someone who knew the inner city like the back of his hand. Surry Hills was his stamping ground. The many sessions of the Surry Hills fair at the Shannon Reserve are memories I will hold dear of Fred Miller. He made a contribution at another level on the question of homosexual law reform and created a backdrop against which there is now a more intelligent and mature debate on that subject. I salute his contribution to both public life at a local and State Government level, and I extend my profound sympathy to Mrs Miller and to her family.

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Ms NORI (Port Jackson) [5.17]: I will be brief in my remarks. I cannot begin to say how sad I am today because it is sad indeed to have to stand in this place twice in a week to remember two Surry Hills boys. To make matters worse, two other people who were members of the Australian Labor Party of the same vintage as Fred Miller and Pat Hills have passed away in the last week. I first met Fred Miller in 1974-75 when I moved into the inner city and became active on Pat Hills' State electorate council. Fred was the secretary. Somewhere down the track I became the treasurer of the State Electorate Council and Fred was happy with me as treasurer. When the election came around for office-bearers I said to Fred: "Fred, do you really want me to continue being treasurer? All you ask me to do is to sign cheques occasionally". He said: "That is fine. That is the way I want it, Sand". He used to call me Sand. He was a true Surry Hills boy. He knew the area and represented the community and all it stood for.

Today at Fred's funeral I heard that his first political involvement was at the age of 10 when someone set up shop outside the local school selling lollies. The local shopkeeper jacked up because it was taking business away from him. Apparently Fred organised the local kids into a bit of a strike and boarded up the shopkeeper until the lolly seller came back. That is the true Surry Hills spirit. That is the sort of bloke that Fred Miller was. He had an active involvement in the union movement. He was a member of the Sydney City Council. I remember him most for the meetings in the funny little room at Redfern Town Hall and also for meetings at the Sydney Labor Club of which he was a founding member. There is a lot of Labor history in that club. Fred liked the Labor Club, and so did his brother-in-law, Len Devine, a former member of Federal Parliament.

Fred was always supportive and encouraging of young people in the Labor Party - people like Robert Tickner, a Federal member of Parliament and Minister. Robert Tickner cut his political teeth in the Surry Hills area with the blessing, support, advice and counsel of Fred Miller. I, too, received a lot of encouragement from Fred. In the days of my preselection he accompanied me in my door knocking and introduced me to voters that were known only to him. He was a terrific bloke. One had only to ask him to do something and he willingly obliged. It might sound trite - I do not mean it to - but Fred was a lovely bloke. The world would be a better place if we had more Fred Millers.

Ms MOORE (Bligh) [5.21]: I was sad to learn of the death of Fred Miller. It is appropriate that his obituary in the *Sydney Morning Herald* this morning was entitled

"Supporter of Gay Rights". Fred Miller was an old style inner city Labor representative who lived in Surry Hills with his wife Phyllis and his four daughters. The Surry Hills community will view his death with sadness as he was very popular. Earlier the Leader of the Opposition recited a story about a key being left Fred Miller's mother's household door. That story described a community different from the inner city community of today - a community that has to have anti-violence committees and Neighbourhood Watch. The Surry Hills which Fred knew and grew up in and which was referred to today by the Leader of the Opposition can be seen in the Sam Hood art exhibition and photographic exhibition at the Art Gallery. The old inner city area that Fred knew so well is vividly portrayed at those exhibitions. I agree with the honourable member for Port Jackson: the death of Fred Miller and the death of Pat Hills marks the passing of an era - an era important for the inner city Labor league and the Australian Labor Party movement. The Surry Hills branch of the Labor Party and the Sydney Labor Club will deeply mourn Fred's passing. I pay tribute to Fred Miller's contribution to the gay community in the inner city.

Given that he was a father of four in the old style Catholic tradition, it is significant that way back in 1981 he publicly supported an important minority group. He probably led the way in the recognition of a community which at present is still fighting for its rights. I would like to relate a short mardi gras anecdote about Fred - one which he would have liked me to relate at this time. Some years ago I was standing with Fred Miller and his wife Phyllis in the mardi gras viewing room looking out at the wonderful spectacle beneath us. A wonderful apparition in red satin and high heels with great legs and a great hairdo saw us standing there and gave Fred a big wave. Fred greeted this person and said, "That is George who lives next door". That recognition of one of Fred's neighbours done up in his best and celebrating an important event such as the mardi gras really summed up Fred's warmth. That anecdote reflects the mix, the diversity, the tolerance and sense of fun that exists in my electorate. Fred, in his own way, made an important contribution. He will be missed and mourned by his friends, by the Surry Hills community and, in particular, by his wife and daughters. On behalf of the people of Bligh I extend to them my condolences and sympathy at this sad time.

Mr FACE (Charlestown) [5.24]: I met Fred Miller at the Sydney Labor Club, of which he was the foundation president and a life member. I met him on other occasions, as did most Labor Party people, but I did not really get to know him until he became a member of Parliament. I immediately warmed to Fred Miller because he and I had something in common - we both had been involved in the plumbing industry, although he was involved for many years more than I was. I learned only in the latter part of last week that that trade probably brought about Fred's early demise. As a young apprentice in the trade had to work with asbestos when installing hot water pipes, boilers and the like. Only now are we seeing the effects of asbestos on people who worked in that industry. However, Fred was subjected to work with asbestos more than most people in that industry. Fred made a significant contribution to the gay liaison unit. I know that various members of the police force were sceptical about this. Fred, in his own imitable way, rolled with the punches and, after a lot of opposition, won through. The service at St Mary's Catholic church this morning was a fitting tribute to a great son of Surry Hills. Last week we saw the demise of his friend Pat Hills. I offer my condolences to Fred's wife Phyllis and to his four daughters. Fred's feelings for his beloved Surry Hills was encapsulated in many of his contributions to debate and certainly in his maiden speech. He was reported in the *Sydney Morning Herald* of 27th December, 1983, as saying:

> For me the place has always been a breath of colour in a world gone uniform and bland.

I for one would never want to live and work anywhere else.

Mr WHELAN (Ashfield) [5.27]: I concur with what previous speakers have said in this condolence motion. The Deputy Leader of the Opposition summed it up well when he said that Fred Miller was a caring man. If Fred were here today he would be overawed by all these tributes. I am sure he would have been embarrassed, in the nice sense, by the remarks made by his successor, the Minister for State Development and Minister for Tourism and by the honourable member for Bligh, who spoke so well of a man who represented his constituents. Fred Miller was Labor to the bootstraps. He provided such great comfort to the people of Surry Hills that it won him a seat in Parliament. He will be sadly missed by his colleagues in the Australian Labor Party. I and my family express our deep sympathy to his wife and daughters.

Mr ROGAN (East Hills) [5.28]: I concur with the sentiments expressed by the Premier, Treasurer and Minister for Ethnic Affairs, the Leader of the Opposition and other speakers in this sad condolence motion. Fred Miller, a former member of this

House, was a friend and colleague to many members, a number of whom are still here. I could not claim to be Fred's close, personal friend but I got to know him well as he was a member of the prostitution committee of which I was chairman. To this day I do not know what I did to upset the then Premier to deserve being made chairman of such a committee. In 1984, when Fred lost his seat, the honourable member for Drummoyne became a member of the committee, which brought down its report in 1986. The membership of that committee included people from all parties. Members of a committee get to know fellow members more closely than just as acquaintances and as colleagues in this House because inevitably they spend more time together. It is during this time they get to know people a little better than they do during their parliamentary duties and as members of the House. It was then I came to know the real Fred Miller, whose spirit and character have been encapsulated within the remarks contained from both sides of the Chamber: he was quiet and caring but nevertheless made a very significant contribution to the people of his electorate. The honourable member for Liverpool, a former Minister for Police, actually appointed Fred Miller as liaison officer for the homosexual unit within the police force. There again he showed his great compassion. I am delighted time has permitted me to share memories with other members and offer our condolences to Mrs Miller, her daughters and the family.

Members and officers of the House standing in their places,

Motion agreed to.

PRIVATE MEMBERS' STATEMENTS

ROUTE 19

Mr COCHRAN (Monaro) [5.30]: On behalf of the residents of the Monaro electorate, particularly those in the Bombala shire and the small village of Cathcart located between Bombala and Pambula, I raise an issue of concern expressed to me relating to the future of Route 19, which links Pambula, Cathcart and Bombala. This road is of extreme importance to the future development of Cathcart, Pambula and the Wyndham area, the future development and relationship of Bombala with tourism, and the future development of local forest industries. In recent discussions with the Bombala Shire Council I received the message from the council that the timber industry in particular was in dire need of the upgrading of this road for the safety of truckdrivers who

use it on a regular basis and also to provide a direct link between Bombala and the coastal areas of Pambula, Merimbula and Eden. The shire president, John Baldwin, the shire engineer and others expressed their delight at the fact that the 3x3 road funding program of this Government had enabled upgrading of some 10 kilometres of this road.

It is to the credit of the former member and now the current honourable member for Bega, Russell Smith, that the early stages of the road between Wyndham and Pambula were upgraded and made considerably safer for the school buses and motorists travelling between Pambula and Wyndham. I ask the Minister for Natural Resources to approach the Deputy Premier, Minister for Public Works and Minister for Roads, Mr Murray, and ask him in his forthcoming visit to the Bombala and Eden areas to discuss with the Bombala Shire Council the future funding arrangements for Route 19. This would provide some optimism for the future development of that road and assist the tourist industry transport facilities between those centres. I have had discussions with residents of the Wyndham village and have enjoyed the conviviality of the publican, landholders

and surrounding residents of the Wyndham area in the Robbie Burns Hotel on some late nights. On every instance I have been to the hotel Route 19 is discussed and I have been asked to relay to the Deputy Premier the extreme concerns for the future prospective development of this road connecting Bombala and Pambula.

Residents who travel along the road have expressed their gratitude for the work undertaken by the Bombala and Bega Valley shires which has improved the standard of the road. It is a most difficult area to traverse; it has relatively high rainfall compared with the rest of the Monaro, and road suffers from subsidence and erosion. The need for ongoing maintenance is absorbing a large part of funds constantly made available by the council and Federal and State governments. I would ask the Minister to inform the Deputy Premier when in the area from 13th to 15th May to listen carefully to the shire engineer, the shire president John Baldwin and his councillors when they ask for an increase in funding for that area. This particular road is of vital importance to both Bombala and Bega Valley shires.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [5.35]: I commend the honourable member for Monaro on his plea for his constituents in relation to Route 19. His close association with the Deputy Premier will ensure a visit to his electorate where the needs of the constituency will be heard. I do not think I should pass up the opportunity to discuss some of our problems with these types of roads. I noted today in questions the Opposition raised the issue of the toll that might be on the freeway to the western suburbs and Labor's assertion that it will abolish that particular toll. It follows as clearly as night follows day if that particular toll is removed from the money for roadworks - particularly on country roads - that will exacerbate the problems we have already seen in constituencies like Monaro. We have to highlight yet again the fact the Federal Government collects approximately 22.5 cents a litre.

Mr Cochran: Six billion.

Mr CAUSLEY: Six billion dollars a year is collected in Federal taxes, the honourable member for Monaro reminds me. None of that is spent on roads. Rural roads, of course, are the responsibility of the Federal Government, which is doing precious little to help shires such as Bombala and Bega Valley. The concerns mentioned here are valid concerns and will certainly be raised with the Deputy Premier.

ILLAWARRA COAL TRAINS

Mr SULLIVAN (Wollongong) [5.38]: I raise a matter of concern to constituents in the Wollongong electorate relating to the manning of coal trains that come down the Illawarra line from the city to the inner harbour at Port Kembla. Until March this year the changeover of crews between empty and loaded coal trains running between Enfield from the western coalfields and Port Kembla inner harbour, negotiated between the AFULE and the State Rail Authority, had worked successfully for many years. The changeover of crew took place wherever a loaded train coming down and an empty train going up passed each other. The crews would swap trains and return to their original points of departure. At the beginning of March 1992 the State Rail Authority, following a unilateral decision taken without consultation with the rail unions, placed notices in depots informing crews that the practice was to cease forthwith. The only general information that crews and union members were able to obtain was that the decision was taken by the Minister, not by the State Rail Authority.

The current practice with no changeover is that crews from Enfield now take loaded coal trains right through to Port Kembla inner harbour. Conversely, crews from Port Kembla take empty coal trains right through to Enfield. The Enfield crews returning to Enfield either wait for their train to be unloaded at Port Kembla, which takes a considerable time, or wait for a passenger train. The Port Kembla crews return to Port Kembla from Enfield by passenger train. Both Port Kembla and Enfield crews are away from their depots for many more hours than used to be the case. In some instances, extra crews have had to be rostered to provide relief for the transport of coal. Before the change-over system was put in place the round trip for both Port Kembla and Enfield crews would take approximately seven or eight hours; after it was put in place the round trip took up to 16 hours. It is therefore much more costly. The State Rail Authority is paying for up to eight hours of unproductive time each trip for each crew member - at overtime rates.

Port Kembla crews are being financially disadvantaged because they no longer have access to a $55 bonus payable to each crew member after having worked for four hours on a loaded coal train. Enfield crews, on the other hand, have more access to the bonus because they drive the loaded coal trains all the way to Port Kembla. Previously, both crews had roughly similar access to the bonus. Information obtained indicates that a Loftus resident wrote to the Minister for Transport complaining about the noise of coal trains on the down journey from Enfield when these trains were placed in the Sutherland crossing sidings near Loftus station. The resident maintained that this was caused by trains stopping for crews to change trains. However, the trains do not stop there to change crews. No crews have changed there for years. A ban was placed on crews changing at that point because the crews had to cross two sets of lines to get from one train to the other.

Loaded coal trains stop in these sidings to wait their turn to go through to Waterfall, where one or two locomotives are detached from the train. For example, loaded coal trains conveying 31 loaded wagons require four 86-class electric locomotives or three 81-class diesel locomotives to haul the load to Waterfall. Two electric locomotives are or one diesel locomotive is then removed at Waterfall as only two locomotives are required to haul the load to the inner harbour. The noise of squealing brakes, et cetera, at Loftus is caused by empty coal trains approaching Loftus station from the south. This station is on a fairly steep gradient - about 1 in 47. The station also has signals at the Sydney end of the platform where the Cronulla line joins the main line. All trains have to stop at these signals. The conclusion that can be reached is that if the decision to ban changeovers was made to rectify the problem highlighted by the Loftus

resident then the problem has not been rectified. All that has changed is the cost to the SRA and also the disadvantage to the Port Kembla locomotive crews. It is expensive and wasteful to make crews spend up to eight hours per trip in unproductive time. I ask the Minister to seek the assistance of the Minister for Transport to have put in place the original agreement under which the trains were able to - [*Time expired*.]

Mr CAUSLEY (Clarence - Minister for Natural Resources) [5.43]: I have to say that I do not know very much about the matter raised by the honourable member for Wollongong, but I shall certainly refer the matter to the Minister for Transport for his reply to the honourable member.

CEDAR PLACE HOSTEL

Mr JEFFERY (Oxley) [5.44]: I wish to speak on a matter of great importance in the Oxley electorate concerning the withdrawal of promised assistance for the management committee of Cedar Place Hostel for the Aged at Kempsey. It is absolutely

necessary to give a chronology of this appalling saga. A $46,000 grant, which was announced by the Minister for Health and Community Services, the Federal health Minister Staples and I, was indian-given and has been taken away. An application was originally sought on 8th April, 1991, following my advice that funds could be available. On 3rd May, 1991, the then Minister Robert Webster wrote advising that a final determination on the pilot project would be made within two weeks. On 27th August, 1991, Mr W. McDonald, director of the hostel and care program, wrote to the Macleay Senior Citizens Homes Committee with a conditional offer of assistance. On 5th December, 1991, a letter was received from J. R. Gibb and Company, solicitors, advising of the legal costs of $1,053.50 incurred in the drawing up of the agreement and mortgage documents, a cost which was paid by the Cedar Place committee. On 6th January, 1992, a letter was received from Ann Vidler, senior co-ordinator of hostel care, stating that the capital subsidy deed had been signed by the Homecare Service.

I have seen the letter wherein she stated that the program's solicitor was also in receipt of the mortgage documentation leaving only the stamping and registration to be completed. She also stated that before the capital subsidy can be made available the program requires current audited accounts, et cetera. Honourable members would appreciate that the tone of this letter and numerous phone conversations had always indicated that the $46,000 would be forthcoming. The Minister and I and everyone else mentioned that grant three times. The grant was reported three times in the newspapers and now it has been taken away.

Mr Causley: Now it has had four runs.

Mr JEFFERY: This is the fourth run and that is unbelievable. I assure honourable members that the next time this matter is raised I will not be nice. I am absolutely embarrassed. I do not make promises of grants only to see them taken back. I am absolutely appalled. Further, on 13th January, 1992, a letter from the solicitors stated that they were in a position to stamp the capital subsidy deed and the mortgage and requested that the $1,053.50 be paid. Finally, on 28th January, 1982, Mr McDonald, the director, asked for up-to-date financial details before a capital subsidy could be advanced. Why did the department go to the trouble of preparing the legal documents at a large cost to the committee if it had not already accepted that Cedar Place was eligible? Also, under the guidelines, the grant of $46,000 could only be used for capital expenditure. Mr Wade Souttar, the original project officer, suggested holding payment of accounts so that it could be justified that the money had been spent for that purpose. They were

misled.

Kempsey is a wonderful country community that supports these admirable endeavours. Rotary and other community organisations raised this enormous amount of money. The committee did not want to jeopardise its credit rating by delaying payment of accounts, so money was released from the loan funds by the Kempsey Shire Council. Mr Bill McDonald gave verbal approval to do so and indicated that it would not jeopardise the grant. I repeat: Mr McDonald said it would not jeopardise the grant. The Macleay Senior Citizens Homes Committee, trading as Cedar Place Hostel, still owes a debt to council of $130,000. All the discussions with the project officer and Mr McDonald as well as with hostel and care staff always gave the impression that this grant money would be forthcoming. Though the hostel's position at the moment is quite sound, due to the wonderful community effort at Kempsey - a group has to go broke to get assistance, and if it is successful, that assistance is taken away - Mr Bill McDonald indicated that history shows that a 17-place hostel cannot be viable.

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The committee is concerned that, as some of the higher entry fee residents leave, they may not be able to replace them with a similar higher-paying person. It should be noted that this could be very difficult in six months time when another hostel opens with 40 additional places at Vincent Court. I ask the Minister to fully investigate this appalling saga. To promise funds and then withdraw them after many months of negotiation and preparation of documentation is to have the rug pulled out from under one's feet and, as far as I am concerned, is totally unacceptable. I want the Minister to investigate this matter as a matter of urgency. The dedicated Macleay Senior Citizens Homes Committee is justifiably angry and disappointed, as I am. They deserve a better deal than this shabby treatment from a heartless department. I ask the Minister to take up this matter with his colleague in the other place, the Minister for Health and Community Services, and have this matter investigated as a matter of urgency.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [5.49]: It is obvious that the Minister for Health and Community Services is well aware of the reputation of the honourable member for Oxley. I have a short note that the Minister would like me to read:

> The Hostel & Care Program was established in February 1991 to provide assistance to community based organisations to help them meet shortfalls with their hostel projects in the areas of expertise, finance and land.
>
> The purpose of the State's financial assistance is to help in financing the cost of construction and completion of a viable Hostel development, with the Hostel and Care Program focus being on lower to middle income older people.
>
> The approved amounts of financial assistance may be available to projects throughout their development on a needs basis to facilitate the completion of a viable project.
>
> In August 1991 an offer of financial assistance was made under the Program to Macleay Senior Citizens Homes Committee Incorporated for the Cedar Place Hostel and approved under the Program's guidelines. It followed the joint Commonwealth/State press release which made a general announcement of funds allocated under the August round of the Program and the subsequent press release referred to by the Member for Oxley.
>
> * In keeping with the Program's guidelines, the offer of assistance and subsequent legal

documentation negotiated with Cedar Place were quite specific about funding being available only as required. This provision would be based upon the outcomes of ongoing financial assessments of the project and the extent of need.

* The Committee of Cedar Place are to be congratulated in completing the project and generating a surplus in the order of $300,000.

* In light of the success of the project, however, it is clear that the Program's funds are not required to establish the viability of this project. Accordingly, in keeping with the Program's guidelines, and the terms of the legal agreement between the Home Care Service and the Macleay Senior Citizens Homes Committee Incorporated no capital subsidy monies are due to be paid.

* These funds originally set aside for this proposal will now be reallocated to other projects where a greater need exists.

Other projects are aware of the conditional nature of the offer of financial assistance, including two others on the mid north coast offered assistance under the Program. They understand that if they achieve a project surplus over and above a certain level they may not be eligible to receive the full amount of the initial approved funds.

A further two projects in rural New South Wales have recently drawn down the full amount of approved capital subsidy funds. However, payment of these funds was required to enable the groups to achieve a viable project.

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* I recognise that, given the general nature of the press release, and its subsequent interpretation by the local press, some members of the community may have held certain expectations regarding the funding being available regardless of the Program's guidelines and the ultimate need for that funding upon completion of the project. However, these guidelines were explained to the Cedar Place Committee both verbally and in the letter of offer, and then confirmed in the subsequent legal agreement.

* Steps have been taken to ensure that the potential for a misunderstanding to arise will not occur in the future, including -

A More specific advice will be provided in the main Press Release on any future funding rounds, to be issued in consultation with the Commonwealth Minister for Aged, Family & Community Services.

B Detailed information will be prepared by Program staff for issue to the local community on each project at the time of the main press statement.

WATERLOO INCINERATOR

Mrs GRUSOVIN (Heffron) [5.51]: I raise a matter of deep concern to my constituents in the seat of Heffron and to those who live in the South Sydney area in close proximity to the Waterloo incinerator. Continued operation of that incinerator is of grave concern to me and to those people affected by its continued operation. I want to place on the record the information contained in the stage 3 report of Maunsell Pty Limited provided to the Waverley and Woollahra councils with regard to the future of the plant. That report in its executive summary states that continued operation of this plant will require upgraded emission controls, which it is estimated could cost anywhere

between $15 million and $40 million depending on whether nitrogen oxide standards are difficult to achieve. The report makes it plain that there have been recent changes to world thinking on standards for municipal incinerator emissions. The report stated:

> . . . it would not be acceptable for the Waverley Woollahra process plant to continue to operate as it is.

The report indicates further that discussions with the State Pollution Control Commission to date have indicated that it favours adopting the current German emission standards because they represent the most stringent of world standards for scheduled incinerators. It is understood that with the possible exception of hospital incinerators the Waverley-Woollahra incinerator, situated in Waterloo, is the only scheduled incinerator in New South Wales. The Minister has been shirking his responsibility in this matter. I attended a meeting in April at the Waverley council chambers in concert with the other concerned councils. They feel that they are getting very little support from the Minister and this Government in solving this problem. I can quote from correspondence from the office of the Minister for the Environment written as long ago as September 1990. The letter stated:

> The commission will be requiring corresponding improvements at the Waverley-Woollahra facility if it is to continue operating.
>
> . . . the commission has agreed to the facility continuing to operate, but is requiring that a performance improvement and emission testing program can be implemented by the operator councils acting in liaison with the Waste Management Authority.

I have just placed on the record the latest report provided by those councils concerning the unsatisfactory continuing operation with these standards. It is a grave dilemma for the councils concerned, which are looking at a cost of $15 million to $40 million to bring the plant up to acceptable standards. The councils are faced with the problem of financing those improvements. But it goes further than that. In the past months the Premier has talked to the media about the Government's commitment to urban

consolidation. He nominated the northern boundary of Sydney (Kingsford-Smith) Airport to the southern end of the central business district - which I assume would be around Central railway station - as an area in which 100,000 people could be situated in the near future. That is precisely the area adversely affected by the incinerator. I found it somewhat ironic that at the time the Premier was making public statements he was also most supportive of a third runway. I wonder whether 100,000 people would wish to place themselves under the flight path of planes using a third runway and in an area that has an unsatisfactory pollution problem. The alternative Labor Government has a policy. It will work with local councils that dispose of waste at the Waterloo incinerator to seek alternative waste control methods. That will be done to facilitate the closure of the Waterloo incinerator. Honourable members have heard too much waffle from the Minister for the Environment talking about waste recycling and all the things being done overseas. It is about time that the Minister and the Government got serious and did something practical to ensure that the people of New South Wales can enjoy the use of technology that is working extremely well in overseas countries. [*Time expired*.]

Mr CAUSLEY (Clarence - Minister for Natural Resources) [5.56]: I am always amazed at the hypocrisy of the honourable member for Heffron. This is another instance of not wanting airports, incinerators, or anything else. I should like to know what will take their place. I live in Surry Hills. I think it is a very nice place. I will refer the honourable member's concerns to the Minister for the Environment. I am sure he is on

top of developments overseas and what New South Wales will do. The former Labor Government had 12 years in which to do something, but it did nothing. The Government is trying to overcome pollution.

UNIVERSITY OF NEW ENGLAND, COFFS HARBOUR CAMPUS

Mr FRASER (Coffs Harbour) [5.57]: I bring to the attention of the Minister for Natural Resources and the House a decision made last Friday on the future of university education in Coffs Harbour. The House may not be aware that three years ago the University of New England set up a campus in Coffs Harbour in order to bring tertiary education to the people on the North Coast who had not previously had that privilege. In the past they had to send their children to Newcastle, Sydney, Wollongong or Brisbane to gain a tertiary education. Through the foresight of many people in Coffs Harbour and Alderman Marnie Yates, whom the Minister knows well, a proposition was put to the university in Armidale to establish a campus at Coffs Harbour. It took a fair bit of time and long talks, but eventually a campus was established. This year 30-odd students graduated in Coffs Harbour with degrees in economics or business accountancy. The campus has been a great success. Unfortunately, on Friday the board of governors decided to divorce themselves from both the Lismore university campus and the Coffs Harbour campus. That is totally unacceptable to the people of Lismore, Coffs Harbour and the whole of the North Coast. The future of Coffs Harbour university campus now hangs in the balance.

The Government, through the Minister for School Education and Youth Affairs in another place and the Minister for Industrial Relations and Minister for Further Education, Training and Employment in this House, has committed several million dollars, and will commit up to $60 million in the long run, to the development of a total education complex in Coffs Harbour, which will include a university, a technical and further education college and a technology high school. It would be a first for this State. Now a group of self-interested individuals who see their power base being eroded in Armidale and the board of governors have decided they no longer want this university campus in Lismore or in Coffs Harbour. I believe their reason is academic snobbery. The governors in Armidale have made a decision on the future of the Coffs Harbour campus to protect their own interests. They believe that in future any students coming

from outside the Coffs Harbour area - Sydney, Wollongong, Newcastle or any other area - to study economics or accountancy would prefer Lismore to the University of New England at Armidale. I believe this issue involves pure academic snobbery. I had the fortune to study at that campus for about 18 months before coming to the Parliament. I listened to the professors and lecturers first hand. Some were for the campus; others were against it. After many hours of discussion the bottom line was that these people were not sure of their future. They wanted their old academic base in Armidale. They were not prepared to look at what was going on and the great future developments in Coffs Harbour. I believe that argument has been going on since day one, the start of that campus. These people are afraid for their futures.

The director of the Coffs Harbour facility has stated in today's *Advocate* that Coffs Harbour and Orange have a future but the form of that future is uncertain: "We exist and will continue to exist but how we exist remains to be seen". I do not believe that is good enough and I do not believe that Dr Susan Bambrick, the director, believes it is good enough. The Minister in another place should take the matter to heart and insist to the Federal Minister that the board of governors reverse their decision and give full support to both Lismore and Coffs Harbour. Lismore is a progressive campus which has designed courses for the market-place. It has gone to the tourism industry and asked

what graduates need to have. The university has designed courses in conjunction with industry. Coffs Harbour accepted those courses and it accepted some of the old courses from the University of New England at Armidale. The institutions on the coast are progressive. They are prepared to design courses around the needs of the market-place. The University of New England does not like these changes. It does not like the people on the coast designing education around the market-place. The people in Armidale have been academics for years. There is nothing wrong with academia but I do not like academic snobbery. Putting the future of children of Coffs Harbour and the rest of the North Coast in jeopardy because some people are refusing to change and accept what people want is unacceptable. [*Time expired*.]

Mr CAUSLEY (Clarence - Minister for Natural Resources) [6.2]: I am disturbed by some of the points that have been raised by the honourable member for Coffs Harbour. I declare an interest: I come from the North Coast as well. From the first day that campuses at Lismore and Coffs Harbour were formed there was a resistance from the traditional University of New England at Armidale to both those campuses. It may be academic snobbery; it probably comes down to people protecting their turf. We see a lot of that. There is plenty of room for the campuses at Lismore, Coffs Harbour and Armidale. Students benefit from them. The reaction from the old University of New England at Armidale is very disturbing. I hope that the Ministers concerned will be able to overcome the differences. I shall certainly refer the concerns of the honourable member for Coffs Harbour to them.

Private members' statements noted.

BILL RETURNED

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

Police Service (Employer) Amendment Bill

[*Mr Acting-Speaker (Mr Tink) left the chair at 6.4 p.m. The House resumed at 7.30 p.m.*]

MINING BILL

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Second Reading

Debate resumed from 30th April.

Mr BLACKMORE (Maitland) [7.30]: I support the Mining Bill. No industry is more important than mining to the economic development of the Hunter Valley. This bill is about jobs and the environment. The Opposition's interest in the environment is relatively new. For a number of decades the Department of Mineral Resources and its predecessors have promoted sustainable development by introducing many sensible land use and management initiatives. After all, our heritage is protected by sensible planning and by having produced a more stable environment through sustainable land use. Minerals are essential for the production of cars, toys and televisions - in fact for most things we use everyday. No doubt honourable members have seen television advertisements placed by the Mining Industry Council that suggest that without minerals we would be without clothing and everyday essentials. Those who persistently criticise

the mining industry would do well to reflect on a society without minerals.

All non-coalmines in New South Wales now require a mining rehabilitation and environmental management plan. For a number of years these plans have been implemented successfully. They have resulted in more efficient and effective management of mines. All managers of coalmines report annually to the Department of Mineral Resources, according to an environmental management plan prepared by them and incorporated in their mining leases. I wonder how many members opposite, who are so critical of the rehabilitation efforts of the industry, have even bothered to travel to the Hunter Valley to inspect a rehabilitated mine site? How many rehabilitated mine sites have the honourable member for Blacktown, the honourable member for Manly and the Leader of the Opposition seen? If they had inspected those mine sites, they could not fail to have been impressed by the positive improvement in the usefulness and value of the land, for example, the repair of erosion. A number of examples spring to mind. The Hunter Valley mine of Coal and Allied is one of the largest open cut mines in the State. More than 250 hectares have been rehabilitated to reflect the landscape characteristics of the surrounding Hunter Valley. This land is now successfully used for cattle grazing and native reafforestation. A major innovative technique has been the direct seeding of improved pasture grasses, legumes and native tree species into coal washing reject material previously considered to be a waste product. Near Singleton the Lemington coalmines have shown a community approach to reafforestation as part of the rehabilitation of their open-cut mine. A five-year program has been established, involving students from 14 local schools, whereby in 1990 750 children planted more than 4,000 trees. In 1991 a further 3,400 trees were planted. Eventually more than 22,000 trees will be planted.

The overburden from the mine has been treated with gypsum to overcome soil structure problems, which provides a very successful growing medium. I have also mentioned mineral deposits and the rehabilitation of Bridge Hill ridge, which involved restoration of a 120-metre high forested dune. The rehabilitated ridge became an extension of the Myall Lakes National Park before mining was even completed. Honourable members would agree that environmental standards were not always as strong as they are today. In 18 years the derelict mined lands rehabilitation program has rehabilitated hundreds of mine sites. I have dwelt at length on environmental matters because I firmly believe that the provisions of the 1973 mining and coalmine Acts have been successful and will continue to be successful under this bill because it contains almost identical provisions. The mining companies have faced up to their responsibilities and co-operated with the Government. The Department of Mineral Resources has built

up considerable expertise in rehabilitation. Working together in a co-operative manner has produced admirable results. As the Minister pointed out, this bill will streamline the administration of mining titles. If investment in mining is to be attracted to this State, applications for titles must be able to be processed without delay. Since 1990 four new coalmines have opened in the Hunter Valley; three of those mines have expanded their operations significantly and one mine is at construction stage. Coal is clearly the most important product of the mining industry in New South Wales. In 1990-91 the State's coal exports were worth $2.7 billion. This revenue was derived from an export tonnage of 51.3 million tonnes, also a record.

The port of Newcastle, which has a great effect on the Hunter Valley, had a record throughput of 36.6 million tonnes in 1990-91. This is a credit to all involved in the coal industry. A 21 per cent increase in exports through Newcastle also requires higher efficiency in other links in the coal chain, such as the railways and coal loaders. These export figures are all the more meritorious because they have been achieved in the

light of intense international competition. The contribution by the coal industry of $140 million in royalties for 1990-91 is obviously welcomed by the Government. These might seem dry as dust statistics and of no great interest to people outside the industry, but it means the creation of 10,500 mining jobs from Newcastle to Gunnedah, with spinoffs to service industries and the transport chain. The statistics mean that in the worst recession for possibly 60 years - the recession that we had to have - at a time of widespread drought in many parts of eastern Australia, and when prices and demand for most agricultural products are depressed, communities such as Singleton have the lifeline of a growing coal industry to sustain them. The introduction of the assessment lease means security of title for companies awaiting market opportunities. Approximately a dozen major projects are in this category in the Hunter Valley alone, waiting for an expected increase in demand in the Asian region, particularly in Japan, Korea and Taiwan. This bill has the full support of the New South Wales Coal Association. I am disappointed that the Executive Director of the New South Wales Chamber of Mines has not seen fit to fully support the legislation. I wonder how many of the companies that make up the Chamber of Mines share his negative views? It is a pity that the Chamber of Mines does not take a positive approach. It is a lobby group and must represent its members, yet it does precious little to advance the cause of the mining industry in the community.

It is interesting to note that it took a coalition Government to attempt to stimulate investment in mining, thereby creating employment. That is what this bill is all about: jobs, jobs and the environment. The last major amendments to mining legislation were in 1973 when the Hon. Wal Fife was the Minister for Mines. One of the planks of the coalition's election platform in 1988 was the streamlining of mining legislation. This bill is a result of a thorough examination of existing legislation and administrative procedures. In the spirit of deregulation, fossicking licences will be abolished, and the types of titles reduced from 10 to four. The duration of titles is to be increased from a maximum of two years to a maximum of five years for an exploration licence. This will reduce administrative costs. In an attempt to expedite the granting of mining leases, thereby increasing employment opportunities, duplication between the Mining Act and the Environmental Planning and Assessment Act will be removed with no loss to applicants of their rights to object. Landholders will be better able to ascertain whether their property is to be affected by an application. Applicants will be required to submit readable diagrams. I congratulate the Minister for introducing this bill. I have no doubt it will stimulate mining investment in this State. I have pleasure in supporting the bill.

Mr MARKHAM (Keira) [7.41]: It gives me pleasure to support this bill on

behalf of the Opposition, although my colleague the honourable member for East Hills will be moving amendments in the Committee stage. The object of the bill is to repeal and re-enact the Mining Act 1973 and the Coal Mining Act 1973 so as to consolidate the provisions of those Acts into one Act. I support that consolidation; it probably should have happened some time ago. However, as a member of this House and as a member of the United Mineworkers Federation of Australia, I wish to canvass certain provisions in the bill, not from a position of opposition but from a position of concern. It is important to realise why coal is king today. Coal is and will continue to be a major export from this State. Australian coal is increasingly in demand in the overseas marketplace. I will not repeat the figures put forward by the Minister and the Department of Mineral Resources about the tonnages which have been achieved, are being achieved, and which will continue to be achieved in the years ahead.

No one in this Chamber or in New South Wales should believe that has been

brought about by this Government. In the latter part of 1988 the United Mineworkers Federation of Australia examined progress in the coal industry. Therein lies the reason for the present increase in coal production in this State. I applaud the initiatives of the United Mineworkers Federation of Australian to make sure that its members are afforded an opportunity to advance their skills in an industry which is requiring additional skills daily. The coal industry, to which I will refer primarily in my contribution, is an important industry. On a number of occasions I have spoken about it in this House. It is important that honourable members recognise the positive role played by coal industry unions in this State. As I have said, 1988 was an historic year for the Australian coalmining industry. It was the year in which the most substantial changes to work patterns took place in the industry since its inception. The process of change in the period from 1988 until now and into the future has been called the restructuring process.

For many years in the mining industry workers and management took up an entrenched position. That is being broken down. That is important because this industry remains a dangerous industry for those employed in it. The changes already introduced and those still in the pipeline are of enormous significance and will bring huge benefits to all parties in the industry, to the Australian community and to the economy. The changes will offer coalminers more secure, fulfilling, varied and higher paid jobs. They will have more control over their working lives. This control will be as a result of their participation in consultative mechanisms to set up and maintain the restructuring process. The federation has looked at the industry in a positive light because it knows that the advancement of its members depends upon the industry being productive and internationally competitive. Those objectives have been achieved. Restructuring will result in increased flexibility, efficiency, and higher skill levels in the work force. The mining companies have a commitment to participate in training schemes and to provide career paths for their employees at the most basic level. Restructuring will also result in lower unit costs and higher profits.

I assure honourable members that not many years ago the mentality of management in the coal industry was to tell mineworkers, "That is your job and that is how you will carry it out". Management was not interested in there being some light at the end of the tunnel in regard to workers having job satisfaction. Management merely wanted mineworkers to go underground, dig coal out of the face and go home - if they were lucky. However, young people entering the industry today want to know what their future will be. The days of wheelers, clippers and timbermen are gone. Workers in the industry are more highly skilled because of the introduction of longwall units and everything that goes with that. Union restructuring has played a major role in increasing production in the coal industry in this State and this nation. The bill will enhance

production by reducing the red tape. The United Mineworkers Federation of Australia acknowledges that. The level of restructuring undertaken by the trade union movement is evidence of that.

During 1989 the Mine Workers Federation amalgamated with the Federated Mine Mechanics Association, whose membership consisted only of tradespersons in the New South Wales coal industry. Between them, the two organisations had 16,000 members: 12,000 in the former Mine Workers Federation and 4,000 in the former Federated Mine Mechanics Association. The amalgamation was a critical development in the coal industry. The new organisation, the United Mineworkers Federation of Australia, now has members in the trades area as well as the non-trades area. From the mineworkers' point of view, the new organisation, being larger and stronger, is better able to represent their interests. During the years I worked in the industry, I was a member of the Electrical Trades Union because I was an electrician. I always supported the view

that the coal industry should be controlled by one major union. Two and a half years ago members of the colliery lodge at which I worked decided to join the United Mineworkers Federation of Australia from the craft unions. I supported that move. At that time I joined the United Mineworkers Federation of Australia because that is exactly what I would have done if I were still working in the industry. It was the way forward.

As a result of restructuring and the provision of career paths an ordinary guy or young lady coming straight off the street today into the coal industry will be able to undertake training and eventually - though perhaps I am aiming too high - have the opportunity to become the manager of a coalmine. Career paths have been set in concrete. That can do nothing but good for the coal industry, for it will enable employees to expand their skills. The changes that will be made by this bill will allow leaseholders to become involved in petroleum exploration. It is important that the changes be made when one has in mind the bill that was debated in the Parliament late last year which provided that derivatives of carbon products in the form of carbon dioxide and methane gas should be extracted and used commercially. However, an encumbrance was placed upon coal companies that they could produce and market methane gas in commercial quantities. To that extent their operations were restricted by law.

The proposed legislation covers that area, and I applaud the Government in that regard. Not only will petroleum producers be able to extract methane gas and carbon derivatives from surface bore holes by means of hydrofracturing of coal seams, but the coal seam gas extraction programs can be used throughout the southern coalfields - which contain the deepest coalmines in New South Wales. They average about 1,500 to 2,000 feet. The Bulli seam is renowned for its gaseous condition. Tahmoor is one of the leading areas of in-seam gas extraction. I have no doubt that the technology used in years gone by has allowed gas to be liberated to the atmosphere. I know that the gas is available at Tahmoor in commercial quantities to use for power generation through gas turbines and also can be used by trucks. That is happening at the Appin coalmine in the southern coalfields. This bill will allow that gas to become the property of miners who own mining leases. That is an important provision and is to be applauded. [*Extension of time agreed to.*]

The bill contains many measures that I support and others about which I am most concerned. The bill makes extensive reference to prevention of damage to prescribed dams. I know that its provisions will not affect the Dams Safety Act 1978, but that is an issue the industry and the Parliament must consider carefully. The community is fearful about mining under stored waters. South Bulli colliery has a large area of stored waters in the Cataract Dam within its mining area. That company wants to be able to

mine by a different method to that used at present. I am aware that the Miners Federation is examining that matter closely and it may be that the Government should consider including a representative from the Miners Federation, especially a check inspector, on the Dams Safety Committee established by the provisions of the Dams Safety Act. Such a representative would have knowledge and experience of what should happen under stored waters. I am sure that no one would contemplate permitting mining under dam walls. The backwaters of dams to which some restrictions apply at present might be in a different category.

In the Illawarra region for years there has been fear - especially in the vicinity of the Avon Dam - that if mining occurred under a dam which resulted in a breakthrough into the mine itself, water would gush out of the eastern entrance and flood Wollongong. I do not subscribe to that theory but it is something that must be taken into account.

Perhaps the provisions of the proposed legislation will enable that to be done in a more enlightened way. I know that South Bulli colliery would be keen to be able to proceed with some of its planned operations. That colliery faces problems because of the horrific explosion and outburst of methane and carbon dioxide gas late last year, when three mineworkers were killed and 120 jobs lost as a consequence. I understand that 10 employees will be taken back on at South Bulli because of new technology that will allow for greater control of gas outbursts. Clauses 239 to 242 of the bill deal with rehabilitation of areas damaged by mining. The honourable member for Maitland commented on the rehabilitation of mining areas and suggested that kids could go out and plant trees. I have no doubt that the Minister is fully conversant with this issue. In his electorate is an asbestos mine at Baryulgil of which none of us should be proud. If any area is an example of the need for rehabilitation, that is it. I shall make a few comments about what has happened at Baryulgil and to the Aboriginal community, many of whom worked in that asbestos mine.

I am concerned that we as a society had to wait for a major investigation to be carried out by the Commonwealth Government and then about two years ago for the Human Rights Commission to examine what was happening at Baryulgil before it was realised that rehabilitation was not being carried out. I hope that the Minister and his department will examine closely the appalling record of governments and their failure to do anything about rehabilitation. The Baryulgil asbestos mine is a classic example. I wait with interest to find out what the Government intends to do to rehabilitate Baryulgil. I have read many of the recommendations made by the Human Rights Commission and what was said about the Baryulgil asbestos mine. I know that a commitment has been made, but I hope that the rehabilitation of the region proceeds. That is how I will judge all other rehabilitation programs, in the coal industry, the opal industry, the gold industry or any other industry. No one cared about what happened at Baryulgil, and I believe that even now no one cares enough about it.

We must ensure that becomes the hallmark of rehabilitation. It should be examined closely. I understand a decision has been made to ensure that that old mine site and dump is rehabilitated - mainly the tailings which are above ground and exposed through wind and rain. The rehabilitation program instituted by the mining company and justified as being adequate was totally inadequate. As I have said many times, working in the coal industry I have seen many of my colleagues die of dust-related disease. The Aboriginal people in that area are dying from asbestos dust-related disease, which is a horrific death. I have seen how mineworkers in the coal industry suffering from silicosis, linger on and die. All in all, I must say that - and my colleague the honourable member for East Hills proposes to move further amendments - this bill has gone some way towards addressing the problem of multiple bills which have been on the drawing board

for many years. The mining industry and the unions support the amendments. I support the bill on behalf of the Opposition; it should be implemented to provide safety for mine workers. [*Time expired*.]

Mr CRUICKSHANK (Murrumbidgee) [8.1]: I wish to take a slightly different tack on this bill. Most people, it seems to me, have been talking about after the event, but there is considerable area involved in regard to mining leases and the contribution made by the public, et cetera. I wish to make a few brief observations on this bill, which I would think after recent events would be styled a landmark bill. This legislation was previously introduced on 2nd May, 1991. I was on a committee that inquired into minerals and energy resources. I took a great interest in these matters having been a miner from way back and being aware of the condition of some of the mines in my area -

most of them being open-cut and not underground. When I studied the former Minister's speech I was disappointed to see the narrow range of bodies, principally from the mining industry, that had been privy to the development of the legislation. All of our mines are in agricultural areas. Those bodies were the New South Wales Coal Association, the Chamber of Mines, Metals and Extractive Industries, the Department of Planning and the Department of Minerals and Energy. I hope the list of those directly involved also included representatives of the agricultural community and various environmental organisations. The Minister did not state whether the proposals were publicly advertised or whether submissions were sought from individuals and public organisations. I ask the Minister in his reply to detail the type of public consultation that took place. There has been a lot of trouble further down the line in regard to regulations.

A fundamental issue not addressed by the Minister in his speech is the continuing duplication that occurs between the Department of Minerals and Energy and the Department of Lands in the issuing of titles for extractive resources. I am sure it will surprise many honourable members to learn that both of those departments issue licenses and leases to extract roughly the same range of substances. In fact, the miner can often shop around to get the best deal on royalties and fees between departments, because Department of Mines royalties are set on tonnages, whereas the Department of Lands uses a volumetric basis. Effective management of resources would be advanced if there was a single authority granting titles to mine. Resolution of this costly duplication between departments clearly should have preceded the introduction of the present legislation and the Crown lands legislation. When referring to duplication, the Minister in his speech stated that the present automatic right of objection to the Mining Warden by landowners in relation to lease applications has been removed. The Minister said this right duplicated the right to make submissions under the Environmental Planning and Assessment Act in relation to development proposals. However, I ask: what if the objection is not based on environmental matters? Landowners, after all, in regard to their own lands do have plans and business enterprises that have nothing to do with environmental matters. Why should they be deprived of the right to object or to assert that they have a better proposal for the lands than the miner? Why should they be deprived of their right to have their objections ventilated in the Warden's Court?

The matter is covered by paragraph 28 of schedule 1 to the bill, which prohibits an objection from any person entitled to make a submission under the Environmental Planning and Assessment Act in relation to the granting of any development consent. Once a person falls into that category, legally he cannot make an objection to the Warden's Court. Paragraph 28 should be amended so as to preserve the right of such a person to make an objection to the warden in a matter that does not concern an

environmental issue. The new process forces an objector into the Land and Environment Court. This could make it a lot more expensive for the public. It is important to note that, although a person can make a submission to a local council, I believe the public has not a right to appear or be represented before the local council. Under the present system, a landowner can appear before the warden and explain his objection.

It is unclear to me what was wrong with the old rights of objection. Does the Chief Mining Warden favour the change? Were the ramifications costed by the Minister's department? The reason for the change is to be found in the Minister's speech of 2nd May, 1991. He said the mining industry was concerned about the length of time it took to obtain a title to mine. But changes for that purpose must be weighed against the needs for procedural fairness. One of the anomalous matters relating to rights of objection under this legislation is that there is generally none in the exploration stage, only at the lease stage. This means the explorer has probably spent hundreds of thousands

of dollars by the time the landowner has any right to object. The landholder is clearly uphill in opposing something that has already attained such momentum. This system also causes landholders to put their own projects on hold indefinitely. In his speech the former Minister commented that the new assessment lease will, among other things, allow the lessee:

> . . . to retain the area until markets or other circumstances are appropriate for development.

Such a comment sounds ominous indeed for the landowner, who is caught up in limbo because he cannot legally pursue any activity on his land which might impede exercise of the rights of the explorer or miner. The objection provisions need to be thought through again from the perspective of other community groups. A few days ago I received a letter from Mr Terry Willis of Walgett. He is concerned that a landholder's right to surface water artificially conserved on the land will be taken away by this legislation. Mr Willis referred me to clause 213, which prohibits the holder of a claim using water artificially conserved without the consent of the owner. He is concerned that this provision allows the miner to approach the warden to obtain access to a private dam, if the owner refuses consent. This does seem, at the outset, an unfair provision, as the miner has not contributed to the cost of building the dam or its maintenance. If this provision is to be retained in the legislation, will the Minister outline to the House, in broad terms, the types of conditions under which approval would be given? I note, however, there would be a difficulty in that regard as the clause does not contain any authority for the warden to impose conditions on his approval.

Mr Willis also brought to my attention the compensation provisions of clause 266(2). He considers that this provision, unlike the present one, will now allow the holder of a mineral claim to proceed direct to the warden to assess compensation without first seeking to reach agreement with the landowner. The provision certainly lends itself to that construction. I would be grateful if the Minister would clarify this aspect in his reply. Under clause 137 of the proposed legislation, the public cannot challenge the validity of an exploration or mining title after the lapse of two months from the gazettal of its grant. I would draw to the Minister's attention the unfair nature of this provision. Landholders receive no statutory notice of the grant of an exploration title or assessment lease. They will have to depend on getting their notice from the *Government Gazette*. In my electorate I have never encountered anybody who subscribes to the *Government Gazette*.

Alternatively, the landholder will have to depend on being approached, within

those two months, by the explorer or holder of the assessment lease to negotiate an access agreement. However, that may occur outside the two-month period. I would be grateful if the Minister could modify this provision so that the statutory bar operates only in those cases where the landholder has received statutory notice, that is, in the case of a mining lease. The Minister said this provision was modelled on a similar section of the Environmental Planning and Assessment Act. However, under that Act landholders affected by a development consent would have full knowledge of the development proposal; they do not come upon its existence after the event. One thing that greatly disturbs me about the protective approach adopted by the department in whitewashing errors made by it in the grant process - and that is what this statutory bar to any challenge does, when we drag it out into the daylight - is that for many years the department allowed hundreds of unworked leases to remain in force in New South Wales.

Landowners affected by those useless leases had to put up with them year after year even though they probably had useful plans for their own land that could not be

safely carried through because of the existence of the mining title. I therefore ask the Minister: if he is going to prohibit challenges to titles, will he ensure that the conditions of leases and exploration are stringently enforced? Will he please advise the House in his reply just how many leases and exploration titles in New South Wales are currently not being worked at all or not in accordance with their conditions? Are the number of inspectorial staff on the ground adequate to do the job? The statutory bar is far too short, having regard to the vagaries of the notice provisions; it should be 12 months at the minimum. Additionally the bar, although described in the heading as only covering technical defects, clearly applies to all cases. Besides the inequity, the provisions have fault in their drafting.

I would like to sum up why this legislation needs more detailed examination. First, the legislation has apparently been drafted principally in association with the in-crowd, the mining industry. The agricultural and environmental interests apparently have not been represented around the drafting table. Second, the fairness of the notice provisions are doubtful. Third, the right of objection under the legislation is much narrower and favours the miner and explorer as against other equally important sections of this community. The objection provisions also appear more costly because they force objectors, in the majority of cases, to use the Land and Environment Court as against the relatively inexpensive Warden's Court. Fourth, no attempt has been made to address the unnecessary and costly duplication in administration and grant of extractive resources that continues to exist between the Department of Mineral Resources and the Department of Lands who each zealously hold to their patch of turf at the expense of the taxpayer. This did not even rate a mention by the Minister.

Some years ago Mr Toby Rose, head of the Department of Mineral Resources, by himself put together a legislative package that may have resolved the duplication relating to the licensing of extractive resources not just between his department and the Department of Lands but also in relation to other instrumentalities. But he received no help from vested interests; their inertia defeated him. This matter should not be left to an individual. It needs support at Cabinet level. If the present legislation is allowed to go through there will be absolutely no incentive to address these problems. Parliament's analysis of this new mining code would have been considerably enhanced if a full impact statement had been provided by the Minister and his department. As it is, the Parliament and the public have to be satisfied with three pages in *Hansard* even though the bill runs for 181 pages. If this had been a regulation it would not be acceptable under the Subordinate Legislation Act. The regulations made under this bill will receive greater scrutiny than the bill itself. That is ridiculous.

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I have noticed in the past that comprehensive information packages were made available by the Department of Mineral Resources relating to coal and petroleum tender areas. The packages gave interested members of the industry every detail they required. Why was it not done in this case for the general public? This new code will regulate mining and exploration in this State until the year dot. The time should be well past when departments expected this Parliament to rubber stamp legislation not sufficiently explained or costed. On the Minister's own statement this legislation has taken years to formulate. How can Parliament do justice to its complexities on a bare three pages of notes given to the Minister by his department? In fairness to the public and the Parliament the bill should be examined by a legislation committee over a six-month period. My recommendation for a detailed examination of this legislation is consistent with the intent of the recent memorandum of understanding between the New South Wales Government and the Independent members relating to impact statements for

landmark legislation. There is no reason the introduction of this legislation could not have conformed with those arrangements.

Mr NEILLY (Cessnock) [8.14]: I support the Mining Bill. I give it 85 per cent. It took a lot of putting together. It has been around for a while as was referred to by previous speakers. The packaging is not easy packaging; it is an amalgam of the Mining Act and the Coal Mining Act and there are quite a few issues to be addressed. It is not so much what is contained in legislation but how the legislation is administered. To legislatively incorporate administration of an Act within a piece of legislation sometimes entails a great deal of difficulty. Earlier this evening I spoke on the motion commemorating the Coral Sea battle. While looking through *Hansard* of that era I came across a reference to the oil shale operations at Glen Davis, which subscribed greatly to the war effort by this State and Australia. Glen Davis provided fuel supplies for vehicles, and was in great demand in circumstances where there were few alternative resources. Occasionally, the operation of legislation is a political determination. I do not subscribe to the theory that the current Government is the only government that makes mistakes. Former governments made mistakes as well. I recall the great expectations of this State in the late 1970s and earlier 1980s when the Government called for tenders galore for coal to be mined in this State and promised new leases.

Apparently, the Government at that time forgot that what was there by way of promise, by way of dollars for the future, was not always the best. The Government let out a hell of lot of leases and in doing so neglected to husband the resources which were already encompassed in existing leases. The Government promised quicker and greater profits without realising that in doing so resources that existed under mining activities and which could generate a profit if worked appropriately were being denigrated. In latter years the tendency was to concentrate on the quick dollar and the quick profit rather than to exhaust the resources that were there to mine. State mines have been very good husbanders of those resources. Unfortunately when a measurement was made of the fuel supplies provided to Electricity Commission power stations it was forgotten that those mines were operating to achieve maximum extraction of available resources. They were compared against prices for supplies that were available from other cheaper sources. The price became the ultimate objective rather than the proper utilisation of the available resource.

Reference was made earlier to environmental impact statements. I have some problems in dealing with environmental impact statements in conjunction with coalmining activities. It must be conceded that mining activity - principally coalmining - is a principal earner for this nation as well as a significant user of manpower in this State. I have encountered situations where environmental impact statements have not

appropriately examined additional extractions beyond those originally envisaged and have not addressed a change of circumstances, or particular climatic variations. In the Hunter region an organisation was founded around the Singleton-Muswellbrook area called Mine Watch. Twelve months ago the "7.30 Report" dealt with a widow, Mrs Bowman, who has a dairy property near Costain. Despite her endeavours to run a good dairy she encountered problems with the dairy co-operative, which would not receive the milk.

By and large Mine Watch had been sympathetic to the mining industry. Many property-owners in rural areas are beneficiaries of coal royalties. The rural community acknowledges the importance of coalmining to export income and to foreign exchange earnings. Rural communities have changed, especially in relation to job employment prospects. Coalmines contribute to the viability of nearby town centres. They try to

work hand in hand, but although many rural organisations respect the mining industry, the complaints of those organisations should be respected also. Earlier I referred to the tendering situation and future changes. The underground mining industry is under great pressure. The prices achieved overseas for coal, particularly coal exported to Japan, have resulted in the underground coalmining industry finding difficulty in competing. The only real competition will come from open-cut mines. That concerns me because I do not believe that it is possible to mine all the easy coal and to then come back and mine that which was left behind. Even with advanced technology, it will be dearer coal to mine and some of it will be lost to mining.

I have a pang in my heart for places such as Preston colliery in the Gunnedah area. The miners have worked hard to make it a viable enterprise. Management has worked hard to make it a viable proposition. The Government has given coal freight concessions. Despite all that assistance, there is a problem. With the Bloomfield colliery I understand there was a hassle to get the lease operational at Rix Creek near Singleton. The colliery said they needed a new resource supply for blending purposes associated with export coal from the open-cut operation. Though Bloomfield is soon to close, I hope it will reopen. I believe a good arrangement existed between the men employed and the management. I believe the company, via the council, who was the real proprietor, worked well with the men and had a responsibility to ensure that the operation achieved the best result possible. I do not know what will happen down at Gretley, which is partly within the electorate of the honourable member for Waratah and partly within the electorate of the honourable member for Wallsend. I believe the resource is almost exhausted and that some of the men have been moved to Elrington near Pelton. That is a gamble. It is a sloping longwall operation. Problems have been encountered with pressures on the hydraulics jacks and consideration is being given to working the area diagonally, preparing a new area to mine and utilising some employees from Gretley in order to prepare the area. Six months down the track we will probably see a new approach to mining that lease. I hope it works because the employment of a lot of blokes is contingent upon it doing so.

Probably the greatest criticism I have at present relates to the future Leamington No. 1 and the associated washery Leamington No. 2. From 1st July it is expected that 206 men will leave that operation. There could be two or three years supply of coal left there. Management contends there is a lot of stone in the coal and that it has sustained continuous losses with that operation. However, I believe it is symptomatic of the problems confronting underground mining and the export prices we are able to achieve, particularly in Japan. I believe we will never get the coal that is left at Leamington. I cannot envisage anyone going back there. Therefore, more resources are lost. From about 1st July I estimate that about 600 men in and around my electorate will be out of work and I do not see a bright future for them. Underground workers do not get work

readily in open-cut mines. I hope that some of the things mentioned by the Minister that offer promise to the industry will come to fruition. I am concerned about the duration of coalmining leases. I forget the name of the mine that adjoins the Liddell collieries. Interest has been expressed in mining that lease, but it poses problems to the adjoining leased areas of Leamington, now Camberwell Mining Company but which was formerly Leamington-Coal and Allied. The problem was water leaching from the closed mine to the adjoining areas. If someone is willing to mine it, and a company is not prepared to exercise its entitlements, the Government ought to be able to step in. [*Extension of time agreed to*.]

I believe there should be some situation under the management of this Act so that the Government can step in and say to a company: "If you are not going to mine it,

you are offered a fair price so give someone else a go. Do not let the resource be lost". Certain things are stated in the bill about rights and duties under mining leases. I know of a situation that is outside my electorate, although it used to fall within my electorate, at Buttai. The surface property is a freehold property owned by a person named Beanie Jones from Quorrobolong. He was a logger and one of the last blokes to operate a bullock team in the area. He has leased out about 250 acres out of 300, initially for hard-rock quarrying. The lease contains the old Buchanan mine. The company that had the mine went bust and was taken over by what I regard as a shelf company. There is a high rim around an area that has been mined, but it is not fenced. Sooner or later someone will be involved in an accident. Leaching occurs from the old mine area into an adjoining area that is now owned by the Awabagal tribe in Newcastle. There has been a promise made to go back and mine the area but no one is doing anything about rehabilitation. The land is covered by pampas grass, and therefore the local council is involved under the noxious weeds legislation. I believe rehabilitation of the property will cost of the order of $250,000 and the only money available in the pool for rehabilitation is about $55,000 to $60,000. In my opinion legislative provision should be made to ensure that in cases where a company does not have funds or does not do enough for rehabilitation, that a general insurance pool is available to do something appropriate. Under those circumstances the people who own the surface of the land would get back a patch of land with which they can do something.

Over the weekend, I received from a man to whom I have never spoken, a letter which refers to Costain Coal. A gentleman who contacted my office said that Costain Coal planned to extend its production in the Singleton and Muswellbrook area to over two million tonnes per annum. In conjunction with this plan it proposed initially to put on 82 additional workers. Although Costain has suffered financial losses worldwide, according to the gentleman who contacted my office, Costain is producing at a profit in the Hunter Valley. Evidently, the question of the additional employees is now the subject of a dispute. Mr Peter McCullough, who currently works a five-panel roster, alleges that the company wants workers to work longer shifts. He said that Costain suffered a loss worldwide but it made a profit in the area to which I have referred. So it wants to cut out bonuses, change work practices and not put on the additional 82 staff. In this way it hopes to recoup its worldwide loss. The gentleman to whom I spoke wants me to find out from the relevant Government Minister whether the company can be made to put on the additional 82 men. I do not believe that can be achieved by this Minister. I feel sorry for industry as it is confronting these problems. I hope that, in the years ahead, there is a revival of its fortunes. I hope this legislation will assist in achieving that. I support the legislation.

Mr MILLS (Wallsend) [8.31]: The Mining Bill is worthwhile legislation. The Opposition has already indicated that it will be supporting the bill. However, members of the Opposition will address a few of their concerns and their more serious reservations

about the form of the bill by way of amendments which will be reconsidered when the Opposition comes to government. This bill will repeal and re-enact the Mining Act 1973 and the Coal Mining Act 1973 for the purposes of consolidating in one Act the provisions of both. The Mining Act, which was 208 pages, and the Coal Mining Act, which was 160 pages, together total 368 pages. I am pleased that the new Mining Bill is only 213 pages - a good effort by those who have gone to the trouble of consolidating the contents of both bills. I commend the people involved in that process, from the Minister through to the officers of the department and Parliamentary Counsel. I commend also the Minister for his initial effort at implementing Labor Party policy, which was expressed at the Australian Labor Party centenary conference before Christmas last year. When discussing our industrial development and energy policy we said:

> Labor supports a review of the multitude of different Acts covering the mining industry and, where applicable, will combine and modernise them to suit the industry's needs, especially in the area of inspectorate, safety personnel at mine sites and the Joint Coal Board.

That Labor Party policy is broad enough to cover what is incorporated in the Mining Bill. We recognise that it is worth while. When Ken Gabb was Minister he initiated a white paper in response to industry's concerns. Owners, operators, government departments and trade unions are all intimately involved in the industry. All those people have a desire to get rid of duplication, overlaps and problems that can occur from the multitude of different Acts covering the mining industry. This is a good start. Not all of the Labor Party's policy is incorporated in this bill. Jobs are neither saved nor generated by this bill, except in a generalised way. The measures in this bill may help some mineral industries to start up a little easier. In addition to consolidating the provisions of the Acts to which I referred earlier, the legislation has been simplified by reducing the range of titles that can be granted from 10 to five; the Government has introduced a retention or holding form of tenure between exploration and mining phases and the development of any mining projects; the title application process has been speeded up; and duplication between the Mining Act and other legislation has been eliminated.

The Government introduced the new Mining Bill prior to the 1991 election. The new bill incorporated many of the provisions in the Gabb white paper. However, we did not proceed beyond the Minister's second reading speech. The present Minister for Natural Resources has reintroduced the bill and has sensibly taken this opportunity to implement a few more reforms. It is worth looking briefly at some of the comments made by the former Minister, Mr Pickard, on 2nd May, 1991, and by the present Minister, Mr Causley, on 9th April this year. Mr Pickard said in his second reading speech that originally this bill would amend only the Mining Act. He then went on to say:

> Many of the provisions of the bill, including those relating to opal prospecting licences, agricultural lands, access to lands and the Mining Museum are unchanged. The effect of the bill is to remove duplication between mining legislation and planning legislation. The Environmental Planning and Assessment Act will not be changed.

He then said:

> In line with the Government's comprehensive environmental policies considerable emphasis will be placed on the environmental aspects of mining. This approach will ensure a proper rehabilitation of private lands used for mining.

We will have to wait and see whether that will happen as a result of the changes made by this bill. Mr Pickard went on to say:

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> Existing provisions of the Coal Mining Act and the Mining Act relating to environmental protection and rehabilitation are being brought across unchanged into the new Act.

That is not quite true. A little later I will point briefly to a few places in the bill where that is not true. Down the track we will need to review that matter also. Mr Pickard also said:

> The Mining Act will continue the major emphasis on rehabilitation of land following mining activities. All the mining projects will continue to acquire approval under the

Clauses 65 and 74 of the new bill do not comply with what Mr Pickard said. That is another matter that will have to be reviewed down the track. The former Minister also referred to the way of making the news known when someone had been granted an authority or had it renewed, transferred or cancelled. He said that a notice would be published in the *Government Gazette* to ensure accountability. I do not believe the *Government Gazette* necessarily ensures accountability, if only because it takes industry a long time to find out information contained in the *Gazette*. Once again, down the track I would like to have this bill reviewed to see whether more simple accountability measures could be written into it. However, one or two amendments to be moved by the Opposition will address that matter. I enjoyed listening to the contribution of my colleague the honourable member for East Hills. During his contribution he said that one of his dreams was to become a fossicker. One day when I visit western New South Wales I might encounter the honourable member for East Hills fossicking, dressed in a pair of shorts, some scruffy boots and a bush hat. The chances are that he will be successful. It is worth noting for the record a few of the features of the bill, for example, the changes that have been introduced in addition to the consolidation. By and large, Mr Pickard said:

> A mineral claim would be registered, subject to conditions, over an area not more than two hectares and for not more than five years. Before commencing work on the claim development consent, if required by planning legislation, must be obtained.

That is an important feature of the bill. Mr Pickard continued:

> The new exploration licence is basically unaltered from the current exploration licence and coal authorisation. The exploration licence does not necessarily guarantee the grant of an assessment lease. The assessment lease is a new concept designed to improve the responsible progression from the exploration stage to the mining process.

Industry had seen a need for this form of title, hence it was included in the bill. Environmental matters that may in some circumstances arise relating to the decision to grant an assessment lease would be considered under part 5 of the Environmental Planning and Assessment Act. The automatic right of objection to a mining lease by a landholder to the warden was being removed because it duplicated the development application process under the Environmental Planning and Assessment Act. There was an interesting comment by Mr Pickard that the bill would bring out in the great Australian tradition the knockers of mining. I reiterate the comments of the honourable member for East Hills in the second reading debate last week when he said, "The knockers of mining are not on this side of the House". We certainly recognise the enormous contribution of mining both to wealth and to jobs in New South Wales and Australia, to the miners themselves, and to the wealth of talent, expertise and skill that is involved in this industry. In the *Australian* of 2nd May the Federal Minister for Trade, Mr Kerin, is reported as stating that one product he is especially optimistic about is coal, where he says barriers and EC subsidies are coming down, though not as fast as the

Australian Government would like. This was in the context of a review of Australian exports to the European Economic Community. He then told one of his little anti-European jokes:

> In France we visited a dairy farm with half a dozen dairy cattle - and then we went and saw a small farm.

This would indicate what his thoughts are on European restrictions of trade. An important point, though, was contained in a table in that article by Tim Stevens which noted that five of the top seven Australian exports to the European Economic Community were mineral based, with only wool and a category called general exports being included in that number. Coal had increased by 47 per cent over the previous three years from an export value just to the European Economic Community of $871 million. While base metal ore exports had reduced by 2 per cent they still represented 8.5 per cent of the total exports; copper exports rose by 28 per cent - worth $300 million; gold exports had increased by 200 per cent over that short period, to $209 million; and iron ore exports had fallen 6 per cent, but were still worth $197 million to the European Economic Community as exports. We recognise, acknowledge and appreciate the value of mining and the people who work in that industry. I briefly mention the comments of the present Minister earlier in April and the four items he has referred to that were new now compared to previously. [*Extension of time agreed to.*]

There are a number of important matters that really should be referred to. My colleague the shadow minister last week in his speech was watching the time because there had been an arrangement for him to finish before 11 o'clock. On his behalf I wish to foreshadow an amendment. To put it formally into the record we wish to add to clause 239, which deals with rehabilitation of areas damaged by mining, the words "after consultation with the Director of the National Parks and Wildlife Service" after subclause (3), which at present reads:

> (3) Any conditions of the kind referred to in subsection (1)(a) are to be in a form approved by the Commissioner of the Soil Conservation Service.

Subsection (1)(a) deals with the rehabilitation of natural areas. We have every confidence in the Soil Conservation Service and its expertise although there is some concern in the community about downgrading of the service and staff reductions. I note the honourable member for Tamworth has a private member's bill before the House on that matter at the moment. We consider it is important in the context of this part of the bill relating to rehabilitation to require the National Parks and Wildlife Service to be consulted because it has special expertise, when talking about natural areas, in matters like heritage values and flora and fauna that one does not expect the Soil Conservation Service to have. We hope the Government will accept that amendment. I am usually interested to read in a bill the savings provision or amendments of other Acts. One matter of particular interest to me was the Aboriginal Land Rights Act. I refer to schedule 5, page 161, item (c), which will insert the words:

> mineral claim or the granting of an authority pursuant to an exclusive right conferred by the Mining Act 1992.

Though I tried to read the bill thoroughly in a reasonably limited time, I could not find what an "exclusive right" is. The word "exclusive" is of concern to me. If that is a new term it should be defined somewhere. It is not so defined. What is the difference between a right and an exclusive right? It does not seem to be covered anywhere. Rights in relation to mining are referred to in the Aboriginal Land Rights Act. I do not know

why the word "exclusive" is inserted there. That is one of two matters I wrote to the Minister about last week when I did not have the opportunity to make this address. Another matter I noted was a comparison of the amendments proposed in this bill and the provisions of original Acts. I refer to page 164 and the Mine Subsidence Compensation Act 1961. Item (2) relating to that Act will insert a new section 14A(1)(b) which reads:

(b) Any enactment, covenant or stipulation by which the person is bound relating to the method or extent of the extraction of coal.

In that Act, after "coal" were included the two words "or shale". I am concerned they should have been omitted given other assurances that by and large there were not any losses in proceeding from the previous larger bills to this consolidated bill. I raised with the Minister why this may have been omitted from the amendment proposed to the Mine Subsidence Compensation Act. I notice on reading the Government amendments that that is the last of the amendments on that page. I thank the Minister for that. Another matter worth noting is that page 164, schedule 5, contains an amendment to section 14A of the Mine Subsidence Compensation Act which relates to the recovery by the board in case of unlawful mining operations. I did not write to the Minister in relation to this matter but I wish to bring attention to it now. This replaced section 130 of the Coal Mining Act 1973 where the offence concerned was that of prospecting without authority and of mining without authority. The penalty was a maximum of $2,000 per day. In the amendments proposed to part 2 of the Mining Act the offences relate to prospecting and mining generally. The offences are under the general heading of prospecting or mining publicly owned mineral without authority and the detailed offences are matters like mining on someone else's land, mining on someone else's application or mining without due notice to the director-general. The penalty will be a maximum of 100 penalty units, which I understand correlates to $10,000. I should appreciate the Minister commenting on the need for that change in the penalty rating.

I said before that I did not think the provisions relating to protection of the environment were all that good. The Opposition received a communication from Mr Milo Dunphy of the Australian Conservation Foundation expressing concerns about the environmental effects of modern mining exploration and the foundation's concerns that the bill does not cover adequately environmental rehabilitation. The provisions will need to be reviewed in the future. Honourable members may be surprised at some of the foundation's concerns. In addition to postponing proposed national parks, the environment may be affected by aeroplanes overflying an area in a close grid at low altitude. Mr Dunphy referred to a wildlife sanctuary at Kakadu that was overflown at 200 feet for a fortnight in the bird breeding season, which caused enormous disruption to breeding populations. Burning of the landscape to allow access and clearing site lines for survey parties cause other problems. The clearing used to be done in a minimal way by slashing, but these days exploration is carried out using machinery. The foundation has justified concerns. These days, landing strips and helicopter pads are made because not many people explore on horseback the way they did 100 years ago. Even visual inspection or surface rock sampling by geologists involves helicopters or four-wheel drive these days. Even visual inspection by geological survey parties can result in desecration of Aboriginal sites. [*Time expired*.]

Mr CAUSLEY (Clarence - Minister for Natural Resources) [8.51], in reply: I thank honourable members who have contributed to the debate. I am grateful that the Australian Labor Party is thanking me for implementing its policy. I can assure the Opposition that it is not only members on the Opposition benches who understand the necessity for and the value of mining. I also thank the honourable member for East Hills

for his constructive approach to the bill, and I am sure honourable members are grateful for that. I intend to go quickly through some of the issues raised by various contributors to the debate. I do not wish to spend too much time on my reply, but the honourable member for East Hills raised the matter of the staff of the geological survey who go to properties to carry out work that might require rock to be dynamited to obtain samples.

That is essentially an industrial relations matter. The honourable member raised an employer-employee relationship. The bill provides for an authorised employee of the department to enter private land for lawful activity. Such officers of the department should have no fears; if they are carrying out their duties lawfully, they will enjoy the same protection as any other departmental officer.

I am aware of the problems raised by CSR-Readymix. The department is looking at ways to prevent the lodgment of non-bona fide mining exploration titles that would frustrate a company wishing to carry out pouring operations. The honourable member for East Hills drew attention to provisions relating to the powers of entry, and I think the honourable member for Murrumbidgee also raised similar issues. The requirement in clause 255 for an inspector to give reasonable notice to the occupier of land before exercising the powers conferred on the inspector is also contained in clause 247. Mr Terry Willis of Walgett raised three concerns with both the honourable member for Murrumbidgee and the honourable member for East Hills: the use of surface water by the holder of a mineral claim, when compensation becomes payable, and the number of persons who would have the right to enter a property to make out a proposed mineral claim. Clause 213 of the bill provides that the holder of a mineral claim must not use water artificially conserved on land the subject of a mineral claim otherwise than in accordance with the consent of the owner or occupier. Only where the owner or occupier refuses consent or attaches unreasonable conditions to the consent could the warden become involved. He would in such an event be required to give due and balanced consideration to the relevant merits of each situation.

In reply to Mr Willis's second question, upon grant of a mineral claim, owners and occupiers become entitled to compensation. This must be either agreed to by the claimholder and the owner or occupier or, if agreement cannot be reached, assessed by the warden. In reply to Mr Willis's third question, the intent of clause 254 is that the permit will allow an intending applicant and any persons required to assist such an applicant - for example, a surveyor, his assistants or an agent of the applicant - to enter lands for the purpose of complying with the mining laws. This clause is seen as reasonable and practical. If a landholder experiences what he considers to be an abuse of the privileges and intent of the permit, such a concern should be brought to the attention of the mining registrar. The honourable member for East Hills also referred to clause 11, which deals with controls on stockpiles. Under clause 11(4), when a mining lease or mineral claim ceases, the stockpile becomes part of the land in the same way as tailings. If a miner wishes to retain interest in a stockpile, he must retain his mining title in force until he arranges a private agreement with the respective landholder.

The honourable member for Keira raised a number of questions. In particular, he spoke about the dangerous nature of mining. I have addressed that subject at seminars. Undoubtedly the department is addressing the subject at present with a program of industry awareness emphasising the need for safety. Australia's record of safety does not come up to that in other countries. The Government is most concerned about that. No doubt there has been some improvement, and I take note of the honourable member's statement that the unions and the mine owners are co-operating. The one bright note is that in the second half of 1991 accidents in mines have decreased by 20 per cent. The department has to work hard at improving safety, because there is

room for improvement. The honourable member for Keira also spoke about Baryulgil. As he so rightly said, Baryulgil is part of the Clarence electorate, so I am well aware of it. Baryulgil and rehabilitation issues that other honourable members spoke about highlight the difference between the past and the present. I do not want to point a finger, but Baryulgil is an old operation; the mining was carried out many years ago, and we are a lot

wiser today about the effects of asbestos.

Tenders for the rehabilitation of Baryulgil are being assessed. It will cost about $1.5 million to rehabilitate the site. That shows that rehabilitation is not cheap. It has come along in leaps and bounds over a number of years. The mining industry is proud of its rehabilitation record at present, and rightly so. I should inform honourable members, and they should keep in mind, that the mining industry is operating in an extremely competitive world, as the honourable member for Keira said. Though Australia is proud of the high standard of its rehabilitation, it costs the industry a large amount. The community should be aware and the media should be encouraged to publicise that Australia's competitors comply with the same standards because, if they do not, the price that Australian industry has to pay makes it uncompetitive. Though Australia can be rightly proud of its rehabilitation programs, it is important that other countries carry out similar rehabilitation programs and protect the environment. We must insist upon this at all times and inform the press.

The mining industry has an award of excellence for rehabilitation in mining areas. There have been good examples in this State of rehabilitation. However, when these awards are presented the press is always absent. That is disappointing because this area requires encouragement and we need to publicise our achievements. The honourable member for Maitland rightly said that we cannot do without mining. Our suits, clothes and many materials come from mining. Though those materials are needed, it is also imperative that we maintain and protect the environment through rehabilitation. I am not wearing a steel suit but such materials as rayon do come from mining. I thank the honourable member for Murrumbidgee for raising a number of matters. Several matters were valid but outside the scope of the bill. He will appreciate that it is not possible to completely deregulate the mining industry. Minerals generally are the property of the Crown and it is quite reasonable that the Crown should authorise the taking of these minerals.

The Government has responded to community concerns about the environment and its rehabilitation by imposing strict conditions to ensure that it is not degraded and that mine sites are rehabilitated. The honourable member for Maitland said that rehabilitation of coalmines in the Hunter Valley is something of which the mining industry can be proud. I can see nothing wrong with the Government placing conditions on agreements that involve mining privately owned minerals. Quite rightly the community expects government to intervene and ensure our fragile environment is protected. The honourable member for Murrumbidgee also raised the issue of quarrying. I do not dispute that there is confusion between extractive industries and mining. However, extractive industries are not covered by this measure. He mentioned duplication, of which I am well aware. It is true that permits for quarrying are issued by a number of authorities, including the former Lands Department, the Forestry Commission, water resources, national parks and local councils. During the past decade the difficulties resulting from that cause have been considered on a number of occasions by this Government and the previous Labor Government. I regret to say that this matter still requires attention.

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The honourable member for Murrumbidgee raised the matter of consultation. The bill was certainly discussed with New South Wales farmers, who have offered no objection to it. Consultation was not simply with the prime mining areas. The honourable member for Wallsend sought an explanation of the term "exclusive right". It refers to a right such as is conferred under clause 51(4) whereby an applicant for a mining

lease within a mineral allocation area can be made only by the holder of an exploration licence or an assessment lease. In other words, the present holder has an exclusive right over anyone else in applying for a mining lease. I hope that explanation clarifies that particular point. The honourable member for Wallsend raised the issue of penalties. The change in the penalty is an update of the consumer price index. Units are used now rather than dollars, so that units only will need to be updated in future. That is merely a simplification of that particular area.

I think that covers most of the issues raised by honourable members and I thank them for their participation in the debate. The industry will be grateful to both sides of the House for passing this legislation. The Labor Party was approached by the environmental movement to make some amendments to the bill. Some of those amendments will need close scrutiny before they are included in the legislation. I take seriously my responsibilities under part 5 of the Environmental Planning and Assessment Act under which I consider whether a mining application needs an environmental impact statement. That will continue. Many exploration exercises are fairly innocuous. I do not think environmental impact statements for every exploration licence across the State should be required. Undoubtedly there may be exceptions, and of course that will be taken into consideration. Other than that, it is important that exploration and mining in New South Wales is encouraged.

Little is known about the mineral resources of this State, and as Minister I am surprised about that. It is important that we encourage companies and individuals to explore for mineralisation throughout the State. I thank the honourable member for East Hills for foreshadowing amendments to this bill. The Government offers no opposition to those amendments. I foreshadow that the Government will be moving nine minor amendments to the bill in the Committee stage. I do not think those amendments will cause any concern. I have handed those amendments to the honourable member for East Hills and I believe they have the concurrence of the Opposition. I thank honourable members for their contributions. The industry will be thankful for a much simpler, easier to read and more concise bill.

Motion agreed to.

Bill read a second time.

In Committee

Clause 29

Mr ROGAN (East Hills) [9.7]: I move:

Page 13, clause 29. After clause 29(2), insert:

(3) Subsection (2) does not operate to extend an exploration licence for more than 2 years after the date on which it would otherwise expire.

As I said in my second reading contribution this is to put a time limit on the period in which these licences can be dealt with. Though the bill does not specify that, I believe this amendment will tighten that part of the legislation and will meet with the approval of industry and all concerned.

Amendment agreed to.

Clause as amended agreed to.

Clause 159

Mr ROGAN (East Hills) [9.11]: As foreshadowed, I move:

Page 58, clause 159. After clause 159(2), insert:

(3) The record must be kept available at the head office of the Department for inspection, free of charge, by members of the public.

Some might argue that the clause is unnecessary. That might be correct. I have not had any experience of a person coming to me and telling me that he could not get access to the records or that they were unavailable for inspection. To make the matter clear beyond doubt the provision should be included in the legislation. The amendment will tighten the section. It is a constructive amendment and should be inserted in the bill.

Amendment agreed to.

Clause as amended agreed to.

Clause 161

Mr ROGAN (East Hills) [9.10]: I dealt with the proposed amendment at the second reading stage. I formally move:

Page 59, clause 161. After clause 161(8), insert:

(9) The register must be kept available at the head office of the Department for inspection, free of charge, by members of the public.

The amendment is consequential to the amendment to clause 159. The same comments apply to this amendment.

Amendment agreed to.

Clause as amended agreed to.

Clause 238

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.12]: I move:

Page 88, clause 238, line 7. Omit "may", insert instead "must, if the Minister considers it appropriate,".

The bill provides a discretionary power for the inclusion of conditions for protecting the environment. The amendment will make it mandatory for such conditions to be included, if the Minister considers it to be appropriate.

Amendment agreed to.

Clause as amended agreed to.

Clause 239

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.13]: I move:

Page 88, clause 239, line 14. Omit "a mining lease", insert instead "an authority".

It is proposed that conditions relating to rehabilitation may be altered during the currency of the title.

Amendment agreed to.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.13]: I move:

Page 88, clause 239, line 17. Omit "any part of the mining area or claim area that", insert instead "such part of the land over which the authority or claim has effect as".

This is consequential to the previous amendment.

Amendment agreed to.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.14]: I move:

Page 88, clause 239, line 18. After "affected by", insert "prospecting operations or".

Again this is a consequential amendment.

Amendment agreed to.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.15]: I move:

Page 88, clause 239, line 23. Omit "a mining lease", insert instead "an authority".

This again is a consequential amendment.

Amendment agreed to.

Mr ROGAN (East Hills) [9.16]: As foreshadowed by the honourable member for Wallsend, to whom I am grateful for having referred to the matter, I move:

Page 88, clause 239, line 32. After "Service" insert: "and after consultation with the Director of National Parks and Wildlife".

As my colleague outlined, the Opposition proposes this amendment with no criticism of the excellent service given by the Soil Conservation Service. However, we believe that further expertise is available in the National Parks and Wildlife Service. At this stage that service is consulted informally when considered appropriate. The amendment will specify in the legislation that, for the reasons outlined by my colleague, it will be mandatory for the department to consult the Director of National Parks and Wildlife. For that reason the amendment will strengthen the rehabilitation provisions.

Amendment agreed to.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.18]: I move:

Page 88, clause 239, line 25. Omit "section", insert instead "Division".

It is proposed that conditions relating to the protection of the environment may be altered during the currency of the title.

Amendment agreed to.

Amendment by Mr Causley agreed to:

Page 88, clause 239, line 34. Omit "the mining lease", insert instead "the authority".

Clause as amended agreed to.

Schedule 5

Mr CAUSLEY (Clarence - Minister for Natural Resources) [9.19], by leave: I move the following amendments in globo:

Page 164, Schedule 5, line 33. After "coal", insert "or shale".

Page 164, Schedule 5, line 36. After "coal", insert "or shale".

Mr MILLS (Wallsend) [9.19]: The Opposition supports both amendments. They refer to the same thing. I am pleased that the integrity of the Mines Subsidence Compensation Act will be maintained, at least in that part, by reinstating the words "or shale" after the words "coal". The Opposition supports the two amendments.

Mr ROGAN (East Hills) [9.20]: The Opposition supports the amendments. I commend my colleague the honourable member for Wallsend for having studied the legislation in such a detailed manner. The Opposition does not see itself as an expert in these matters. It goes outside to seek the advice of those it considers to be experts. I certainly did that for this legislation, and those from whom I sought advice did not pick up the amendments that my colleague the honourable member for Wallsend was able to pick up. It demonstrates that if legislation is given detailed consideration minor matters can often be found that require amendment. Although minor, the matters have been considered important enough for an amendment to be moved and accepted. I commend the Minister and his staff for the constructive manner in which they have considered the Opposition amendments. In almost every instance the amendments have been accepted. As I foreshadowed at the second reading stage, the Opposition came under great pressure to move other amendments, but because of the importance of this legislation it did not do so. I commend the Minister for the manner in which he and his department have considered the constructive amendments moved by the Opposition, and accordingly the Opposition supports the bill.

Amendments agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments and passed through remaining

stages.

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DEFAMATION BILL Legislation Committee

Mr MOORE (Gordon - Minister for the Environment) [9.25], by leave: I move:

> That so much of the standing and sessional orders be suspended as would preclude the reporting time for the Legislation Committee on the Defamation Bill being extended to 30th September, 1992.

This motion is moved at the request of the committee and has been advanced on a bipartisan basis. The Government and the Opposition agree to it.

Motion agreed to.

FREEDOM OF INFORMATION (AMENDMENT) BILL

Second Reading

Debate resumed from 26th March.

Mr WHELAN (Ashfield) [9.26]: To save the time of the Parliament, the Opposition agrees to the many and varied amendments proposed by the bill. I thank the honourable member for Bligh for providing me with a copy of her intended amendments and advise her and the House that the Opposition - and I understand the Government - will be agreeing to her proposed amendments. The honourable member is moving those amendments on behalf of the general Independent members of the House. This bill is a multipurpose bill. The Australian Labor Party speaks with a great deal of expertise on the Freedom of Information (Amendment) Bill in view of the court case that it engaged in regarding North Coast land. The Australian Labor Party's attempts to obtain information were frustrated by the interpretation placed on the legislation.

The bill derives from the intention of the Independent members of the Parliament - which were stated in their negotiations and discussions with the Government - regarding the charter of reform. They sought clarification of certain issues relating to freedom of information. The Minister for the Environment, who led for the Government, indicated on many occasions that the Labor Party's position was freedom from information. That claim was applicable to the first Freedom of Information Bill that is now an Act of Parliament. This Act is to be seen only as an extension of freedom of information generally throughout the public operation of the Government in New South Wales. For that purpose it is a very good thing. It must be remembered that the Act refers to a public authority, which is a body other than an incorporated company or association, but excluded the Parliament, royal commissions, local authorities, et cetera. The legislation does not affect in any way the general purpose of the Act, but it does enact some important, specific changes. It reduces from 45 days to 21 days the time within which an application under the Act may be dealt with by an agency. I am sure that the honourable member for Bligh, who will follow me in this debate, will relate to the House the importance of object (b) of the bill, namely:

> . . . it is not relevant to take into account the possibility of embarrassment to the Government, loss of confidence in the Government . . .

That has some legislative doubt but certainly has some public significance. The third object of the bill is:

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> (c) to remove the right of an agency to refuse access to a document on the ground that it came into existence more than 5 years before the commencement of the Act;

I believe when the Minister for the Environment spoke on the bill he indicated that the Government would consider that in any event - so that it was not a nightmare for whoever was in government - to ensure that files do not have to be retained for many years in order to comply with the Act. I want to refer briefly to some important matters that come about as a result of the Labor Party's application to the District Court, that is, as set out in object (d), as follows:

> (d) to allow judicial or other review of a determination of an agency to refuse to deal with an application on the grounds that to do so involves a substantial and unreasonable diversion of the agency's resources;

Object (e) states:

> (e) to require the Minister, when issuing a Ministerial certificate that a document is a restricted document to which an agency must refuse access, to give reasons and provide particulars to support the claim that it is a restricted document;

Object (f) of the bill states:

> (f) to provide that the Supreme Court, rather than the District Court, is to review determinations in relation to a document that is subject to a Ministerial certificate that states that it is a restricted document;

The Opposition does not see that as an inroad into the workload of the Supreme Court. The inherent jurisdiction of the District Court in relation to this matter is to be retained. The bill foreshadows that the Supreme Court is the proper authority to be the determinant of the review mechanism. One of the most important amendments sought by the Independents in their charter of reform will undoubtedly have been to limit Cabinet and Executive Council documents and the power of the Minister to confirm a ministerial certificate. Of course, that was the very issue upon which the Labor Party lodged its case. There was an alleged certificate issued by the Director-General of the Cabinet Office about a matter relating to the North Coast land development and a report made by Mr Kortlang, who was an officer of the Government. The report was relied upon by the Government as being a Cabinet document; and the Government fought tooth and nail to ensure that the Opposition did not obtain access to it. The matter went to the District Court, but the court held that the Opposition was not entitled to have access to the document.

The bill that the Government is introducing, largely at the behest of the Independents, will remove the difficulty the Opposition faced in the court case. For that reason the Opposition supports the bill because it will not enable the Government to hide behind the activities of its agents - in this instance Mr Kortlang, who was then employed by the Government. There was another person, highly influential and in a government position, who issued a report, which the Government relied on extensively, that there was no breach of trust by any of the Ministers involved in the North Coast land development. Of course, the public knew and we knew, but we were not able to obtain the information.

The bill goes only part of the way towards streamlining freedom of information. Parliament must give credit where it is due. The Australian Labor Party, of which I am a proud member, talked about the issue for many years. The Minister for the Environment moved his first private motion in 1981. The matter has been a long time coming. We are now almost over the difficult political decisions that confronted politicians who dealt with the bill. Freedom of information will apply now to public

utilities. There is a long way to go before we deal with this issue on a private basis. The only other matter I wanted to raise with the Minister relates to the Act itself, that is, in relation to the District Court's right. The Minister may be able to clarify the matter for me. Am I to understand that the District Court will retain the inherent right of review contained in section 53 of the Act, and that the proposal for the Supreme Court is narrower than one might suspect? That is dealt with in proposed section 58A of the Act, which states:

> 58A (1) The Supreme Court may, on the application of the appellant in proceedings before the District Court under Division 2, consider the grounds on which it is claimed that a document that is the subject of a Ministerial certificate is a restricted document.

A restricted document is defined. As I said earlier, there is limited jurisdiction in the Supreme Court. I want to ensure that that will be the only method by which members of the public who are aggrieved on that issue will have to appeal to the Supreme Court. I note there is nothing there about legal aid, costs and so on, in relation to what might be an expensive and timely process of appeal to the District Court. The Opposition supports the bill and supports also the proposed amendments which were kindly made available by the honourable member for Bligh.

Ms MOORE (Bligh) [9.35]: I give credit to the Government for introducing freedom of information legislation in 1988. After this amendment bill is passed, New South Wales will have the most flexible freedom of information legislation in Australia. This amendment bill will reduce significantly the opportunity for statutory authorities to claim exemption and will remove totally blanket exemptions that have been enjoyed by the Independent Commission Against Corruption and by the Director of Public Prosecutions. In addition, the bill will depoliticise freedom of information by ensuring that it is not relevant to take into account the possibility of embarrassing the Government of loss of confidence in it. The bill will limit Cabinet exemption. That matter is important to me. I was concerned about the changes to education and the way in which former Minister Metherell imposed those changes on the community without consultation. Many of the parents and citizens associations in New South Wales were prevented from obtaining information about the closure of schools because of the Minister's opportunity to say that the documentation belonged to Cabinet.

When the Minister for the Environment introduced this amendment bill he acknowledged that it was the result of proposals put forward by the non-aligned Independent members. It is a very important part of the implementation of the charter of reform. Certainly the Independents have made a strong commitment over many years to freedom of information. It was certainly part of my pre-election commitment in 1988. When the original bill was introduced that year, the Independent members played an important role in the debate. It was during the Committee stage that I and my Independent colleagues proposed amendments aimed at strengthening the bill. Those amendments had been prepared by my research assistant Larry Galbraith. The thrust and intent of the amendments are embodied now in the Freedom of Information (Amendment) Bill. I should like to recall what happened during the debate in 1988. The bill was introduced by the same Minister who has introduced it on this occasion, the Minister for

the Environment. Apart from the Minister there were eight speakers - three from the Government, three Independent and only two from the Opposition. Indeed, had it been left to the Opposition, there would have been no debate at all.

When the bill was introduced on 1st December, 1988, the Leader of the Opposition was not in the Chamber at the time. It was fortunate that Robyn Read, the then member for North Sydney, was ready with her maiden speech on this bill. Had she not been, the debate would have ended before it had begun. The absence of the Leader

of the Opposition at that time might have acted inadvertently but it might also have reflected the lack of enthusiasm by Labor Party members towards the freedom of information in this State. The issue had been talked about for a number of years by the Labor Party but had not been acted upon. Interestingly, the Australian Labor Party was one of the most enthusiastic users and beneficiaries of freedom of information, just as it is an enthusiastic user and beneficiary of the Independent Commission Against Corruption.

The Minister for the Environment noted in his second reading speech that, when he first introduced his private member's bill in 1981, he was not able to debate it. Things are different in the Fiftieth Parliament. Because of the make-up of the Parliament, private members now have an opportunity not only to introduce private member bills but also to have them voted upon. That is another welcome change. The amendments proposed by the Independents in 1988 dealt with a number of matters, including: reducing the maximum amount of time within which an agency could deal with an application; ensuring that the cost of obtaining information was within the reach of the average citizen; removing the five-year limitation on access to information; removing many of the excuses agencies might put up for not providing information; and reducing exemptions. The amendments contained in this bill are not necessarily the same as the 1988 amendments. As a result of much discussion that has taken place between the Government, the Independents and the Opposition, the Independents have found other ways of achieving their aims. Nonetheless, our aims remain the same today as they were in 1988. We aim to strengthen freedom of information legislation to make it more accessible and more affordable to the community.

In 1988 we moved a number of amendments which sought to reduce the maximum time an agency had to deal with applications. It was proposed that, by 1993, the maximum time would have been reduced from 45 days to 14 days. This bill will reduce the maximum time from 45 days to 21 days. As a result of discussions we agreed that was a reasonable period. Reducing this period should help to ensure that requests are dealt with efficiently and swiftly. However, we recognise that there may be special circumstances where an agency cannot make a decision within the 21 days. During the Committee stage I will move an amendment that will set out the special circumstances that will allow for an extension of 14 days. The current Act denies access to a document that came into existence five years before the commencement of the Act. In 1988 the Independents sought to change this five-year barrier to 30 years. However, this bill goes further. It removes the restriction altogether.

Having freedom of information legislation is one thing; implementing and using it is another. Unfortunately, there may be times when agencies and bureaucrats may not release information to members of the public, even though they should do so under the Freedom of Information Act. The 1988 Act gave these agencies and bureaucrats an escape clause in the form of section 22. Agencies could refuse to deal with an application if, in their view, the work involved would substantially and unreasonably divert agencies' resources. At present there is no appeal against such a decision. We believed that this was unsatisfactory; in fact, it went against the spirit of freedom of

information. Although we recognise it is important that the work of agencies not be weighed down by unreasonable or excessive requests, section 22 is arguably a safeguard against such requests. At the same time we did not want agencies either to abuse this section or to attempt to abuse it. In 1988 I moved an amendment which sought to govern the extent to which an agency might plead it had too heavy a workload to deal with such a request. That amendment also proposed that, where an agency could deal with such requests by modifying its procedures, it be required to do so. The amendment proposed that documents be disclosed if, on balance, it was in the public interest.

This bill effectively achieves that aim but by different means. A refusal to deal with an application on the ground that by doing so will substantially and unreasonably divert an agency's resources is made a determination under the Act. Determinations may be investigated by the Ombudsman. The Ombudsman, in turn, may recommend that the agency change its procedure so that it is more able to fulfil its obligations under the Freedom of Information Act. More significantly, this bill will enable the Ombudsman to recommend that documents, including exempt documents, should be released if, on balance, it is in the public interest. The term "public interest" may mean different things to different people. Proposed new section 59A makes clear what the term "public interest" does not include. Claims that disclosure of a document might embarrass the Government or that a document might be misunderstood would be irrelevant in determining the public interest. Though this bill increases the opportunity for ordinary people to gain access to government information, it does not remove all the obstacles. For example, appealing to the District Court is an expensive way of enforcing one's right to information. It is not surprising that there have been so few appeals. This problem will not be overcome until there is a cheaper, more user-friendly appeal process.

I hope that the authority this bill will give to the Ombudsman to make recommendations in the public interest will further decrease the need for appeals. However, this additional authority will be of little use to him if he lacks the resources to use it. It is important for the Government to recognise this and to ensure that the Office of the Ombudsman has the resources to enable the Ombudsman to carry out his additional responsibilities under this bill. In addition, it is important that both public servants and the public at large are made fully aware of their rights and responsibilities regarding freedom of information. The Minister for the Environment, in concluding his second reading speech, said that, no doubt, over time there would continue to be evolution of this legislation. I would expect the Government of the day, whatever government it might be, to undertake regular reviews of the Act at two-year or three-year intervals to see what further improvements might be made. I hope that further reviews of this Act occur before the completion of this historic Fiftieth Parliament.

Mr NAGLE (Auburn) [9.46]: I recall debate on this legislation in 1988 in which the Leader of the Opposition was involved. I dissociate myself from the remarks made by the honourable member for Bligh. At that time the honourable member spoke in the debate. It is absurd for her to say that the Leader of the Opposition, in some conspiratorial way, attempted to destroy this legislation when both Government and Opposition members supported it. It is not a bad idea to reduce from 45 days to 21 days the maximum time within which an application must be made. I believe the Government proposes to increase that period by 14 days. Government departments need time to assess information. On a few occasions I have requested information. I made application, as is required, under the Freedom of Information Act but my money was returned to me and I was told that the documents I required were not available. I, unlike a lot of members of the community, cannot afford to go to the Supreme Court or the

District Court to obtain documents. If two Supreme Court judges sat alone and dealt with civil matters from 9 a.m. to 5 p.m. five days a week it would take 42 years to clear the backlog of civil matters, but the Government wishes to tie up the Supreme Court and District Court with additional matters.

The Minister might be able to inform the House why, in proposed new section 57(1), the District Court may, on the application of an appellant, consider the grounds on which it is claimed that a document is a restricted document, but only if the document is not subject to a ministerial certificate. That matter might then be referred to the Supreme Court for argument. Freedom of information legislation should give people

access to most documents other than sensitive documents dealing with day-to-day operations of government, documents needed by the Government to provide good government and documents the Government needs to keep confidential and secret which, if disclosed, might be detrimental to the State. It might be easy to make an application to get information but if that information is refused the cost in then trying to obtain it is astronomical. As the honourable member for Ashfield said, no legal aid is available. Legal costs can be extremely high and few people have the resources to gain access to those documents. A government department wishing to be completely obstructive could refuse to give information on what it perceives to be a sensitive matter. It would then be up to an appellant to make an application to the District Court to get that information which, as I said, becomes a costly exercise. Freedom of information means freedom to get information at a reasonable cost to the person seeking that information. Members of the public should not have to do battle with government departments which have unlimited funds available to them. The honourable member for Bligh will be moving amendments. It is hoped that those amendments will deal with the problem faced by people unable to afford the legal cost of obtaining documents that have been restricted by government departments.

Mr MOORE (Gordon - Minister for the Environment) [9.50], in reply: I thank honourable members who have contributed to the debate. As the honourable member for Bligh indicated, it was my great pride to have the carriage of the Freedom of Information Act in 1988 after having attempted in 1981 to introduce the topic as a private member's bill. To those of us in the parliamentary Liberal Party who regard ourselves as the philosophic descendants of the late John Maddison were taught at his political knee, as it were, the need for proper respect for the liberty and rights of the individual and the laws of New South Wales. Freedom of information provides access to and openness of government. The amendments to be moved by the honourable member for Bligh, to be agreed to by the Government, will improve the 1988 legislation and do a little more to move the fulcrum on the seesaw of power back in favour of the citizenry in our State. I believe the amendments will enhance the legislation. As I indicated at the time of introducing the bill, I do not believe this bill closes the book on all freedom of information legislation but is closing one chapter. The book itself will continue to be written as experience dictates further amendments and refinements necessary for future generations. I would indicate a number of short matters of detail. The proposal to shorten the period for applications while proposing under some limited circumstances to allow further periods of extension is something that will make the responsiveness of government administrations to these matters better and more accountable to members of the public. The provisions will provide for members of the public greater rights of access to information from government departments. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Ms MOORE (Bligh) [9.54], by leave: I move the following amendments in globo:

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Page 2, Schedule 1(1). After line 22, insert:

(c) Section 59B;

Before section 60, insert:

Extension of 21 day period for dealing with applications

59B (1). This section applies to a period of 21 days referred to in section 18(3), 21(6), 24(2), 37(2), 41(3), 43(2) or 50(2).

(2) If the person dealing with an application under this Act determines in writing that the special circumstances of the case make it necessary to extend any such period of 21 days:

(a) the period is taken to be extended by a further period of 14 days; and

(b) the person must, as soon as practicable, inform the applicant that the period has been so extended.

(3) The only special circumstances that may be relied on to extend any such period of 21 days are as follows:

(a) the necessity to consult any other person and body under Division 2 of Part 3;

(b) the necessity to locate or retrieve the relevant document from archived documents;

(c) any other special circumstances prescribed by the regulations.

Page 3, Schedule 1(2), lines 10-12. Omit proposed section 22(6), insert instead:

(6) A refusal to continue to deal with an application under this section is taken to be a determination that is subject to internal review under Part 3 and external review under Part 5, and the provisions of those Parts apply accordingly.

Page 5, Schedule 1(6). After line 5, insert:

(7) Any part of a report under section 26 of the Ombudsman Act 1974 of an investigation of a determination made by an agency under this Act (except any part of such a report on a question of law or containing a recommendation referred to in subsection (6)) is admissible in evidence in any proceedings before the Supreme Court or District Court under this Act if that part of the report is relevant to the proceedings.

Page 10, Schedule 1(11). After line 35, insert:

(3B) A charge under this Act for dealing with an application or for giving access to a document is not to include any amount for additional time spent in searching for a document that was lost or misplaced.

Mr MOORE (Gordon - Minister for the Environment) [9.55]: I thank the honourable member for Bligh for moving the amendments. With respect to schedule 1 and the proposed section 58A, as raised by the honourable member for Ashfield, it is a limited right of access to the Supreme Court merely for the purposes of reviewing ministerial certificates. Other areas of access to the District Court are preserved as they were. I support the amendments.

Amendments agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments and report adopted.

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REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES (AMENDMENT) BILL

Second Reading

Debate resumed from 29th April.

Mr WHELAN (Ashfield) [9.56]: The Opposition offers no amendment to the Registration of Births, Deaths and Marriages (Amendment) Bill. Honourable members could be excused for feeling emotional after hearing the second reading speech made by the Attorney General and the recent specific issue relevant to the proposed bill as relating to a member of his family. The objects of the bill are to amend the Registration of Births, Deaths and Marriages Act to create a permanent register of stillbirths to provide for the formal recognition of a child who is stillborn by providing for the issue of certificates in relation to the child, and to amend the definition of a stillborn child to accord with a definition of use for medical purposes. The Attorney General informed the House that the matter was the subject of a Law Reform Commission report in 1988 entitled "Names, Registration and Certification of Births and Deaths".

One of the motivating factors behind the legislation is the intent that the emotional needs of the families will be satisfied by creating a permanent public record of the child's existence and by providing formal recognition of the child by way of certificate. Part of the grieving process resulting from a stillbirth in what obviously would be a tragedy in any parent's life should be assisted by any support Parliament can offer to alleviate the problem of parents beset by that terrible plight. The matter was given close and detailed examination by the Law Reform Commission and by the Government. It is certainly not a political issue at all; the Opposition totally supports the bill. There may be some problems associated with retrospectivity proposed for the legislation. In that respect one wonders what would happen to people who seek the support of the Government for the purpose of acquiring a postdated birth certificate of a stillborn child. This is a very emotional issue for many parents and is one where Parliament - Government and Opposition - is at one. I have much pleasure in supporting the bill.

Mr KERR (Cronulla) [9.59]: I support the proposed legislation. The Opposition has adopted an extremely responsible attitude, but this is not a political

matter. It relates to a difficult situation about which the House would like to show a degree of compassion and understanding. I am pleased that the Law Reform Commission considered the matter. As the honourable member for Ashfield said, there may well be some problems, but if there are, the legislation can be brought back to this Parliament and those problems can be attended to. In a spirit of bipartisanship, I am sure no one wishes to impose more administrative burdens on the public service, which is in a difficult position. The degree of co-operation in the House will enable the bill to be passed expeditiously. Any contingencies arising can be dealt with with equal speed and with considerable understanding by honourable members.

Mr NAGLE (Auburn) [10.0]: Joshua William Rafter was stillborn on 17th June, 1987. Paul Rafter and his wife, Katherine Rafter, spoke to me today and asked me to tell the House how they feel about their son Joshua, who was buried at Rookwood cemetery. A headstone gives details of who he was and when he was born, but the parents have no certificate of birth and the child's birth was unrecognised. Paul Rafter spoke to my staff today, who wrote down what he said. Paul Rafter asked me to tell this Chamber that from the beginning Joshua had multiple deformities and there was a

probability that he would not survive. The family decided to go ahead with a full-term pregnancy just in case he was normal, as the findings were based on ultrasound evidence only. The family has asked me to inform the Attorney General that it would like the legislation to be retrospective to allow sibling birth certificates to be amended so that the children of the marriage will be able to recognise that they had a brother.

The family wants a birth certificate for Joshua to prove that he existed. He may have a death certificate, but he did not have a birth certificate. Documentation of a stillborn child's existence is important to a family. It would assist the grieving process that families go through. A pregnancy may last nine months, but a stillborn child is unrecognised at the time of its birth. The present legislation does not allow a stillborn child to be entered on a sibling's certificate, though it does allow for deceased children. The other children of the family should know and have proof that they had a brother or sister. The family asked that this Parliament consider making the proposed legislation retrospective so that those who desire to do so may obtain a birth certificate for a stillborn child. The certificate in this case should be issued in the name of Joshua William Rafter.

Mr MERTON (Baulkham Hills) [10.3]: I support the legislation, which is long overdue. It will form an important part of the social legislation of this Government. I am pleased that the Opposition supports the bill also. The cold, hard reality is that many parents who go through a long and often difficult and painful process leading to the birth of a stillborn child receive no birth certificate. No permanent record exists of the birth in New South Wales. The stillbirth is a tragedy, the pain of which will probably never diminish. The least this Government can do is provide a permanent, tangible and indelible record of the stillbirth of a child. The New South Wales Law Reform Commission in its report entitled "Names, Registration and Certification of Births and Deaths", published in 1988, recommended the measures in this legislation. I know that the former Attorney General, Mr John Dowd, was concerned. He, being a compassionate man, as is the Attorney General, Minister for Consumer Affairs and Minister for Arts, was determined to rectify the situation. The proposed legislation will enable the Registrar General to provide at the parents' request under new section 43 a certified copy or extract of a recording in a stillbirth register according to the same policies currently applying to the birth register. Parents and siblings will be able to receive a certificate of registration upon request.

The Act being amended contains important definitions of stillbirth to accord

with the definitions used for medical purposes. The definition in the Act refers to a stillborn child being one who did not breathe after delivery. The medical statistical definition relates to that as being a child whose heart did not beat. Apart from that difference, both definitions refer to a child of at least 20 weeks' gestation or 400 grammes weight at delivery. The New South Wales Law Reform Commission noted that the definition for registration purposes has altered over time to reflect changes in the medical view of viability of children at birth. The commission considered that the definition of a stillborn child should be altered to meet more closely the needs of the collection of medical statistics for research while still meeting the needs of the parents. That is the important part of the legislation. It is essential that parents of a stillborn child receive some recognition of the birth of the child. The bill contains consequential amendments to achieve conformity between the registration of stillbirths and the registration of births. An important transitional provision will enable the registration of stillbirths made before the bill is passed to be treated as though they were made under the amended provisions and will ensure that the parents will be entitled to obtain a certificate of registration. I am grateful to the Opposition for the realistic and worthwhile approach it has taken to this important legislation. I have absolutely no hesitation in supporting it, as it is long overdue.

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Mr D. L. PAGE (Ballina) [10.7]: I strongly support the proposed legislation and congratulate the Attorney General, Minister for Consumer Affairs and Minister for Arts for introducing it. Honourable members have spoken about the purpose of the bill, so I shall not dwell on that. The legislation will allow the creation of a permanent register of stillbirths and will enable parents to obtain certificates of stillborn registrations. I note that the Law Reform Commission recommended that the registration provisions of the Act be amended to meet the emotional needs of families by creating a permanent public record of the child's existence by providing formal recognition of the child by way of certificate. There has been a great deal of dissatisfaction about the current practice of parents of stillborn children not being able to gain formal recognition of their birth. My particular interest in this subject was heightened when I received a letter in January 1991 from my constituents Mr and Mrs Cleaver from Ballina. They wrote me an emotional yet logical letter delineating their problems. I have spoken to Mr and Mrs Cleaver, and they are happy for me to speak about them in this forum. Mrs Cleaver, who was the mother of a stillborn child, who was born in September 1990 at 38 weeks, wrote to me four months after the birth, following approaches to the Registrar of Births, Deaths and Marriages in order to gain recognition of the birth. She said:

> I hope that you can appreciate that as parents of a stillborn child this law infuriates us. An archaic law (or bureaucrats) are telling us that our Son didn't matter because he was never fortunate to take a breath on his own. How can this be when we parents, by law have to bury these children, which of course we would do anyway, but then we cannot obtain a Birth and or a subsequent Death Certificate to show that they were born . . .
>
> The gentleman from the Registrar's office was most helpful but his hands are tied until the laws are changed. The reason given for this rule is that as the child did not breathe on his/her own then that child never "existed" and no Certificate would be issued. If one gives birth to a child that is put onto a life support system straight away and that child dies at a later date before breathing on his/her own, then a Birth and or Death Certificate is still not issued. This I find most appalling.

The letter further states:

> After all the certificate is called a "Birth Certificate" and not a "Life Certificate" and we mothers of these children have given birth whether they were born alive or dead.
>
> I do hope that you do not dismiss this letter as written by some emotional woman who has "lost" her child and she'll get over it. I shall never "get over it" as I never want to forget my Son but the Registrar of Births Deaths and Marriages is telling me to forget him after two (2) years.
>
> I am a member of the SANDS (Stillborn and Neonatal Death Society) support group which I believe is making representation to the Government to have this law changed and I fully support this. But as I have less than two years to try and get something done I have to make every post a winner so I am appealing for your support in this matter hoping that as a father you will treat my appeal with sympathy and anger at the archaic law which HAS to be changed.

Those sentiments summarise the feelings of many parents on this issue. At the conclusion of his second reading speech the Minister referred to this legislation being made retrospective. That is the main issue, apart from highlighting the feelings of those people who have been through this experience. I mention the appropriateness in this case of retrospective legislation. Normally I would be violently opposed to any form of retrospective legislation. However, in these circumstances parents who have had stillborn children are very much entitled to retrospectivity. The Minister touched on this issue but did not go into any detail. I ask him in reply to provide more information on retrospectivity. After all those parents eagerly await recognition of their stillborn children, for their own sake and for the sake of their child. I ask the Minister to confirm the retrospectivity aspect of the legislation and outline the procedures under which parents can apply for a stillborn certificate. I ask him to assure those parents for whom records exist in the past that upon application they will be able to obtain a stillborn registration

certificate to formally recognise the existence of their child, even though that child was stillborn.

Mr COLLINS (Willoughby - Attorney General, Minister for Consumer Affairs and Minister for Arts) [10.13], in reply: I thank the Opposition and all speakers who have supported this important piece of legislation. It is not lengthy legislation but will mean a lot to those people whose lives have been marred by the tragedy of a stillbirth such as the one outlined by the honourable member for Auburn. Most speakers have sought further details about the retrospective application of this legislation. I confirm that the legislation will be retrospective, in effect. I refer honourable members in particular to proposed section 17 of schedule 3 which reads:

> A stillbirth that was registered under Part 3 as in force immediately before the date of assent to the Registration of Births, Deaths and Marriages (Amendment) Act 1992 is taken to have been registered under Part 3 as amended by that Act.

After years of neglect all those parents who have been through the grieving process will be able to have some recognition for those children they lost at birth. This is a compassionate move and one which is long overdue. Accordingly, I thank again all honourable members who have supported this initiative and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CONSUMER CLAIMS TRIBUNALS (AMENDMENT) BILL

Second Reading

Debate resumed from 29th April.

Mr AMERY (Mount Druitt) [10.16]: I lead for the Opposition on this bill. At the outset I indicate that the Opposition will be moving one amendment only to the bill in Committee. Except for that one area of disagreement on the right of consumer claims tribunals to award costs, the Opposition supports the provisions in the bill. The explanatory note sets out the objects of this bill as being to amend the Consumer Claims Tribunals Act 1987:

(a) to extend the definition of "consumer" in the Act to permit companies limited by guarantee to lodge claims;

(b) to provide that the definition of "goods" does not include interests in land;

(c) to provide for the creation of branches of the registry of consumer claims tribunals;

(d) to extend the power of the registrar of consumer claims tribunals to delegate registrar functions;

(e) to require a consumer claims tribunal to provide written reasons for certain orders made by it in respect of a consumer claim and to require that those reasons be kept as part of the official record of the claim;

(f) to allow a consumer claims tribunal to award costs in limited cases;

It is in that area that the Opposition will be moving an amendment in Committee. The objects are further stated to be:

(g) to make it clear that an order of a consumer claims tribunal sitting as a building disputes tribunal is (for enforcement and other purposes) to be treated in the same way as an order of any other consumer claims tribunal;

(h) to clarify an existing provision that makes tribunal decisions final and not subject to appeal;

(i) to alter the time from which interest starts to run on unpaid consumer claims tribunal orders;

(j) to make a minor amendment by way of statute law revision;

(k) to enact consequential savings and transitional provisions.

I have read those objects to indicate that by and large many consequential amendments will tidy up definitions in the principal Act of 1987. However, the Opposition will be moving the foreshadowed amendment in Committee. The object of the bill to establish branches of consumer claims tribunals is particularly welcomed as an opportunity for the Government to expand the presence of consumer claims tribunals. From representations

I have received from colleagues in country areas, access to consumer claims tribunals has been difficult because they have been situated at regional centres. The Opposition will support any provision providing for branches of consumer claims tribunals. That amendment is commendable.

The bill redefines the authority of persons who have a role with consumer claims tribunals. As I have said, those provisions are non-contentious and should be endorsed. The second object of the bill is to provide that the definition of goods does not include land. That provision is not objected to by the Opposition. Indeed, the principal Act contains a definition of goods that is vague, for it does not make specific reference to land. The Government obviously has been concerned about the functions of the tribunals in determining disputes over land that are subject to claims before the tribunals rather than before local courts. Although the bill will tidy up the definition, I do not imagine that there will be too many cases in which land will be the subject of a claim to a consumer claims tribunal. That is because of the limited jurisdiction of those tribunals. Even when this measure is enacted and the regulations are subsequently introduced, the jurisdictional authority will increase to $10,000. I do not envisage that many cases involving property will be sought to be placed before a consumer claims tribunal.

The change to the definition of consumer will allow companies and clubs limited by guarantee to lodge claims. That will be a welcome extension to the type of companies and persons that will have access to consumer claims tribunals. The Opposition's advice is that the provision will be applicable to many service clubs and sporting clubs registered as companies and limited by guarantee. By definition, in the past those organisations were precluded from making claims through the tribunals. This amendment is a welcome addition that will extend access to the tribunals by various community groups. The Opposition supports the provisions of the bill that will require consumer claims tribunals to give written reasons for their orders. I have received many representations about consumer claims tribunals. Often it has been difficult for people to obtain the reasons why an order has been made by a consumer claims tribunal. Frequently that has necessitated representations being made to the Minister to find out why a decision was made in respect of a claim. It was interesting to note that in the Minister's second reading speech and in the Act no reference was made to a provision requiring tribunals to record by some method the reasons for the making of orders in particular cases.

In his second reading speech the Attorney General referred to a review of the New South Wales consumer claims tribunals dated November 1989 carried out by Peat

Marwick Hungerfords Management Consultants, Sydney, and Clayton Utz, solicitors and attorneys. Those firms conducted a comprehensive review of the consumer claims tribunals, and some of their recommendations are included in the proposed legislation. In regard to the requirement that consumer claims tribunals give written reasons for their determinations, the report stated that Victoria is the only State in which such tribunals have that practice. New South Wales has no requirement that written or verbal explanations be given for decisions. The report said also that referees had been interviewed and stated that verbal justifications are always provided. That was by way of practice, but not as a legislative requirement. The responding referees mentioned to the consultants that though they were not averse to including written reasons, naturally a greater proportion of their time would be consumed by such a task. Further, it was noted that administrative support staff may be needed as a by-product of that new responsibility. I am sure that the State Treasury will be pleased to hear that as a result of the legislation it may be required to furnish additional funds for the operations of consumer claims tribunals. Nevertheless, the Opposition supports that provision. To go

briefly through the references given in the review, it is suggested that the provision of reasons would benefit the tribunals by increasing accountability in the public eye. At page 64 the report said:

> Providing reasons to the parties would certainly increase the accountability of the Tribunal in the eyes of others. As was noted earlier, the Supreme Court has made a number of comments regarding the need to ensure the exercise of "scrupulous care" by Referees in the performance of their function.

In relation to appeals to the Supreme Court, the report continued:

> It should be noted that decisions on questions of fact are rarely, if ever overturned. As such the requirement to provide reasons serves the primary function of providing the parties with written explanation for the decision of the Tribunal.

The report noted further that the Exit poll conducted by the consultants showed that 43 per cent of claimants and 60 per cent of respondents indicated a desire for the provision of reasons in writing. A further recommendation was made that a fee be charged in relation to the cost of providing reasons and be capable of being recovered. I understand that provision has been included in the proposed legislation. If a person who has appeared before a consumer claims tribunal seeks a copy of reasons for a decision, that person will be charged a fee, under the Government's user-pays system. If a fee is to be charged, it should be remembered that the principle of consumer claims tribunals is to provide a low cost avenue for the resolution of disputes between consumers and traders. The fee for lodging a claim before a consumer claims tribunal is only $10, and that has not been changed for some time. If a fee is to be charged for the making of a copy of the reasons, the amount charged should be consistent with the fee applicable to the lodgment of an application. It would be inconsistent if a complaint could be made to a consumer claims tribunal at a cost of only $10 but it cost $40 or $50 for a copy of the tribunal's reasons for making an order. When the Government is addressing that matter and making arrangements for the department to administer this provision, it should bear in mind that the principle of tribunals is to limit costs to those involved.

With those comments I indicate that the Opposition supports the principle of accountability of consumer claims tribunals in making their decisions public. The Opposition takes exception to the consumer claims tribunals being given an option to award costs in their hearings. That requirement is totally rejected by the Opposition. The review of the New South Wales consumer claims tribunals recommended to the Government that the awarding of costs in certain circumstances should be supported. The

Minister in his second reading speech said that would occur in limited circumstances. Under the proposed legislation there is scope to award costs in respect of expert advice and also for the daily appearance of persons before consumer claims tribunals. Proposed section 28(3)(a), to which the Opposition will move an amendment at the Committee stage, is biased in favour of traders and against consumers. It will be possible to make orders only against unreasonable consumers but not against unreasonable traders. Either there should be no provision for the awarding of costs or, if the Government intends to open up the floodgates, the bill should require that costs may be awarded against consumers and traders alike - though we would resist such a provision. Nevertheless, I make the point that this proposed clause shows the Government's bias towards traders. When I return to explain that clause I shall demonstrate that the proposed section favours traders in disputes. The reason costs should not be awarded by tribunals comes back to the Peat Marwick consultant's report. The introduction on page 9 clearly indicates what

a consumer claims tribunal system is. I quote from the first paragraph:

> The Consumer Claims Tribunals (CCT) in New South Wales were established in 1974. Initially, the basic purpose was to resolve problems of claims by consumers against traders in the quickest, cheapest and least formal manner possible. The Tribunals achieved this by restricting legal representation and appeals, prohibiting both debt recovery action by traders and the awarding of costs, and by waiving rules of evidence. The CCT mechanism also served to alleviate pressure on the normal court system.

The whole philosophy of consumer claims tribunals is to get away from the court system of evidence, legal representation, appeals and cost. This is the first time that any government, Labor or Liberal, has incorporated cost recovery in consumer claims tribunal hearings. Time and again parliamentarians and Ministers for consumer affairs have rejected this proposition. I shall quote an extract from *Hansard* of 23rd November, 1987, page 16866, referred to in the report:

> In introducing the 1987 Act the Honourable Deirdre Grusovin, the then Minister for Consumer Affairs, said that:
>
> > The awarding of costs in circumstances would be a major departure from the whole philosophy of the bill.

I refer honourable members to what the Hon. Max Willis said in the parliamentary debates of 12th May, 1974, also referred to in the report:

> Some people have been frightened to go to Court - to the District Court or even a Court of Petty Sessions - because they have been frightened of the costs they may have to pay. But costs are not provided for in these hearings.

It is quite obvious, from those quotes referred to in the report, that there has been a bipartisan approach by past Liberal and Labor governments to resist the rights of consumer claims tribunals to award costs. It would definitely not be a step in the right direction to open that floodgate, irrespective of what the Minister may say in response about limited scope, limited reasons, or whatever. The bill will open the floodgates so that in future the expansion of the costs provision can be achieved easily by an amendment to the Act. Under all circumstances the Opposition will be seeking the support of the Independents. This particular clause of the bill must be rejected. I will not say much about this amendment in Committee but I will be formally moving it and dividing on that question when it becomes before the House.

People may be deterred, as said in the *Hansard* - not only may but would be

deterred - from using the tribunal because costs would overshadow the advantages of winning a claim. If a consumer said, "Look, if we cannot settle this matter between ourselves I will take it before a Consumer Claims Tribunal", there is no doubt that a trader, who is trying to deter somebody from making such a claim, would say, "If you take this matter to court we will attempt to have costs awarded against you". Whether that application for costs would be supported by the tribunal, whether the costs that he is referring to would apply, does not matter; if a consumer claims tribunal has a legislative ability to award costs, it would deter people from making a claim. I do not understand why this Minister would introduce a bill which actually opens the door to awarding costs, something which is contrary to the philosophy of the Consumer Claims Tribunal. The Consumer Claims Tribunal was introduced in 1974 by the Askin Government, strengthened by the Wran and Unsworth governments and carried on by this Government,

yet it is this Government and this Minister who will break down that one strong point of consumer claims tribunals. The report ultimately recommends that limited access or limited ability of consumer claims tribunals to costs should be awarded. I again quote from the report and put into *Hansard* one of its comments:

> Some people would be deterred from bringing CCT claims because they could not afford to pay costs if they were awarded. This is a major problem with normal litigation, and one of the strengths of the present CCT. The Legal Aid Commission (LAC) in NSW gets around this problem by paying any costs awarded against the legally aided party. A similar provision would be necessary to prevent financially disadvantaged people from being overawed by the possibility of such an outcome, and thus causing them not to lodge claims.

No matter how veiled these criticisms of this proposition, the principle is that if traders and companies can threaten consumers, or in any way say to them, "If you lodge a claim we will be going for costs", there will be a reduction in the number of claims made. That is the Opposition's only area of concern with this bill. By and large I think the Government, the Minister and his department have done an admirable job in refining some of the definitions, which were fairly vague and broad in the principal Act. The Government's decision to set up branches of the Consumer Claims Tribunal can be applauded. The tribunals will be required to record the reasons for their determinations. They will maintain a permanent record of those determinations and provide a record of accountability - which again is applauded by the Opposition. It is in the Government's interest and the Minister's interest when this amendment comes before the Committee to delete that one clause of the bill, on which I will make some comment in Committee. I think the Government will have gone a long way in tidying up the bill and ensuring that the principles of the Consumer Claims Tribunal - that is low cost and open access to people who are deterred by normal litigation - will be enhanced. I support the majority of the bill and will move amendments in Committee.

Debate adjourned on motion by Mr Hartcher.

BAIL (AMENDMENT) BILL

Second Reading

Debate resumed from 29th April.

Mr WHELAN (Ashfield) [10.38]: The amendment to the Bail (Amendment) Act is a minor one following a recent decision of the Court of Criminal Appeal in *Regina* v. *Masters and others.* In that decision the inconsistency under part 6 of the Bail (Amendment) Act was highlighted. The inconsistency is such that the Supreme Court has the ultimate and most persuasive powers involving bail. Other inferior courts, such as

the District Court, the magistrate's court and the like, are not able to vary the terms and conditions of bail. If one reads the judgment in *Regina* v. *Masters and others* one notes that the issue is set out succinctly by the Court of Criminal Appeal when it states:

> The ruling which we have made nevertheless raises an important question in relation to the Bail Act. The right of a person in custody to make virtually unlimited fresh applications for bail leaves very little scope for the operation of the review provisions in Pt 6 of the Act, except in relation to applications by the Crown for revocation. A trial judge in the District Court appears to us to be unnecessarily limited in his or her jurisdiction to deal with the prisoner being tried in that Court in the event that fresh circumstances arise (perhaps in the course of the trial itself) which

> justify a fresh reconsideration of any bail earlier granted by the Supreme Court. In such a case, the trial judge in the District Court must be far better placed to deal with an application for revocation of bail than a judge of the Supreme Court (who is very unlikely to be the judge who originally granted it), quite apart from the problem of delay necessarily involved in having to return to the Supreme Court.

This is very important. The judgment states:

> The Act in its present form would prevent a judge of the District Court from revoking bail even where the person previously granted bail by the Supreme Court changes his plea to guilty of a crime which necessarily warrants a custodial sentence but where the sentencing has properly been adjourned in order to obtain a pre-sentence report. Such a situation is absurd.

And it is absurd. Their Honours went on to say:

> The Legislature may consider it appropriate to amend Pt 6 of the Bail Act to permit a judge of the District Court (and possibly also a magistrate of the Local Court) to review a previous bail determination by the Supreme Court relating to a person actually appearing before him or her for trial or sentence where (to use, for example, the words of s 22A) he or she is satisfied that there are special facts or special circumstances which justify such a review.

The Legislature is doing something and that is why the Bail Act is before the Parliament for consideration. The amendment proposed by the Attorney General, as indicated in his second reading speech, is basically to provide an amendment to section 44(5) to allow the Land and Environment Court, the Industrial Court, the District Court or a magistrate's court to review a bail determination by the Supreme Court. Proposed new section 44(6) states:

> (6) A decision of the Supreme Court (however constituted) in relation to bail may be reviewed by the Land and Environment Court, the Industrial Court, the District Court or a magistrate if:
>
> (a) the person to whom the decision relates is appearing before the Court or magistrate in proceedings for an offence; and
>
> (b) the Court or magistrate is satisfied that special facts or special circumstances justify the review.

The review is subject to any exceptions or limitations prescribed by the regulations and to other provisions of part 6. This is a minor amendment. The Attorney General has acted swiftly to remove an anomaly to accommodate the suggestion made by the Court of Appeal in *Regina* v. *Masters and others*. The Opposition is happy to support the amendment. It is inconsistent in legal terms that the Supreme Court had the ultimate power that its bail decisions could not be amended or changed. In view of fresh circumstances being available, and in view of the court decision, there is no reason that anyone should oppose this minor amendment to the Bail Act. There are other amendments that should be considered by the Parliament but that is the subject of a later debate. This is a minor amendment that deals specifically with the matters outlined in

the decision of the Court of Criminal Appeal.

Mr KERR (Cronulla) [10.43]: The honourable member for Ashfield has mentioned that this is a minor amendment. It is certainly minor in terms of the extent of the amendment. However, it is important, as outlined by the Attorney General and by

the honourable member for Ashfield, that the bill seeks to cure the anomaly. It is a substantial anomaly and one that probably arises logically from the hierarchy of courts but nevertheless entails great injustice where someone is held in custody although circumstances have changed. The Opposition has acknowledged that the Attorney General acted with expedition to prevent further injustices arising. One has to be grateful to the Court of Criminal Appeal for the care and deliberation it gave to the issue and to the suggestions it made to prevent what is an unintended mischief. I acknowledge what the honourable member for Ashfield said about the Bail Act. It is an Act that has been subject to considerable judicial comment over the years. It is an Act that occasions considerable hardship in terms of law enforcement. What is being considered in this debate is certainly an improvement on an anomaly to which the Court of Criminal Appeal drew attention. I support the bill.

Mr COLLINS (Willoughby - Attorney General, Minister for Consumer Affairs and Minister for Arts) [10.45], in reply: I thank the Opposition for supporting this brief amendment to the Bail Act. It is a fairly technical amendment. It is extremely limited in its effect but it is necessary. The District Court is the court most likely to benefit from the amendment on a regular basis. I am grateful for the support of those honourable members who spoke in this debate and for their acknowledgment of the need to respond to problems, once they are identified, as quickly as possible. The honourable member for Ashfield has raised bail matters with me in the House and outside the House previously. I have indicated to him that I consider bail provisions in this State to be of paramount importance. Therefore, I have undertaken to prepare an issues paper as a result of the priority the Government gives to the issue of bail. The Government is on the verge of releasing that discussion paper. I take this opportunity to again remind all members of the House, who from time to time receive letters about bail and about its leniency or its severity, to drag out those letters to make sure that when the review is undertaken the interests of their constituents are taken into account. The provision before the House is limited in its effect. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILLS RETURNED

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

Public Finance and Audit (Amendment) Bill
Annual Reports Legislation (Amendment) Bill
Canberra Advance Bank Limited (Merger) Bill
Co-operatives Bill
Internal Audit Bureau Bill
Interpretation (Australia Acts) Amendment Bill
Totalizator (Amendment) Bill
Crimes (Identity of Offenders) Amendment Bill

The following bill was returned from the Legislative Council with an

amendment:

Government Pricing Tribunal Bill

House adjourned at 10.48 p.m.