LEGISLATIVE ASSEMBLY

Friday, 8th May, 1992

———

Mr Speaker (The Hon. Kevin Richard Rozzoli) took the chair at 9 a.m.

Mr Speaker offered the Prayer.

BILL RETURNED

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

Parking Space Levy Bill

JOINT SELECT COMMITTEE UPON THE PARLIAMENT MANAGEMENT BILL

Message

Message received from the Legislative Council informing the Legislative Assembly of a resolution regarding the appointment of a Joint Select Committee upon the Parliament Management Bill.

ENDANGERED FAUNA (INTERIM PROTECTION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr COCHRAN (Monaro) [9.5]: I move:

That this bill be now read a second time.

The passage through Parliament in December last year of the Endangered Fauna (Interim Protection) Act was analogous to the launch of an unguided missile on the people and the economy of New South Wales. The enterprise was doubly stupid because its folly was completely foreseeable. Both Ministers and Government backbenchers warned the honourable member for Blacktown that her legislation would create more problems than it would solve. It is not surprising that the Endangered Fauna (Interim Protection) Act has been a disaster, when honourable members consider the haste with which it was prepared and introduced, the narrow special interests for which it was prepared, the false premise on which it was based, the contrived hysteria that accompanied it and the naivety of the honourable member for Blacktown, who appears perpetually willing to be the plaything of the environmental lobby.

Honourable members must consider the circumstances which led to the introduction of the Endangered Fauna (Interim Protection) Bill and the declared purposes

of its proponents. The bill was the immediate response of the environmental lobby and its parliamentary arm, the Australian Labor Party, to the Government's regulations of October 1991, which exempted forestry and certain other developments from sections 98

and 99 of the National Parks and Wildlife Act, as it had been interpreted by Justice Stein of the Land and Environment Court in the Chaelundi case. The gazettal of the regulation under the National Parks and Wildlife Act was a reasonable and rational interim response to the extreme nature of the Chaelundi situation. It did not open the floodgates or open a window of opportunity to the slavering developers, as suggested by the honourable member for Blacktown in her second reading speech. It did no more than effectively restore the status quo that existed prior to Justice Stein's ruling.

The formidable protective provisions of the Environmental Planning and Assessment Act still applied. Development consent was still required for the multifarious activities that the honourable member for Blacktown doubtlessly considers to be an assault on the virtue of Mother Earth. The effect of the regulation was to negate a situation where any disturbance of a single example of a species listed as rare and endangered was held to constitute substantial environmental impact and could not proceed without a licence from the National Parks and Wildlife Service. The Endangered Fauna (Interim Protection) Act is based upon a fundamentally defective view of the world, both in an economic and an ecological sense. In the world view of the honourable member for Blacktown and of the more extreme environmentalist lobbyists - honourable members have seen them in this Chamber and demonstrating outside this place - there is a fundamental opposition between humanity and nature, and all development is malevolent. It is a fundamentalist and dogmatic view of the world which is at odds with reality. Humankind is an element of nature and does not exist outside it. Without using natural resources, such as the sea, soil, rivers and forests, we would all perish. The entire superstructure of human civilisation is built upon the use of natural resources. They can no more be placed in a museum than they can be prevented from changing. The natural world is not a static system. Species are constantly being created and becoming extinct, independent of human intervention.

Mr Jeffery: The workers will become extinct.

Mr COCHRAN: As the honourable member for Oxley quite correctly interjects, the workers are those who are most likely to be affected and will become endangered species. The climate is changing just as it has always changed and whether it moves towards global warming or towards an ice age will probably be determined by forces beyond human control. In her second reading speech the honourable member for Blacktown drew a misleading caricature of developers who she said wished to threaten the habitat of endangered species. It is difficult to reconcile this cartoon view of the world with the rhetoric of economic responsibility now being espoused by the Leader of the Opposition. How could a Labor government of the future allow in these evil forces? Surely they would not open another window of opportunity after this one has been so heroically slammed shut by the honourable member for Blacktown.

At the time the Endangered Fauna (Interim Protection) Bill was introduced there was no onslaught on the environment or the slightest shred of evidence that one was planned or was remotely possible. The honourable member for Blacktown said that history has shown that the Forestry Commission cannot be trusted with the fate of endangered species. Yet, history has shown the exact opposite. The scientific record does not contain a single case of a species that has been made extinct because of logging in State Forests - not one. Species were not at risk in Chaelundi. Individual animals were; species were not. The death of a few animals is ecologically insignificant unless it

can be shown that the particular area in question is part of a very limited habitat. This was not the case in Chaelundi. The evidence is that all these species found in Chaelundi occurred elsewhere, including the national park which is immediately adjacent to that

disputed area. The only reason one cannot be absolutely sure what animals are in that national park or in any other national park is because very few people - and certainly not the greens' favoured scientists - have bothered to look. They are normally too busy combing State forests in an effort to justify the next landgrab.

Experience has shown that the more we investigate many rare animals, the more numerous they appear. There is significant evidence that the list of rare species will expand as we do more animal surveys. This is not an argument against national parks which are an important component of any conservation strategy, but an argument for a scientific rather than an ideological approach to nature conservation. If we are serious about animals, as distinct from votes, rational study and not emotion must determine conservation priorities. Because there is a limited supply of public money, public resources must be put where they are most needed. By focusing on the easy and the fashionable, the Opposition has helped distort our priorities and serves neither the community nor the environment. If the honourable member for Blacktown were genuinely concerned about species extinction she would be preoccupied not with forestry, one of the most benign land uses, but with the real cause of extinction, feral animals - a matter often raised by the honourable member for Burrinjuck - and habitat destruction as private lands make way for housing or grazing. No animal habitat is being destroyed in the State forests. Habitats are modified in small areas in the short term but good planning ensures that the environmental impacts are dispersed over both time and space. It is difficult to escape the conclusion that the Opposition is preoccupied not with environmental protection but with the environment lobby votes. Their priorities are dictated not by the earth's needs but by the agenda of the lobby groups.

We have established that the Endangered Fauna (Interim Protection) Bill was introduced in haste to address a non-existent danger to the environment. Whose interests did it serve? Obviously those of its authors. Who were they? Rumpole of the Bailey! We saw him sitting in the gallery a few weeks ago. It was in the interests of the authors, who were not Opposition members but their parliamentary masters, the environment lobby. The honourable member for Blacktown conceded when she introduced the bill that it was "essentially that proposed by the environment movement and endorsed by that movement". Yet in the same speech she later recalls her measure, saying that the legislation is "a balanced approach . . . resulting from . . . consultations with the environmental movement and the timber industry". What a load of nonsense! But the authors of this measure took not a jot of notice of the industry's concerns. Why should they? They were not in government or even in Parliament. They were in the lobbyists' paradise, exercising power without responsibility.

The Endangered Fauna (Interim Protection) Act was certainly not supported by the National Parks and Wildlife Service when it was foisted on people last year. The service did not believe that the licensing system was the best way to achieve protection of species diversity and was well aware of the bureaucratic nightmare that the legislation entailed. I will come to that later. The Endangered Fauna (Interim Protection) Act is a blunt instrument. It is a remedy whose side-effects are worse than the complaint. The Act introduces into dozens of human activities unnecessary costs and red tape. It places an intolerable burden on local government, landholders and small developers. It is also distracting the National Parks and Wildlife Service from far more important matters. Many activities on private land which were permissible without planning consent have been caught by the Act. I will conclude my remarks on this at a later time. The

viability of many private forest operations is now in doubt as landholders and loggers weigh the massive costs associated with obtaining licences from the National Parks and Wildlife Service and, more recently, the Department of Planning.

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Any activity likely to affect any animal mentioned in schedule 12 of the National Parks and Wildlife Service Act must be licensed, and every licence application must be accompanied by a fauna impact statement. The licence application is subject to a $200 fee, plus any costs incurred by the service in processing the application. The requirements of the fauna impact statements apply, no matter whether a proposal for logging or other development is large or small. The only test is the significance test, which is the same as that set under the Environmental Planning and Assessment Act. Recent tests of significance by the Land and Environment Court, particularly the Chaelundi and Bailey cases, imply that significance has a very low threshold indeed. Justice Stein made it quite clear that disturbing the habitat of single endangered animals constituted significance. The cost of preparing fauna impact statements is hard to estimate, but it will be considerable because of the demanding criteria laid down by the Act. I will quote the relevant provisions so that they are clear in the minds of those on the Opposition benches and those Independents who still support the Endangered Fauna (Interim Protection) Act. A fauna impact statement must include, to the fullest extent reasonably practicable, the following provisions:

(i) a full description of the fauna to be affected by the actions and the habitat used by the fauna;

(ii) an assessment of the regional and statewide distribution of the species and the habitat to be affected by the actions and any environmental pressures on them;

(iii) a description of the actions and how they will modify the environment and affect the essential behavioural patterns of the fauna in the short and long term where long term encompasses the time required to regenerate essential habitat components;

(iv) details of the measures to be taken to ameliorate the impacts;

(v) details of the qualifications and experience in biological science and fauna management of the person preparing the statement and of any other person who has conducted research or investigations relied upon.

I am told that the National Parks and Wildlife Service is yet to complete consultation with the Department of Planning and other departments on what will be the precise requirements of fauna impact statements, but initial indications are that they will be very expensive indeed for the State's largest timber grower let alone small private land owners. A 20-point check list of requirements provided by the service to consultants who prepared the legislation on behalf of the Forestry Commission is mind-boggling in its scope. Some of the requirements are clearly impractical, and the commission has sought urgent talks with the service so that workable guidelines can be put in place.

The Forestry Commission recently reported that publication of its Mount Royal, Wingham, Glen Innes and Dorrigo environmental impact statements had been delayed

pending resolution, though the Opposition and the greens did not allow sufficient time for either the National Parks and Wildlife Service or the managers to make transitional arrangements to put the new system in place, threatening the jobs of hundreds of people on the North Coast of New South Wales and through the whole New South Wales forestry area. All of this resulted in the successful introduction by the Minister for Conservation and Land Management, Garry West, of the Timber Industry (Interim Protection) Bill, supported by 3,000 forestry workers who on 5th March protested against the Labor Party and the Independents in Macquarie Street. In her second reading speech the honourable member for Blacktown told us that relatively few fauna impact statements will be required - relative to what? She did not give any estimate of how many or how much they would cost. That was because no one associated with preparing the legislation

bothered to find out. If they had, it would not have been a good selling point for the Independents. The Opposition was groping in the dark, introducing an uncosted proposal that is another millstone around the neck of the Australian economy. It is likely that the costs of carrying out even the most modest fauna impact statements will run into many thousands of dollars.

Because this is so impractical there is a strong incentive for landowners to ignore the law. A more moderate and cost-effective measure would be more likely to be respected by hard-pressed landowners and ultimately would protect endangered species more effectively. Overkill in this case is likely to be self-defeating. The other big unknown about the Endangered Fauna (Interim Protection) Act is how the Director of National Parks and Wildlife or the department will decide which applications to disturb endangered fauna will be granted. The Act is silent on what disturbance will be permitted and on the criteria the director must apply. He will have to make his decision with one eye on the Land and Environment Court, because the Act thoughtfully provides for third party appeals against the director's decision. The effects of that are to discourage all development and investment. The State of New South Wales and Australia cannot afford that. Who would risk their money trying to jump over the endless bureaucratic hurdles now deployed in the path of the most modest activity? Instead of promoting the positive reform that was required to make the Environmental Planning and Assessment Act more workable, the Opposition has taken us backwards. It has retarded the opportunity for the creation of jobs and for employing the one million people in Australia who are out of work at present.

I said earlier that the Endangered Fauna (Interim Protection) Act was based on a false premise. That is fundamental to its irrelevance and failure. If we do indeed face a biodiversity crisis as the honourable member for Blacktown maintains, this Act will not remedy it or avert it. Rather, it serves to obstruct efforts to deal with the real threats to our native fauna. The obsession with suppressing forestry industries demonstrates the essentially irrational nature of the deep green lobby and its parliamentary cheer leaders, the left-wing of the Australian Labor Party. Like all extremists, the deep greens have their villains and hate objects. In this case they are the Forestry Commission, the forest industries and any land developers. The Forestry Commission is far from perfect and is at present undergoing much needed reform. But it is nothing like the caricature created by the authors of the Endangered Fauna (Interim Protection) Act, driven by their ideologies. How many times has the honourable member for Blacktown told us about the alleged illegalities of the Forestry Commission? The commission's crime, we are told, was to defy the Environmental Planning and Assessment Act.

Let me tell honourable members a little bit more about the crimes of the so-called hardwood industries and compare them with the softwood industries and others.

I can tell honourable members that right on the borders of the Australian Capital Territory, on the borders of the national capital, thousands of acres have been clear-felled for planting pine plantations, and thousands of acres in other areas cleared for planting pine plantations. The timber is packed, burnt and destroyed. The pine is planted, but not a word do we hear. Old growth forest is destroyed for planting pine and there is not a word from the honourable member for Manly, or from the honourable member for Bligh. It goes on day after day and we hear not a word from any of them. They recognise this in limited circumstances as being sensible forestry management, otherwise they would complain about it. But one hears not a word from them.

The legislation was not so sacred under the last Labor Government, the same Government that introduced the legislation in 1979. So great was the respect of Mr Wran and Mr Carr for the Act that they bypassed it with special legislation whenever any of

their pet projects looked like being slowed down by it. The really big projects with a large environmental impact went ahead, with no environmental impact statements being required: Parramatta Park stadium, the Pagewood commercial project, Darling Harbour, the Monorail - who will ever forget that - and the Sydney Harbour tunnel. If the honourable member for Blacktown would like an example of even worse hypocrisy and double standards on the part of the Labor Party, what about the illegal logging of rainforests the Wran government ordered to be carried out by the Forestry Commission in the wake of the rainforest decisions of 1983? Do not forget that one. Perhaps the Opposition would like to explain why the law is sacrosanct in some cases but they encourage green protesters to break it in other circumstances.

Mr Jeffery: They should give the money back.

Mr COCHRAN: That is right. Is the law only there to constrain people who are not political allies, who are not mates? Parliament and the law reign supreme, but some people have an extra parliamentary veto. The Forestry Commission and forestry industries have been law-abiding corporate citizens relative to the standards applied to everyone else. The commission has fallen foul of the vaguely drafted laws and constantly changing interpretations of them by an increasingly quixotic Land and Environment Court. It has never defied or disobeyed a court order and has stood by every undertaking that has been given to the court. There is absolutely no evidence of defiance by the commission, let alone any criminal activity. When the honourable member for Blacktown introduced the legislation she stated, "No job will be lost in the timber industry as a result of the motion". Within two months she was proved wrong, as stand-downs of timber industry workers commenced on the mid North Coast in particular. Within three months of the passing of her legislation Parliament had agreed to the Timber Industry (Interim Protection) Bill, which was necessary to protect reasonable communities from the worst excesses of what the Opposition had wrought.

I do not have to remind honourable members that the honourable member for Blacktown opposed this measure. It seems that she really was not that interested in protecting jobs if they were those of the timber workers. She was too frightened to show her face when those 3,000 workers came to this Parliament in Macquarie Street to appeal to the Legislative Assembly for relief from the Endangered Fauna (Interim Protection) Act. Let me now briefly examine some of the responses to the implementation of this inane legislation introduced by the Labor Party. On 9th April, in a letter to the Minister for the Environment, Tim Moore, the Deputy Premier wrote:

Dear Mr Moore,

> Please find attached, for your information and consideration, briefing notes prepared by the Public Works Department and Roads and Traffic Authority on the effect of the Endangered Fauna (Interim Protection) Act 1991. The Public Works Department believes the Act will cause unnecessary delays and additional costs for its projects. The Roads and Traffic Authority estimates that the additional costs incurred would be in the range of $5,000-$20,000. The Roads and Traffic Authority also raises some concerns about the fact there is no mechanism, other than via a legal challenge, to resolve disputes as to the: - appropriateness of the Director's requirements for Fauna Impact Statements and - adequacy of Fauna Impact Statements.

Further evidence of the inane qualities of the Act can be gleaned from the conclusions of the Public Works Department legal branch and its interpretation of the Act, which stated:

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> The above impact will adversely affect PWD projects which have not yet received development consent. The projects will be unnecessarily delayed and PWD will incur additional costs whilst a fauna impact statement is prepared which addresses the factors contained in s.4A of the EPA Act. The onerous responsibility imposed by the EFIP Act will also affect future PWD projects.

The ramifications of this politically motivated claptrap introduced by the Australian Labor Party and supported by some Independents to score brownie points with the greenies reads on like Tennyson's poem "The Brook". New South Wales Agriculture, bush fire services, fisheries and even the Department of Planning struggle to untangle the bureaucratic maze created by the Endangered Fauna (Interim Protection) Act. Status has been sought by New South Wales Agriculture on the following issues, which have not yet been resolved:

> Backburning for bush fire prevention
> small scale clearing
> poisoning and removing noxious weeds
> clearing land for new fences and farm roads
> the application of chemical fire retardants such as Phoscheck
> preparing a previously unploughed field for planting
> drought proofing a property by putting in new dams
> soil conservation techniques
> controlling eucalyptus regrowth
> ploughing a trough to plant a new windbreak of trees

The legislation is disgraceful in prohibiting in any way the introduction of new fire trails and backburning in bushfire prone areas where such activities are needed to protect the households of residents of western Sydney and also those of people living in western New South Wales. The Opposition supported the legislation. The status under the Act of poisoning and removing noxious weeds has not yet been established. The noxious weed problem in the Monaro electorate alone would cost $1 billion to eradicate. Similar problems exist in the Kosciusko National Park, as the honourable member for Burrinjuck correctly points out, and in other parts of New South Wales. That is a significant problem for the landholders of New South Wales but the legislation is still in place. In preparing a previously unploughed field for planting, a landholder is attempting to increase productivity to meet the demands of the recession by raising funds to pay taxes

to help Prime Minister Paul Keating overcome his $150 billion overseas debt. Landholders are inhibited by this Labor Party legislation. The use of soil conservation techniques is inhibited by the Act. Banana farmers on the North Coast are inhibited and discriminated against by this legislation that was introduced by the Opposition. The Labor Party will be on the Opposition benches for many years. The honourable member for Murwillumbah has raised this issue on many occasions and has expressed objections to the legislation.

People living in marginal areas are deeply concerned about the unresolved status under the legislation of eucalyptus regrowth control. The honourable member for Manly should take heed of that issue. I invite the honourable member for Manly and the honourable member for Bligh to visit marginal areas of western New South Wales so they can be shown farms that have been held by the same families for four or five generations where eucalyptus growth and regrowth present enormous problems. I refer to a letter dated 19th March that I have received from the Assistant Secretary of the Rangers and Noxious Animals Inspectors Association.

Dr Macdonald: On a point of order. Mr Acting-Speaker, I ask for a ruling. I have requested a copy of the bill being addressed by the member. There are no copies of the bill in the Chamber. Is it proper that the honourable member should continue in that circumstance?

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Mr ACTING-SPEAKER (Mr Tink): Order! Copies of the bill have now arrived and are available, so there is no point of order.

Mr COCHRAN: I thank Mr Acting-Speaker, the honourable member for Manly and members on the Opposition benches for their tolerance in allowing me to continue. The Assistant Secretary of the Rangers and Noxious Animals Inspectors Association wrote to me on 19th March 1992 - and I believe also to the honourable member for Oxley and to all members, though it is a wonder members Opposite have not raised these matters - in the following terms:

> Dear Mr Cochran
>
> The Rangers and Noxious Animal Inspectors Association is a registered Trade Union -

Members opposite should take note that the association is a registered trade union. The letter continues:

> - and represents the field staff employed by Rural Lands Protection Boards in the control of noxious animals and the administration of the Act and Regulations under the Rural Lands Protection Act 1989.
>
> The recent passing of the Endangered Fauna (Interim Protection) Act and the subsequent effort to have it amended causes us very great concern as to its effects on noxious animal control and agriculture in general.
>
> It seems that all activities associated with noxious animal control as carried out by individual land holders as required under the Rural Land Protection Act can no longer be done without first obtaining a licence

from the National Parks and Wildlife Service. These licences appear to require a fauna impact statement to be done by some qualified person at who knows what expense followed by an application fee of $200 plus an undetermined processing fee. These costs alone in these times of economic recession in the agriculture sector will act as a deterrent to farmers to carry out noxious animal control, and a possible increase in illegal methods, thereby contributing to a further decline in production and a slowing down of recovery when the economy starts to pick up.

Plague locust control where insecticides are used in very large quantities could also be under threat from this Act. There could easily be a situation arise where this activity could be challenged by radical environmentalists who have no regard for the economic losses that would be suffered by individual farmers or the country as a whole in their misguided zeal to ensure that no natives are endangered.

Safeguards need to be written in to any legislation so that normal farming practises are allowed to continue unhindered by any need to apply for a licence in the first place or if licenses are considered essential that the expense involved be kept to an absolute minimum and the 28 days delay for advertising be waived as by that time the Wild Dogs, Rabbits or Feral Pigs that were required to be controlled have done their damage.

What is said in that paragraph makes a lot of sense. The letter continues:

As this legislation has already been foisted on us and any tinkering with it by politicians is not likely to make much difference our major concern now will be with the legislation that will take over when the schedules in the National Parks and Wildlife and the E.P. & A. Act are repealed on lst December, 1992.

There is a forewarning in that statement. I continue the quote:

It is imperative that politicians realise the cost and inconvenience they could be putting rural people to if the new Fauna Protection Act is put in place purely to win city votes and not as a workable piece of legislation that is to the benefit of the community that is paying politicians' salaries.

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The nub of the issue is the phrase, "Put in place purely to win city votes and not as a workable piece of legislation". The letter from Mr Allan Norris, Assistant Secretary, Rangers and Noxious Animal Inspectors Association, speaks on behalf of the people of New South Wales. How true are these words? They are the words of people who use their hands to manage the land. They relate a few examples of the anxieties expressed by the real people of this State - the consumers of legislation. The honourable member for Blacktown, acting as a mouthpiece for the Leader of the Opposition, stands condemned by the rural community, the mining industry, the construction industry, the forestry industry - and worst of all for the Labor Party - the working people who simply want to get on with their lives. This is an opportunity for the Opposition to redeem its credibility, to re-establish its links with the workers and provide some hope for the one million unemployed in Australia. The entire sorry saga is summed up in a letter written by a lady from Kempsey published in the *Macleay Argus* on Saturday, 4th April.

Mr Jeffery: The letter is from Mrs Mary Tarr.

Mr COCHRAN: The honourable member for Oxley is quite right. He knows and respects Mary Tarr of Kempsey. She is a person who understands the land. Members on the Opposition benches and the honourable member for Bligh and the honourable member for Manly should listen carefully to what I am about to read onto the record. Mary Tarr wrote in her letter:

> The new law regards everyone as a potential wrongdoer. All are put in the position of having to prove they are not going to commit a crime before they perform normal every day actions associated with their lifestyle. Practices they have done for years, a lifetime, even their families for generations with no discernible harm.
>
> It must be questioned was there ever any need to introduce such a law - in view of the fact that there is currently in place complete and strong legislation to cover protection of wildlife. Strengthen the policing of these laws - if necessary - do not over-react by introducing more.

Mary Tarr understands the complexities of rural management. Her views represent those of the entire rural population of New South Wales. Her words should be adhered to by the Opposition and the Independents who support this legislation. The legislation introduced by the Labor Party last year created enormous disruption within the rural community. It threatened the lifestyle and the viability of many landholders. Those unresolved issues should not be forgotten. I shall restate them to make absolutely certain that the Opposition is well aware of what it is supporting. The next time bush fires occur in the western suburbs of Sydney and across the North Coast of New South Wales and destroy the homes of those who support the Opposition, I will deliver these words to them on a silver platter. The Department of Bush Fire Services is not able to conduct back burning operations to create fire trails without first conducting a full environmental impact statement. The legislation does not permit the community to engage in poisoning and removing noxious weeds from areas around the State without first conducting a full environmental impact statement.

Dr Macdonald: The honourable member for Monaro is abusing the time available for private members' motions. He should get on with it.

Mr COCHRAN: It is interesting that the honourable member for Manly should interject. He has seldom been on the western side of the Blue Mountains. He would not know what was going on in western New South Wales. I invite him to have a look at that part of New South Wales. The honourable member for Tamworth, who has

aspirations to be the leader of the independent party, will no doubt assist me and the Government by escorting the honourable member for Manly to western New South Wales so he can learn what it is all about. The Endangered Fauna (Interim Protection) Bill should be thrown out, rejected. It should never have been introduced to this House. I urge all members of the House, for the sake of the workers of New South Wales, to reject it.

Debate adjourned on motion by Mr Moore.

KHAPPINGHAT NATURE RESERVE BILL

Bill introduced and read a first time.

Second Reading

Dr MACDONALD (Manly) [9.47]: I move:

That this bill be now read a second time.

The proposed Knappinghat Nature Reserve contains one of the few essentially natural bar estuary systems left on the North Coast of New South Wales. It also includes a relatively large and very diverse area of wet heathland and associated sedgelands. The proposed reserve is located north of Forster-Tuncurry, approximately 16 kilometres southeast of Taree. It is situated in an embayment bounded by Wallabi Point to the north and Redhead to the south. Its dedication as a nature reserve would fill a void created by the lack of any other conservation reserves between Crowdy Bay National Park and Booti Booti National Park. The proposal is a long-standing project of the National Parks Association, having been first proposed in October 1982. The area was given temporary protection under the Crown Lands Act in 1985. A significant part of the area has been proposed for mineral sand mining by BHP Utah Minerals International. Because such activities constitute designated development and because there was likely to be significant damage to the designated wetlands, an environmental impact statement was required in accordance with part 5 of the Environmental Planning and Assessment Act.

Assessment of the proposal was originally delegated to the Greater Taree City Council which, after prolonged consideration, recommended that the proposal not be approved. The grounds for non-approval included: unacceptable impact on rare plants and plant communities and inadequately conserved plant communities; the area identified as a habitat for rare native fauna listed in schedule 12 to the National Parks and Wildlife Act; disruption of wetlands; failure of applicant to establish that rehabilitation could proceed post-mining; significant public objections - 245 submissions from individuals and groups; adverse effect on adjoining tourist complexes and economy of the Manning district; and unacceptable noise to adjoining properties. At the last moment the Minister for Planning withdrew council's powers to consider the development and established a commission of inquiry in its place. The commission is yet to commence formal proceedings.

The mineral sand mining industry has already destroyed or severely downgraded natural vegetation over more than half the length of the North Coast of New South Wales. The value of this particular reserve has been previously recognised in that much of the land component has, in the past, had temporary protection under the Crown Lands Act - under Reserve No. 977824, Environmental Protection. It is now proposed to protect both the land and waterway component under one permanent nature reserve, with

an area totalling 483 hectares. The nature reserve proposal contains an extensive natural area which exhibits a diverse array of vegetation types ranging from wet sclerophyll forest to dry heath. The most common type is wet heath and associated sedgeland. At least 23 plant communities in the area have been identified. Because of the extremely high level of diversity in vegetation types within the proposed area, and the relatively low level of disturbance over most of it, the proposal was considered to have high conservation value. Many of the basic vegetation types are far from unique, but the high level of diversity over such a small area is such that there are no similar areas known to occur within the region. A number of vegetation units present in the area appear to occur nowhere else in the proposed nature reserve.

A total of 75 species of birds have been observed within the nature reserve, including two rare and vulnerable species, the osprey and brahminy kite. A number of reptiles occur within the proposed nature reserve and because of the swampy conditions, frogs are likely to be both common and diverse. The snakes include the marsh snake, common black snake and diamond python. Amphibians and reptiles include frogs, lizards and the lace monitor. The local Aboriginal people have had a long association with the area and particularly the site to the north of the proposed nature reserve. This site has been promulgated as the Saltwater Aboriginal Place. A number of plant taxa that occur within the area are known to have been exploited by the local tribes for food, raw materials for weapons and other items of equipment.

Because of the extensive estuarine mud flats and extensive sedge and reed swamps, the early Aborigines were able to exploit a large number of animal resources, including water fowl, fish and shell fish. Common food species include cockles, mud oysters, mud whelk, and common rock oyster. Large numbers of wallabies and waterfowl indicate the importance of the area south of the estuary as a source of animal protein. The Saltwater Aboriginal Place contains a number of prehistoric camping places, a burial place, a fig tree believed to have spiritual powers, and a sacred water hole. Many activities carried out at Saltwater by the Aborigines were recorded by early anthropologists and included fishing, gathering of shellfish, honey collecting and hunting wallabies and wild ducks. The plants collected in the area supplemented a high protein diet.

The objects of the bill are basically to dedicate the land, to revoke existing interests and to seek rehabilitation and restoration. The land that is described in schedule 1 is to be known as Khappinghat Nature Reserve. All existing interests within the area, including all mining industry holdings are revoked on the date of the assent of this Act. The bill also provides for the removal of all mining construction and an obligation on the person who is the holder of the mining interest immediately before the assent to this Act to restore the land and rehabilitate the vegetation on the land that has been damaged or altered, under the direction of the Director of National Parks and Wildlife. All costs for complying with this section are to be met by that person.

The proposed nature reserve will be managed by the Port Macquarie office of the National Parks and Wildlife Service. The main aim in management would be to maintain and enhance the natural habitats in the area. The proposed dedication of the Khappinghat Nature Reserve has been nominated by the National Parks Association as the most important of its proposed nature reserve proposals of its nature reserve list. Community and environment groups have fought long and hard since 1982 to conserve this valuable environment. Terry Evans from the Manning Wilderness Support Group; Megan Benson and Gus de Wright from the Diamond Beach Sand Mining Action Group; and Grahame Douglas and Penny Roberts from the National Parks Association are to be

congratulated for their dedication. I urge honourable members to support the bill as in view of the imminent consideration of the matter by the commission of inquiry it is a matter of urgency. I commend the bill.

Debate adjourned on motion by Mr Hartcher.

FORESTRY (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Dr MACDONALD (Manly) [9.52]: I move:

That this bill be now read a second time.

The Forestry (Amendment) Bill attempts to put in place mechanisms that resolve conflict. The bill is an attempt to draw together threads of the debate about the future of our forests. It seems to me that the claim for resource security by the timber industry on the one hand and the desire by the environment movement for preservation of high conservation value forests on the other hand can be achieved only through resolution of this conflict. In another sense it represents an effort to address the core problems involving the process of land use decision-making and the Forestry Commission. It can be argued that the Forestry Commission has been captured by the timber industry and lacks external auditing of its activities. As such, it has sustained and in future will sustain a corporate culture inimical to the level of environment protection expected by the community. It has become confused about its apparent dual role of timber production and environment protection.

The bill attempts to meet these objectives through the following means. The first object of the bill is to provide a scheme for forest management based on the principles of ecologically sustainable development. Other objects are to provide for a rapid transition from logging conservation forests to plantation and other logging, and to provide for public participation regarding issues that affect the forests. The bill will establish a State forest board with representatives of the environment movement, timber interests and government departments. The board has a policy control over the Forestry Commission and will review its practices. It also has the wider duties of implementing the objects of the proposed Act with particular emphasis on preserving the forests of high conservation value and restricting timber-getting operations in forests to operations that are ecologically sustainable.

The board will consist of nine persons as prescribed by the bill. The forest board shall be the corporate sole owner of the Crown forests. Within two years of its establishment the board is to prepare transitional management plans for areas of high conservation value forest. These plans shall transfer the logging to alternative areas of native forest or plantations. In addition, the State forest board is to formulate and publish forestry management plans and timber pricing policies. Public participation is encouraged by the bill. There will be the establishment of a scientific committee of environmental science experts to oversee research and to assist the board with its work. The scientific committee will also mandate freedom of information for specific types of forest and management information. This will include harvesting plans, logging timetables, yield and predicted resources of logging compartments, and details of licences.

In addition, the bill provides that proposed logging operations identified by order of the board must be dealt with according to the procedure set out in part 5 of the Environmental Planning and Assessment Act. However, independent and environmental assessment which provides credibility to the decisions about the forests, thus enhancing public acceptance, must be determined and assessed by the director of planning with the assistance of a committee consisting of representatives of the scientific groups. Further, the bill allows for third party rights similar to section 123 of the Environmental Planning and Assessment Act. Provisions are also made in the bill for the Forestry Commission's consent for logging on private land. The commission has to refer the applications for its

consent to the National Parks and Wildlife Service and the Soil Conservation Service but, whenever it chooses, it may advertise the application and invite public comment.

The history of the forests of New South Wales is a history of conflict over many years. Back in the early 1980s peaceful resistance and arrests occurred at Tarana, north of Lismore, which ended with the Forestry Commission losing its first court case, it having acted illegally without an environmental impact statement. The late 1980s and early 1990s saw further examples such as the thousand arrests in 1989-90 in the southeast forests where, again, the Forestry Commission was found to be acting illegally without an environmental impact statement. The Washpool blockade in 1989 was followed by a Land and Environment Court decision that rainforests had been logged illegally for 10 years. Only last year at Chaelundi, near Dorrigo, there were 230 arrests and the court found the Forestry Commission was killing endangered species. While the Government is considering the natural resources council and other groups have suggested other means to resolve land use problems, the other element, the Forestry Commission, has not been playing its part in the problem and recent changes to its structure do little to address the fundamental issues.

The Public Accounts Committee report on the Forestry Commission in 1990 highlighted outmoded and inefficient practices within this body and described it as being "locked in a time warp". The Forestry Commission was accused of having inexperienced management, ignoring overseas experience and lacking public consultation. Recently the Forestry Commission has indicated its intentions to restructure. If this means improved efficiency in line with proposals from the Public Accounts Committee report, that is to be welcomed. However, there are significant concerns about wholesale corporatisation of the Forestry Commission in view of the potential conflict between its three areas of responsibility - extraction of timber, recreational use of the forests and conservation of the forests. Corporatisation may be applicable to the first of those - in other words, extraction of timber products, because that is quantifiable and can be sold - but the other objects, those of conservation and recreation, are not quantifiable and therefore there is a risk that they will not be given proper value in the corporatisation process.

In summary, the Forestry Commission decision-making has, in the main, led to flashpoints. In particular, the commission has failed to provide real choices for the Government or the community, nor creditable information. In essence, it adopts procedures that have locked out conflict resolution and instead created conflict. With only about 10 per cent of the forests in New South Wales being in a condition that prevailed before Europeans arrived, and much of this forest available for logging to be utilised in the next decade or so, more conflict is inevitable. Only 5 per cent of all State forests are left in a wilderness state, yet they contain much of the pristine biological resources of New South Wales. This bill, in the form of an exposure draft, seeks to overcome the lack of focus by the Forestry Commission and to provide a clear direction away from high conservation forest to plantations through a functioning forest board and maximum public participation. In 1991 the Australian Labor Party clearly indicated in

its policy document produced by the honourable member for Blacktown and the Hon. Jack Hallam that it would support the appointment of a board that would encourage the establishment of plantations and forestry research. Finally, I thank Jeff Angel from the Total Environment Centre for his assistance with the preparation of the bill. I commend this bill to the House.

Debate adjourned on motion by Ms Moore.

BUSINESS OF THE HOUSE

Order of the Day: Suspension of Standing and Sessional Orders

Mr WINDSOR (Tamworth) [10.0]: Pursuant to sessional orders on the consideration of public bills introduced by private members, I move:

> That so much of the standing and sessional orders be suspended as would preclude consideration forthwith of Order of the Day No. 8 of General Business (for Bills).

The private member's bill standing in my name is the Soil Conservation Service (Special Provisions) Bill. Soil conservation requires special provisions and special consideration. Soil degradation, Australia's major environmental problem, needs specialist expertise. Delay of consideration of this bill will cause great uncertainty among employees, leading to a further loss of that expertise. If the bill is passed today in the lower House, it can become law after the Legislative Council has considered it when the Parliament resumes to receive the report on the Independent Commission Against Corruption hearings. This legislation is very important, particularly for the environmental commitment of this Parliament and for country New South Wales. It is important to maintain the trust and credibility built up over 50 years by the autonomous, proactive, hands-on Soil Conservation Service.

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

Mr WINDSOR: It is important to thinking and concerned people in New South Wales who believe the only environment agency that is actually doing something environmental should be saved and used as an example to other agencies in an environment marketing sense. The Government should realise that although an American corporate philosophy may work in relation to the management of some businesses and government agencies, it has displayed an environmental double standard by applying the same logic to such an important agency as the Soil Conservation Service. One of the reasons for my support of the Greiner Government in the past is that I had the belief it had some long-term vision in relation to the management of this State. What could be more important than the long-term sustainability of our most basic natural resources, our soil and water? This bill is about special provisions. No legislation could be more urgent than this bill. The Parliament must show the community, land care groups and total catchment management committees that the soil is special by recognising the Soil Conservation Service as a stand-alone agency. The bill deserves special consideration by the House and, therefore, debate on the bill should proceed forthwith.

Mr COCHRAN (Monaro) [10.3]: I express my concerns for the future of the Soil Conservation Service and I do so -

Mr Moore: On a point of order. It is not in order for the honourable member for Monaro to address the merits of the bill. He is in order only if he addresses why the bill should have priority over other bills.

Mr SPEAKER: Order! I uphold the point of order. The honourable member for Monaro may address only the question of whether the bill should be given priority in the order of business.

[*Interruption*]

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

Mr COCHRAN: I support the honourable member for Tamworth -

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

Mr COCHRAN: I express my great concern for the future of soil conservation in New South Wales. The record of the Soil Conservation Service -

Mr SPEAKER: Order! The honourable member for Monaro is transgressing my ruling. If the honourable member cannot address the issue before the House, he should resume his seat.

Mr COCHRAN: I concur with the honourable member for Tamworth: that there should be a degree of urgency to bring forward the debate; that this matter should be expedited; and that there is great concern among the staff of the Soil Conservation Service. I therefore support the motion.

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

Motion for suspension of standing and sessional orders agreed to.

SOIL CONSERVATION SERVICE (SPECIAL PROVISIONS) BILL

Second Reading

Debate resumed from 10th April.

Mr WEST (Orange - Minister for Conservation and Land Management) [10.5]: The bill that has been introduced by the honourable member for Tamworth -

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

Mr WEST: - relating to the Soil Conservation Service has been introduced because he has been concerned - and I acknowledge the genuineness of his concern - that the ethos of the former Soil Conservation Service has been lost in the integration of that service into the Department of Conservation and Land Management. His bill requests the Government and the Parliament to make administrative changes because of personalities. To be very blunt about it, the bill has been introduced because Bob Junor, the former Commissioner of the Soil Conservation Service, did not get either of the positions of director-general or deputy director-general of the department. Yesterday the honourable member for Tamworth distributed among members a letter he had received from Professor Burton of the University of New England in Armidale. I shall quote the second paragraph of that letter because this issue needs to be put in context. It states:

> I have been deeply concerned at what has happened to the service, the more particularly so since Bob Junor informed me that he had not been appointed to head up the new soil conservation section of CALM and had opted out through voluntary redundancy.

Let us get the facts straight. Bob Junor applied for the job but withdrew his application.

Mr Windsor: That is irrelevant.

Mr WEST: It is not irrelevant when people take such an emotional position. To say that Bob Junor was not appointed, as was contended by the honourable member for Tamworth -

[*Interruption*]

The honourable member has had his say and he has the right of reply. Bob Junor withdrew his application. This bill is flawed and without merit. There can be no suggestion that any Government action has resulted in the downgrading of service delivery to soil conservation clients. In fact, the Government has rightly made an administrative arrangement for the Soil Conservation Service. The honourable member for Tamworth is asking the Government to change that arrangement. If that were done, it would be the first time in the history of this State that the Executive Government had its right to make administrative arrangements within portfolios removed or challenged by the Parliament. If such a precedent were established, and members opposite found themselves in office - though I doubt they will regain office - I am sure they would object to any such rights being taken from them. The honourable member for Tamworth has allowed himself to be influenced by personalities, rumour and innuendo. He certainly has not been influenced by facts. I accept that some of the staff of the former Soil Conservation Service were unhappy about the amalgamation and resisted the change. That is human nature. I accept the criticism that it has taken longer to implement the structure of the new department than I would have liked and that that has created uncertainty in the minds of many of the staff.

That is now well behind us because the head office, regional and district structures are in place. Discussions are proceeding well and the reports I have been receiving indicate a strong commitment by most of the staff to get on with the important tasks confronting the department. I have never doubted, and I do not think anyone else has, that the men and women of the former Soil Conservation Service were highly motivated professionals or that the Soil Conservation Service was an effective organisation with a strong corporate identity. However, it must be recognised that the department is now more effective and is taking a leading role in conservation and sustainable land use. The motivation for this bill, as publicly expressed by the honourable member for Tamworth on many occasions, is merely that no Soil Conservation Service officer has been appointed as either Director-General or Deputy Director-General for Conservation and Land Management. He is also concerned that the ethos of the Soil Conservation Service will be lost. All I can say is: What rubbish! Of the 10 senior executive positions in the department, six are filled by former employees of the Soil Conservation Service. The Director of Land Management, the Director of Conservation and the Director of Corporate Support are from the former Soil Conservation Service, as are three of the five regional directors.

It is ridiculous for the honourable member for Tamworth to suggest to this House that six out of 10 senior managers, who were all trained in the former Soil Conservation Service ethos, will not have a significant impact or the opportunity to put

their management imprint on the Department of Conservation and Land Management. Indeed, the same people sit as an executive board, which meets each month to regularly review the budget and, perhaps more importantly, to consider program performance and to ensure that the department continues to deliver the highest level of service to its clients.

A series of totally misleading rumours have been circulating in regional New South Wales about the Soil Conservation Service. Let me put those rumours to bed once and for all. It has been said that the Soil Conservation Service was a small department which was swamped by the much larger and more bureaucratic Department of Lands. Let us look at the facts. As at 30th June, 1991, their staff numbers differed by only 90 and their budgets varied by less than $10 million. In terms of location, available plant, motor vehicles and equipment the Soil Conservation Service was a significantly larger organisation. To suggest that it was being swallowed up by the large, bureaucratic Department of Lands is absolute nonsense.

It has been suggested that the Soil Conservation Service has borne the brunt of most of the budget cuts in the new department, and that the cuts were as much as $5 million. Nothing could be further from the truth. Eighty-two per cent of the overall cuts were borne by the former Department of Lands and only 18 per cent by the Soil Conservation Service. In real terms the reduction of the soil conservation budget for 1991-92 was $1,274,000, or 3.02 per cent, at a time when the Government is expecting all agencies to substantially reduce operational costs. That could hardly be referred to as a major cut in funding. To a large degree the programs of the former Soil Conservation Service have been immune to the levels of government cutbacks expected of most other agencies.

I note also the hypocrisy of some representatives of the New South Wales Farmers Association in relation to this matter. They know full well the financial constraints facing government, but at every opportunity they are the first to criticise the bureaucracy of this State. They expect government to cut out waste and achieve greater efficiency, but when that is done, they criticise and complain. It has been suggested also that the staff of the former Soil Conservation Service have been sacked and its service delivery reduced. Let me state clearly that that also is untrue. Not one person has been sacked. Voluntary redundancies were accepted by 236 staff members; 182 from the former Department of Lands - which represents 17 per cent of the department's establishment - and 54 from the Soil Conservation Service. They represent only 6 per cent of staff, and the majority of them came from head office. How can those figures be interpreted as demonstrating a reduction in service delivery? The Government has done the fairest thing by ensuring that the majority of those voluntarily accepting redundancy came from head office.

It has been suggested also that the Government is reducing plant hire operations. The sale of equipment has been based on commercial decisions made by the board of business operations in response to the rural recession and the reduction in demand of plant hire services. That is not unusual, and the number of bulldozers and tractors fluctuates from year to year. Those sorts of decisions were being made by the board of business operations well before I became the Minister. Much of this equipment is being sold off because it is at the end of its economic life. Should it not be sold because such a sale would give an image that the service is being downgraded? It should be pointed out also that at some point in time serious consideration has to be given to how far the business operations, particularly the plant side of the Soil Conservation Service, should be allowed to continue to expand. Many private contractors in electorates around the State, including the electorate of the honourable member for Tamworth, have approached me - even if they have not approached him. They are asking: "Why can't we get some

of these projects? Why are they being carried out by government employees?" A balance must be struck between what is done commercially by the Government and what is done in competition with private contractors. Like many other people in rural New South Wales, those private contractors are hurting.

Let me deal also with some truths the honourable member for Tamworth wishes to ignore. The former Soil Conservation Service and the former Department of Lands were abolished on 1st July, 1991, when the Department of Conservation and Land Management was established as part of the Government's continuing program of public sector reform. The new department includes the Land Titles Office and the Valuer-General's Department as separate business units, and will ultimately undertake certain policies of the Forestry Commission. The Government has an abiding commitment to conservation, catchment management and the philosophy of land care, as does the honourable member for Tamworth and many other members of this House.

The honourable member for Tamworth does not understand that the intention of the Government in creating the new department was to significantly enhance its ability to assess and allocate resources to more adequately address the need for conservation of our natural resources. If passed, this bill will destroy that objective. It will put at risk the ability of the Government to address land degradation, which is estimated to cost $1.3 billion each year in lost production in New South Wales alone. The new department which this bill is designed to destroy will be the Government's lead agency in conservation, land management and land information. It will play a significant role in servicing the soon to be established Natural Resources Management Council, which will have as one of its first tasks the completion of an environmental audit of the State's natural resources. In his "Facing the World" statement the Premier indicated that he and the Government are committed to expend $100 million during the next five years for that purpose.

This bill will put at risk our ability to achieve that end. It was the intention to separate the policy, that is, the resource assessment and allocative function, from the operational land management and land administrative functions. There was also an opportunity to effect major expenditure reductions through the amalgamation of the two agencies, particularly in head office corporate service areas but not in service delivery areas. Already a drop of 30 per cent in staffing levels has been achieved and the amalgamation of corporate services has been effected. Significant steps have been taken to amalgamate the two former administrations at head office and at regional and district office levels. The senior executive structure of the new department has been put in place and, within each of the five operational regions, all district program managers are now in place. The concerns that have been expressed by the honourable member for Tamworth are not substantiated. No cutbacks in service delivery have occurred in the traditional Soil Conservation Service area, nor are any envisaged. A number of my colleagues have expressed concern. I have spoken to them and to the honourable member for Tamworth, and not one of them, when challenged, has been able to provide any evidence of service cutbacks. New South Wales farmers have complained, but again they have not been able to produce the evidence or identify the programs.

[*Interruption*]

They were spoken to some months ago. Their concerns are all based on a perception, a feeling or the notion of "I reckon". There are no facts and there is no basis to what they are putting forward. The honourable member for Tamworth failed to address the new and emerging challenges to be faced in resource assessment, land

capability assessment, allocation and broader aspects of land management and administration. Organisation responses are being developed elsewhere to meet these challenges. For example, the current proposals to establish a national land care program - of which the honourable member for Tamworth is such a strong supporter - to deliver an

integrated policy and program package to resource users and managers is consistent with the philosophical basis for establishing the new department. The arguments ignore, in particular, the real benefits to be gained by the application of land information and land data facilities that have been made available through the amalgamation. That will be essential to the emerging resource assessment and allocation role. Without the amalgamation and the new directions it represents, neither the former Soil Conservation Service nor the Department of Lands could perform the role now intended for the new department, particularly, for example, in servicing the soon to be established Natural Resources Management Council, to which I have already referred.

No-one in this House, including the honourable member for Tamworth, could deny that, in the past, government decisions on land resources at best have been ad hoc. This new department, with the combined expertise of soil conservation technical experts and our lands officers, will be able to resolve this problem. We will be able, comprehensively and objectively to address the pressures of our environment and land degradation using, in part, the philosophy of total catchment management and land care. It is proposed that the new administration, with its wider integrated role in land assessment, management and information, is in the best position to act as the lead agency in servicing the Natural Resources Management Council and, in doing so, provide the government with the wherewithal to make these broad land-use management decisions. The establishment of the new department has already shown considerable benefits in expenditure reduction. It has facilitated the application of a voluntary redundancy scheme which has seen an overall staff reduction of 236, to which I referred earlier, across the two former administrations. That staff reduction represents an ongoing saving of $6.6 million. It has facilitated the achievement of an overall budget expenditure reduction of $10.5 million this financial year and will be fundamental to the achievement of a total saving of $27.5 million from 1994-95 onwards. This has been clearly identified in the Budget Papers. It has also facilitated the introduction of a greatly streamlined and flatter senior management structure with the creation of five regions across the State, each headed by a regional director, and with three program directors and the director-general constituting the head office executive.

It was important for us to be able to put those regional directors on that executive board so that they could be involved in the day-to-day management of the department and bring to head office concerns that might be expressed to them by their clients and employees in country regions. All too often in many of our government structures head offices are distant and are not able to relate policy decisions to regional offices. This structure will allow us to overcome that problem. Considerable savings will be achieved through the rationalisation of accommodation, most notably the opportunity of vacating commercially leased premises at Chatswood where the current rent and associated costs total $1.2 million per annum. I would much prefer to have those savings reinvested in the central system. We will be consolidating all head office personnel in the government-owned Lands Building in Bridge Street. We will also be rationalising the number of motor vehicles. Concern has been expressed about a cutback in the number of vehicles. A staff of 900 - including head office staff - had available to it 600 motor vehicles. It was perhaps the most resourced department one could imagine.

When these concerns were expressed members of staff said, "We cannot go out and do our commercial jobs". All staff in the field have now been told that if they need a motor vehicle to undertake commercial work, a vehicle should be obtained and the cost

of that vehicle be charged against the commercial operation. We cannot countenance vehicles not being used efficiently and not being properly charged against commercial operations. The honourable member for Tamworth referred to the Victorian experience.

In many respects reorganisations in Victoria have had a detrimental effect on the delivery of traditional conservation services. There is a significant difference between what occurred in Victoria and what has occurred in New South Wales. Victoria went down a totally different path, dismantled all its existing conservation programs and eroded its skills base. New South Wales has preserved its skills base and its programs. I have indicated already in this debate that the emphasis will be on service delivery. There is no intention of directing staff and other resources away from this area. As has been said, the Soil Conservation Service was a client-based organisation.

In all my discussions with members of senior management it was apparent to me that they and the Government are clearly committed to continuing that client-based structure. The Government is committed also to total catchment management and land care. To suggest that in some way the creation of the new department will put these programs at risk is utter nonsense. In fact, the separation of soil conservation at this stage would more likely jeopardise these core areas, if for no other reason than the unnecessary cost of re-establishing the Soil Conservation Service as a separate identity without resources, a skills base and the efficiencies inherent in the Department of Conservation and Land Management. I take this opportunity to read to the House some extracts from an article published in the *Northern Daily Leader* on 22nd April. It was a feature article on Axel Tennie who, as most honourable members would know, has left Tamworth to take up a position as director of the Riverina southeast region of the department. He was the regional manager of the former Tamworth region. I believe that what he said accurately reflects where we were, where we are, and where we are going:

> While Soil Conservation staff had held serious reservations about amalgamation last July with the Lands Department, Land Titles Office and Valuer-General's Department it is time to accept the reality of the new Department of Conservation and Land Management (C&LM).
>
> It is hard to look forward when both eyes are on the rear view mirror.
>
> Of the five new administrative regions managed by the new department, three of the directors positions have been filled by Soil Conservation staffers.
>
> As well as myself, John Butcher has been given the North and North-east region and will be based at Grafton. Peter Walker, another Soil Conservation man has been made Director of the Macquarie region.
>
> Soil conservation has fought hard since the amalgamation to maintain its proactive, customer oriented ethos which was seen as under threat because of the different practices of the old Lands Department.
>
> However, some of the comments that have been about lands can only be described as scurrilous.
>
> The professionalism of the Lands Department has never been in doubt.
>
> The worry has been to maintain the marketing and client focus of soil conservation within the new C&LM.
>
> Everyone in the C&LM must bear in mind that client focus and turn-around time in servicing their requirements are the two areas where improvements can be made.
>
> And these are areas where soil conservation experience and expertise can make a big

contribution to C&LM. Soil conservation has been client focused for a very long time.

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Whilst that was a lengthy quote, I believe it really does sum up where we have been and where we are going. Axel Tennie is highly respected within the organisation and there is no doubt that those sentiments are being expressed to me by people within the service all around the State. I believe it is also expressed in a press release issued by the Northwest Catchment Management Committee - which the honourable member for Tamworth has chosen to distribute, most appropriately.

Mr Windsor: Do not prostitute it.

Mr WEST: I am not prostituting anything. It says, "We have concerns." It clearly says that, but officers of the service have resolved to look forward. It is now time to get on with business and explore the positive aspects of the new department. The last thing the department needs is a further period of uncertainty. That is not prostituting their statement. This is a highly respected committee - obviously well respected by the honourable member for Tamworth, because he used to be a member of it. I accept that it hurts the honourable member a little that that group of very dedicated men and women has made a decision not to support his proposed legislation. I understand that hurts a little, but honourable members should know what the true facts are. The Opposition has been unable to produce any facts. The staff want to get on with the job and the Government wants to get on with the job, but unfortunately the honourable member for Tamworth wants to turn back the clock.

I reiterate that there has been no downgrading of the professional integrity of the Soil Conservation Service and there has been no cutback in service delivery. The Government rejects the proposal by the honourable member for Tamworth as being an overreaction to rumour and false assumptions. The Government will not countenance a bill which proposes to alter administrative arrangements rightly made by government for the benefit of the community at large. It is important that honourable members recognise that the ability to consider conservation issues across the Crown estate as well as across private land is at risk. That is what the Government has been able to achieve as a result of the establishment of this new department. I believe that is a very important new direction. It is now possible to consider conservation issues across both the private and public land estate. That is vital in this State, and is something that has been lacking. That aspect has been identified to me by some conservation officers who have said, "We can now expand our charter and get into these vital areas" - something they have not been able to do in the past. I hope that the honourable member for Tamworth, and all honourable members in this House, will seriously consider that, although it is appropriate to express concern, to accept the proposed legislation would be to turn back the clock. It would certainly damage service delivery by these departments.

Mr MARTIN (Port Stephens) [10.35]: The Opposition supports the legislation proposed by the honourable member for Tamworth, for a number of reasons. The key to it is that the Opposition is cognisant of problems associated with the former Soil Conservation Service. When Bill McKell, the driving force and the forefather of soil conservation, set up that service in 1938 it was with a great vision. That organisation has done a superb job and can do a better job in the future. The Soil Conservation Service has been under scrutiny from both sides of the Parliament, and amalgamation has been considered a number of times in the past. On each occasion it has been shown that the Soil Conservation Service has a very special role in its own right and cannot fit in as part of another bureaucracy. I could go on at length about land degradation and the need to

protect our land. I spent 22 years in the New South Wales public service. I have many of the same agricultural qualifications as the conservationists have. I worked with those

people during the years when I was in the Department of Agriculture and also in fisheries. I am convinced that this legislation is the right legislation to protect the professional integrity of the Soil Conservation Service.

The Soil Conservation Service must be kept intact. It consists of a professional group of people performing a professional job, and that professional integrity must be maintained. There is a range of criteria when it comes to land assessment and it is at that stage that the service must consider not only soils but other issues. People with town planning qualifications, particularly in coastal areas, probably have a greater role to play in land assessment and land use. It is essential always to take special care of the soil. When the legislation was first introduced, honourable members on this side of the House examined the proposal responsibly. When you look at this paralysed Government and consider its inability to govern and how it is being run, you can very clearly understand what has happened. The Office of Public Management has foisted this on the National Party, which has lain down and accepted it.

National Party people usually know about looking after country areas, but has neglected them on this occasion. I am concerned that this House has not fully or responsibly considered the proposed legislation. That is why the Opposition sought to inject responsibility into the debate. I can assure honourable members that I approached Treasury officers and endeavoured to work out what the cost would be. The Opposition estimates it will cost an additional $3 million to run a separate department. I must be honest in this House and I can say, having done the sums, that the expenditure of that money can be justified.

The Budget Papers reveal that in 1990-91 the Soil Conservation Service was getting $40.2 million and the Department of Lands $74 million, making a total of $115 million. The Land Titles Office and the Valuer-General's Department, which form part of the Department of Conservation and Land Management, are off budget and do not become part of that system. In 1991, therefore, the budget for the Department of Conservation and Land Management was $108 million, but a total of $115 million was shown in the Budget Papers. If the 1990-91 budget of $115 million had been maintained - that is, escalated for inflation of about 3.5 per cent, then adjusted for productivity cuts of 1.5 per cent - it would have resulted in a combined allocation of about $117 million - $9 million less than provided in this year's budget. On that basis, the reduction for soil conservation would be about $3 million. Accordingly, on the best estimates, if the $9 million reduction in this year's budget was due to efficiency savings from the amalgamation, of which soil conservation contributed $3 million, it would be a cost to the budget of re-establishing the separate organisation. That is the only fair way to do it.

Though I support the motives of the honourable member for Tamworth, I endorse a statement the Minister made. I have found the professionalism and the ability of Department of Lands employees to be of the highest order. For that reason alone I cannot agree with the assessment made by the honourable member for Tamworth of other parts of that bureaucracy, but I shall support the bill, because it will improve the administration and give a warning to the Government that if it wants to create changes, it must sell those changes and get public support for them. The Opposition listens to the people. People living in the bush would be most concerned to hear the statements that have been made denigrating what this Government has done. I draw the attention of honourable members to an article in the "News and Views" column of the April edition of *NSW Farmer* headed "Gullible Minister loses the plot . . . and farmers lose a service". I

assure honourable members that the Opposition has taken note of that article. The

Opposition does take into account people's wishes and will support the proposed legislation. It is in the interests of all the people of New South Wales to protect our soils and to ensure that New South Wales has a viable administrative public service.

Mr CHAPPELL (Northern Tablelands) [10.43]: I welcome the opportunity to speak in the debate and to deplore this attempt to unscramble an egg. It cannot be done. It would be detrimental rather than beneficial to the cause that the honourable member for Tamworth has tried to justify to take the action proposed in the bill. Many honourable members spoke to the Minister frequently and in some detail about the setting up of the Department of Conservation and Land Management. Whether the move could have been better planned is almost beyond discussion at this stage. The department has been operating for the best part of 12 months. To attempt to unscramble the egg at this stage would cause considerable difficulties. There was in the Soil Conservation Service, as there would be in pretty well any government agency one might name, a great deal of concern by the staff and the client base when the proposal was put forward. That is normal. It is the standard reaction to change. Honourable members on both sides of the House who have been here for many years in both government and opposition know that the process of change to a system of work is discomforting not only to the staff but also to their clients. This does not mean that one should argue against the process of change; it means that one works with sensible change, one makes sure that the process works, one addresses the blips that may occur and gets on with living in the real world and with whatever the new order might be.

The Department of Conservation and Land Management has introduced a new method of dealing with land management, land assessment, the utilisation of resources over time and conservation. The use of the word conservation in the title of the department indicates a new and growing thrust of the Government, as there would have been under an Australian Labor Party Government had the Australian Labor Party remained in office, to provide a relationship between management and practice in the field. That is what the establishment of the Department of Conservation and Land Management really represents. The honourable member for Port Stephens said that the Soil Conservation Service must remain intact. In essence, it does. At the local operating level it will be as identifiable and as up-front in its service delivery to its clients in the future as it has been in the past. The broadacre farmer in New South Wales will notice no change. Almost 12 months down the track no complaints have been made about the shift of service by the field staff of the Soil Conservation Service. There has been no change in the relationship between the technical staff in the field and their clients. The restructuring of the Soil Conservation Service has happened entirely at the administrative level. The various complaints made by staff in the early days have settled down, and the changes have been accepted.

I am sure that the majority of staff in the department support the retention of the present system, which is operating well. The fact that not a single, identifiable complaint about service delivery was introduced into this debate is symptomatic of the fact that the bill does not recognise the reality that the Soil Conservation Service, as it has been known and respected by honourable members, is merely carrying on with its usual good work and delivering the service that the people of New South Wales want. The amount of energy that is expended in a destructive and destabilising way ought to be put into ensuring that the new Soil Conservation Service within the Department of Conservation and Land Management works efficiently and effectively or even better than it has in the past. It is false to assume that it cannot be as good, let alone better. There is no evidence to support that assumption. The reality is that there is a new, broader-visioned,

longer-term thrust in the work of the Department of Conservation and Land Management than there has been in the past.

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The way in which conservation, land management practices, resource utilisation and resource commitment is handled over a longer time span is reflected in this Government's initiative to establish the Department of Conservation and Land Management. That is not to say that it is the be-all and end-all or that nothing will change in the future. That sort of blinkered view of government administration has got government agencies, members of Parliament and Ministers into trouble in the past. They believe there is only one best way. There is no such thing as one best way. There is a way of managing the process of change both at the administrative level as well as at the technical level in the field to provide the best service according to the circumstances that apply at the time. To try to link what is essentially an administrative change in government administration with the delivery of a technical service in the field is false logic. If the bill is forced upon the Government, the cost would be considerable.

In fairness, the position of the long-serving, efficient staff of the former Soil Conservation Service should be considered. The restructuring of the Department of Conservation and Land Management has caused considerable staff displacement. In many instances senior staff have been appointed to senior executive service positions in the Department of Conservation and Land Management. People have been shifted from one part of the State to another. Should we try to reverse this and bring back yesterday? Considerable disruption would be caused if we sought to bring back yesterday. Further disruption in the short term would cause further pressure on families and lower morale at a time when things are settling down. Honourable members ought not to inflict on the workforce that degree of change for a second time within 12 months. It is not justifiable. There is no justification for it in terms of either diminution of service or prospective increase in efficiency and positive results for the staff and the client base. The results to the clients and the relationships of the staff, their location in the State, their rank in the service and their career prospects, should be paramount.

To seek to satisfy personal ideology at the expense of those people at this time is regrettable. From the point of view of the client in broadacre New South Wales there has not been change. There is coincidental change with some of the equipment that has been operated in the past in various parts of New South Wales by the former Soil Conservation Service, whose work in future will be carried out by private contractors; but that sort of change is ongoing, and is not part of this debate. This debate is about the structural arrangements for the administration of the Department of Conservation and Land Management and the soil conservation section within that department. As a stand alone department, the Soil Conservation Service would not be efficient. Unless honourable members kid themselves that the Government can afford to inject more financial resources into the department, there will have to be a reallocation of funds within the Department of Soil Conservation - if that is to be its name - in order to pay for its administration. I do not consider that to be efficient or a gain for the client base. The cost would have to be borne by the farmers of New South Wales to satisfy some whim of the honourable member for Tamworth in trying to impose yesterday's values and administrative structures. Of the 10 senior executive service positions in the Department of Conservation and Land Management, six are occupied by senior officers of the former Soil Conservation Service. The ethos and the efficiency of the Soil Conservation Service is already playing a senior role in the development of the new Department of Conservation and Land Management. The Government must address the difficult areas of land tenure, land management, land allocation, and resource utilisation, with a wider

vision rather than the one-to-one, eyeball-to-eyeball relationship of the local soil conservation officer and the farmer.

Critically important as that may be, the Soil Conservation Service as a whole must address the system within which it works, just as other government agencies do. It is not merely a matter of isolated service delivery at a particular time. That is why a

number of us, myself included, eventually recognised the long-term wisdom of the restructure, which was not done to satisfy an administrative whim or the shifting of chairs in the ministerial portfolios in order to satisfy individual Ministers. There is simply no justifiable logic in trying to upset the apple cart and revert to circumstances of yesterday. If the department had been flooded with breakdown complaints by its clients in broadacre New South Wales that the local soil conservation officer was not available or was not providing the same quality of service as before, this proposal would have some justification. There is no such breakdown. I have not received any complaints indicating a diminution in the quality of local service. Some people have written letters to the newspapers indicating that they wish to retain the former Soil Conservation Service. The Government has maintained the appropriate level of service. From the point of view of the average farmer, there simply is no change.

The disruption that this bill will create to the Department of Conservation and Land Management and the Government through the reallocation of resources and the shifting of dollars from service delivery to administration is not justifiable. There has not been one cogent argument advanced as to why we should go backwards. Whether we like it or not, the former Soil Conservation Service is a part of the Department of Conservation and Land Management. It is working well and it will continue to play an important and effective role in land assessment, land management, land utilisation and resource allocation. The Government is making a valiant effort to deal with the present problems by patching up past mistakes and working towards a sensible, logical system, based on proper administrative practices.

Mr JEFFERY (Oxley) [10.58]: I support the Minister for Conservation and Land Management and the honourable member for Northern Tablelands in opposing this bill. The Department of Conservation and Land Management has a large office at Kempsey, in the electorate of Oxley. Prior to the restructuring of the department, employees of the former Soil Conservation Service expressed their concerns to me. I met with them and explained how the restructuring would take place. Since then I have received no complaints either from employees or landholders in my electorate. The delivery of services available prior to the restructuring have been enhanced. Prior to the restructuring of the Department of Conservation and Land Management the former Department of Lands had an office in Taree and the former Soil Conservation Service had an office at Kempsey. This restructuring will enable a mix of services. Former soil conservation officers with expertise in erosion matters and total catchment management can be situated at Grafton or Taree together with an officer from the former Department of Lands to provide the necessary services.

That will achieve two things. First, it will give the people in that area access to those services. Second, it will be more efficient and economical for the Government and the ratepayers; it is the shareholders of New South Wales who pay the taxes. Our delivery of services actually can be improved. As has been mentioned by the Minister today, the new Department of Conservation and Land Management has been greatly streamlined. It has a flatter senior management structure. The Minister said that six of the new executives are former officers of the Soil Conservation Service. One of the new departmental heads is Mr Graham Wickham - an outstanding officer - who is now the

director of conservation and is based in Sydney. It is not correct to say that there has been a dismantling of senior Soil Conservation Service personnel. The honourable member for Tamworth had good intentions in introducing the bill. However, the legislation takes from Government the fundamental right to make its own administrative arrangements. We must accept the challenges and move with the times. This streamlining of the department will be of benefit to landholders in New South Wales and

to employees. Honourable members should realise that this will provide a wider career structure for employees in the Department of Conservation and Land Management. They now have opportunities they did not have previously.

I am concerned that the introduction of this bill will sound a warning. Security is needed for the employees; they do not want any more disruption. They have accepted that this is the way to go. The landholders have accepted it. If there are any hiccups in the system those matters can be addressed. I have not received one complaint regarding the new structure. The only complaint from landholders has related to the setting up of total catchment management areas. I believe that matter will be addressed when the new report by the Minister is released. This Government has been able to consult with the landholders in my electorate and elsewhere in New South Wales. It would be a great disservice to landholders and employees of the Department of Conservation and Land Management if this bill were to pass through both Houses of Parliament. When the amalgamation was first mooted I did have some concerns, I admit that, but it has been a success. We should give it a chance, and if it does not work I shall be the first to admit it.

Mr Martin: It is not working.

Mr JEFFERY: It is working. In my area examples have not been given to the contrary. The department and employees should be given support. For the reasons outlined I oppose the bill.

Mr WINDSOR (Tamworth) [11.3], in reply: The response by the Government has been particularly weak, which is indicative of how hitherto the whole issue has been handled. I expected the Minister to come up with something a little better. His department must be extremely disappointed with the way he has handled the matter. It is obvious to me and to many others that the Minister still does not have any understanding of what the Soil Conservation Service was attempting to achieve, what it is about generally, the involvement of the community on environmental issues and how governments should address those environmental issues. I am extremely disappointed that the Minister saw fit to involve in this debate the former Commissioner for Soil Conservation, Mr Bob Junor. That is a particularly poor shot and one that no doubt will rebound on him. In a sense Bob Junor is irrelevant to this debate. He was with the Soil Conservation Service for 30 years and facilitated many difficult decision-making processes in land use management. He had the capacity to make those sorts of decisions and was instrumental, in my view, in building up the credibility and trust of the Soil Conservation Service. But he is irrelevant to the real guts of this debate.

Rather than prolong this issue, I ask honourable members on the Government benches if they were so frustrated and hurt by Bob Junor supposedly whingeing about not getting the top job - and I made no utterances that he should get the top job - why, within hours of Bob Junor resigning as Commissioner of the Soil Conservation Service, was he appointed to the board of the Environment Protection Authority? This matter shows where the Minister sits. He sees this more as a personal ladder-climbing exercise for a number of individuals; I do not. I would very much like that question answered.

Obviously the Minister for the Environment sees some benefit in the expertise of Mr Bob Junor, even if the Minister for Conservation and Land Management does not. Why did that man resign? He was world renowned in soil conservation, heading up an organisation that had tremendous respect worldwide and was leading the way to land use technology and the way in which it should be marketed to the board or electorate.

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I should like to refer to several other problems. Obviously, a number of honourable members were concerned when the amalgamation was first promulgated. I had a series of meetings with the Premier, the Minister and the Conservation and Land Management Committee to discuss the amalgamation, in an attempt to discover the reasons behind it. I was told that this was to be a new thrust. I was told also that no one within the Government was critical of the performance of the Soil Conservation Service in the past - and I am sure the Minister would agree. This organisation had excellent rapport and delivery of service to the community. The Premier and Minister told me that the reason for the amalgamation had very little to do with the Soil Conservation Service; in fact it had a lot to do with the Department of Lands. The Minister seems to forget that fact some 12 months down the track. I was told that the reason for this amalgamation was to transfer - their words, not mine - the ethos of the Soil Conservation Service into what they viewed as a bureaucratic organisation that essentially needed a good shakeup. I have the greatest respect for the Department of Lands. In my view, if the Department of Lands is to be given a good shakeup, the Government should have the courage of its own convictions and do it instead of butchering the Soil Conservation Service in the process. Why did the Government create a smokescreen that was designed solely for the transfer of the ethos of the Soil Conservation Service across to the Department of Lands? The new thrust is a farce!

The Minister for Conservation and Land Management seems to suggest that everyone is wrong except the Minister: the New South Wales farmers are wrong; the general farming community is wrong; land care groups are wrong; total catchment management committees are wrong; conservation trusts are wrong - but the Minister is right. Very early in the deliberations on the amalgamation the Minister and the Premier, Treasurer and Minister for Ethnic Affairs were asked a number of times how the structure had been put in place. It seems that there was no broad consultation with the community as to what the community wanted. Very few people determined the structure of this new arrangement. There was no consultation with the greatest number of consumers of this service, namely, rural representatives. There was no discussion with a man whom I and many others regard as a highly esteemed expert in natural resource management, Professor John Burton. No one has been able to tell me where this legislation came from. No one could tell the committee. From what I have gleaned, and what has essentially been admitted today by the fairly weak response of the Government, the amalgamation has not come from a natural resource base but from the Premier's Department. This amalgamation is about cost efficiencies; it is about transferring an American-style corporate ethic to an environmental agency. We are talking about the most basic resource essential to our long-term life on this planet. It is not about saving small amounts of money in some sort of economic rationalisation of a business. It is a classic example of the Government's lack of marketing expertise. Numbers have not been cut and there have not been many cuts in finance spending. The Government seems to think that that is the most important part of this debate, but it is completely irrelevant.

We are not talking about a particular individual occupying a particular job. It is the occupant's degree of expertise and belief in his job that is important. That is what the

Soil Conservation Service had. No one on the Government side has denied that this was the case but that is what the Government is putting at risk, and that is why I am making such a fuss about this. We have lost that trust and credibility on both sides of the agenda. The potential for the breakdown within the land care ethic and the total catchment management committees is enormous. I am suggesting that that risk is not worth taking, particularly when no one said there was anything wrong with the organisation. The motives behind this change are purely financial. No one has looked at the benefits of pushing the land care ethic as far as we can. This change is for a short-

term financial gain. Let us assume that that is accepted. What has happened in the other environmental wing of this Government? An Environmental Protection Authority has been put in place. There has been no lack of funds to do that. There was about $70 million to be spent because the environment is very important to the Government. In my view the Minister has been particularly weak in not arguing for his rural constituency on this matter. There is money available for the Police Service, but there is not money to encourage the land care ethic and to encourage farmers to do the job themselves.

My concern, and it should be put on record in Parliament, is that if that land care ethic is weakened, if that trust and credibility is weakened, in the fullness of time - and the honourable member for Oxley says, "Give it a go" - and on the admission of the Minister for the Environment, the soil conservation section of the Department of Conservation and Land Management will be usurped by the Environment Protection Authority. At some time in the future the land care ethic would be weakened. The Minister and the honourable member for Northern Tablelands say that essentially nothing has changed. Quite a lot has been changed. They seem to place a great deal of importance on the structure, so let us look at the structure that has been put in place. Bearing in mind that the whole idea of this change was to transfer the ethos of efficiency of the Soil Conservation Service - this is reflected in personnel working more hours than actually paid for and good relationships with those receiving the end product - I ask: when the structure was put in place and people were employed, who was put at the top of the tree? Was it a man who had great knowledge of soil conservation, the land care ethic and other rural matters? No, a town planner was appointed - a very good administrator but essentially a town planner. I am not arguing about his administrative abilities. I believe they are quite good but he has absolutely no understanding of the delivery of the soil conservation ethic and service.

If the Minister does not believe me, he should ask some of the people who attended the meeting at Balranald. He should ask them what Mr Tony Powell said to them and what the response was. If the Minister wants to find some proof of people's dissatisfaction with this merger - and he will receive some proof from me and others; we will be in touch with him very quickly on that - he should ask what happened at the Balranald meeting. We should bear in mind that the idea of the merger was, according to the Premier and the Minister, to transfer the ethos of the Soil Conservation Service to other departments. The Government put second in charge a man from the Department of Lands, Michael Ockwell, a man for whom I have great respect. The Minister has completely missed the point. These two people are both very good people, but they do not have an understanding of what has taken place in the conservation area in the past. The Minister, by his attack on Bob Junor today and attacks on other members within his department, has essentially admitted the real reason that soil conservation was not represented in those two key positions. The real reason for the changes is that the Minister has assumed that within the service there was a campaign against him. The great problem with assuming that is that it has coloured his judgment of what may well have been a reasonable structure - but it is now deemed to have failed.

Mr West: The honourable member is admitting that this is about personalities.

Mr ACTING-SPEAKER (Mr Merton): Order! The honourable member for Tamworth has the call, and he will be heard in silence.

Mr WINDSOR: The Minister referred to the press release yesterday of the North-West Catchment Management Committee, headed "Amalgamation issue still simmers". It is the press release of the North-West Catchment Management Committee and not my press release. I read the final paragraph:

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> Finally, the Total Catchment Management Committees are totally apolitical, and the North-West Catchment Management Committee resents politicians taking its views out of context and using them for political ends.

It states the following on the decision to amalgamate:

> There was no prior community consultation, despite the fact that with great fanfare this Government has set in place a mechanism through Total Catchment Management for doing just that.
>
> The merger was strongly opposed by a number of key individuals in the SCS. (who the TCM has come to respect) on the basis that it has the potential to damage the consumer oriented work ethic which the SCS had developed.
>
> The community felt real concern that the service which it has received from SCS and which is an integral and essential part of natural resource management strategy in the region was in danger of being dissipated under a C & LM structure.
>
> The amalgamation has been very poorly handled with a long period of uncertainty having a devastating effect on morale within the departments.

If the Minister suggests that press release supports what he has done and is against what I have said, I must have trouble interpreting English.

Mr Chappell: Did the honourable member hear Mr McDouall on the radio recently?

Mr WINDSOR: Yes I did, and I spoke to him. He is the author of that press release.

Mr Chappell: What did he say on ABC Radio on Monday?

Mr WINDSOR: The honourable member for Northern Tablelands made the point that it will be difficult to unscramble the egg. He will be aware that I have not wanted to make this a political issue. I have spoken to numerous people over the past 12 months. At one stage the honourable member for Northern Tablelands agreed with me, as did the honourable member for Oxley.

Mr Chappell: I said that earlier.

Mr WINDSOR: The egg can be unscrambled. My information is that for a number of reasons it is simple to unscramble this egg. It was put together by some fairly

simple people, so it must be fairly easy to unscramble. I am sure most honourable members know that my leanings are towards the conservative side. I did not have the intention of making this a political embarrassment for the Minister or the Government. Over the past nine months I have tried to speak to all concerned, including the committee members, about the potential political embarrassment. It is of great concern to me that no one from any side of the argument has bothered to listen. There has been discussion about the cost to government. Most honourable members know that I have supported the Government in regard to efficiencies and reductions in costs when it is obvious that there will be no reduction in the delivery of services. I have supported the Government's attempts to prioritise the administration of government services. However, in relation to the environment we must look further than this term of Parliament, the term of this Government or this Minister. We must look further than the interests of the individuals concerned.

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The Minister has misread the ball game. This bill is about the potential cost to the nation and the State of the reduction in productive capacity. If we lose the potential or the land care ethic, the cost to the State will be far greater than the value of any individual career. The honourable member for Oxley was concerned that the warning bells were ringing. They have been ringing for a number of months. I did not want to use the delicate balance of the Parliament to achieve this result. I would have preferred that the Government had the sense to take this action within its own aegis. The bells have been ringing and the honourable member for Oxley has been one of those who have heeded the bells. I would be remiss in my duty, especially to the long-term future of the New South Wales environment, if I did not persist with the legislation. Almost everyone admits that the action taken regarding the Soil Conservation Service was wrong. It was a good organisation in the beginning. The damage that has been done and, more importantly, the potential damage in the next few years will be quite massive. In my view it is not worth taking the risk.

I have essentially demolished the arguments of Government members. This issue has been of great concern to me, not because of the individuals concerned as the Minister tried to suggest in debate, but because all honourable members have concern for the long-term sustainability of our soils, the water and the interaction of them under the administration of a natural resources department. The total catchment management concept has a better chance of working. Land care groups will have something real with which they can identify. Soil and water have commonality. Efficiencies could be achieved under the administration of the Minister for Natural Resources and a direct link could be maintained with the Minister. The Minister's big mistake was that he said no change has occurred. The soil conservation expertise in CALM - and I do not deny that some expertise remains - has no link with the Minister. The information has to come through two officers before it gets to the Minister. The Minister was warned about that but because of his problems with individuals within the Soil Conservation Service he agreed to ignore it rather than look at the structure in an environmental sense. I commend the bill to the House.

Question - That this bill be now read a second time - put.

The House divided.

Ayes, 44

Ms Allan

Mr Amery
Mr Anderson
Mr A. S. Aquilina
Mr J. J. Aquilina
Mr Bowman
Mr Clough
Mr Crittenden
Mr Doyle
Mr Face
Mr Gibson
Mrs Grusovin
Mr Harrison
Mr Hunter
Mr Iemma

Mr Irwin
Mr Knight
Mr Knowles
Mr Langton
Mrs Lo Po'
Mr McBride
Dr Macdonald
Mr McManus
Mr Markham
Mr Martin
Mr Mills
Ms Moore
Mr Moss
Mr Neilly
Mr Newman

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

Noes, 39

Mr Armstrong
Mr Blackmore
Mr Causley

Mr Chappell
Mrs Chikarovski
Mrs Cohen
Mr Downy
Mr Fahey
Mr Fraser
Mr Glachan
Mr Griffiths
Mr Humpherson
Mr Jeffery
Dr Kernohan

Mr Kerr
Mr Longley
Mr Merton
Mr 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 Small
Mr Smiles
Mr Smith
Mr Souris
Mr Tink
Mr Turner
Mr West
Mr Yabsley
Mr Zammit

Tellers,
Mr Beck
Mr Hartcher

Pairs

Mr Carr
Mr Gaudry
Mr J. H. Murray
Mr Nagle
Mr Whelan
Mr Yeadon

Mr Baird
Mr Collins

Mr Cruickshank
Mr Greiner
Mr Hazzard
Ms Machin

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

Mr WINDSOR (Tanworth) [11.34]: I move:

That this bill be now read a third time.

Question put.

The House divided.

Ayes, 44

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

Mr Irwin
Mr Knight
Mr Knowles
Mr Langton
Mrs Lo Po'
Mr McBride
Dr Macdonald
Mr McManus
Mr Markham
Mr Martin
Mr Mills
Ms Moore
Mr Moss
Mr Neilly
Mr Newman

Ms Nori
Mr E. T. Page

Mr Price
Dr Refshauge
Mr Rogan
Mr Rumble
Mr Scully
Mr Shedden
Mr Sullivan
Mr Thompson
Mr Windsor
Mr Ziolkowski
Tellers,
Mr Beckroge
Mr Davoren

Noes, 39

Mr Armstrong
Mr Blackmore
Mr Causley
Mr Chappell
Mrs Chikarovski
Mrs Cohen
Mr Downy
Mr Fahey
Mr Fraser
Mr Glachan
Mr Griffiths
Mr Humpherson
Mr Jeffery
Dr Kernohan

Mr Kerr
Mr Longley
Mr Merton
Mr 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 Small
Mr Smiles
Mr Smith
Mr Souris
Mr Tink
Mr Turner

Mr West
Mr Yabsley
Mr Zammit

Tellers,
Mr Beck
Mr Hartcher

Pairs

Mr Carr
Mr Gaudry
Mr J. H. Murray
Mr Nagle
Mr Whelan
Mr Yeadon

Mr Baird
Mr Collins
Mr Cruickshank
Mr Greiner
Mr Hazzard
Ms Machin

Question so resolved in the affirmative.

Motion agreed to.

Bill read a third time.

ANTI-DISCRIMINATION (AMENDMENT) BILL

Second Reading

Debate resumed from 20th March.

Mr PHILLIPS (Miranda - Minister for Health Services Management) [11.41]: Age discrimination means treating a person unfairly by reason of his or her age. It is a much wider concept than discrimination against the aged, since age discrimination can also occur when a younger person is treated less favourably than an older person because of age. Discrimination on the basis of age is widespread and occurs in a range of areas of public life, including employment, education, access to goods and services, accommodation, credit, health care and many others. Age discrimination is often direct in operation but also may be indirect and therefore more subtle in operation than perhaps other types of discrimination. Common examples of direct discrimination on the ground of age may include the following, if it can be shown that people are disadvantaged: two applicants, one aged 25 and one 40, are equally qualified for a job but the employer appoints the younger person solely because he or she may be 25; age limits of entry to training; refusal of accommodation to a family because it includes a child and refusing credit because of someone's age.

An example of indirect discrimination on the ground of age may include the following, if it can be shown that people are disadvantaged: advertisements which require experience disqualify a lot of young people who have not had an opportunity to gain work experience. These advertisements may discriminate indirectly against young people if it is shown that experience is not necessary for performance of the job. Age is often used as a general criterion to determine people's needs or ability because it is administratively easier to identify than other indicators. Sometimes age is the most practical and acceptable criterion to apply. However, very often it is an inaccurate indicator because it is based on commonly held myths, or inappropriate because not everyone conforms to the general pattern of a particular group. In such cases people suffer disadvantage because of their age. It is therefore important that decisions are based on the most legitimate and accurate criterion.

In 1990, when the New South Wales Government introduced the Anti-Discrimination Compulsory Retirement (Amendment) Bill, age as a substitute for judgment on individual performance both socially and economically inefficient and undesirable. Most legislation which discriminates on the basis of age reflects community standards and social attitudes; for example, a minor's use of alcohol, the provision of drivers' licences, and access to firearms. However, in other areas age is often used as the sole criterion for the provision of goods and services, for no acceptable reason; for example, the provision of goods and services in relation to accommodation, car insurance, health insurance, banking, credit, entertainment and club membership. In recent times a number of Australian jurisdictions have outlawed discrimination on the basis of age and or have prohibited compulsory retirement. Various proposals have also been implemented in the United States of America, Canada and New Zealand.

There have been a number of reasons for this, not the least being the recognition of the need to protect the individual rights of those who wish to continue in employment past traditional retirement age. In those Australian jurisdictions in which the issue of age discrimination has been addressed there has been no delineation between different age groups. The rationale of the prohibition being aimed at all ages is described in the report of the New South Wales Anti-Discrimination Board's report entitled "Discrimination and Age", which stated:

> Legislation which does not specify an age limit is based on the principle that the three major stages of childhood, work and retirement should occur during a person's life when the circumstances for that individual warrant it rather than when they have reached a particular chronological age as well as on the principle that people should not be treated less favourably in employment, provision of goods and services or accommodation because of their chronological age.

An argument in favour of the abolition of age discrimination is that the population is ageing. Though many people are now covered by superannuation, a great many are not. To ease the drain on social security and to avoid poverty most people need to be able to continue in employment for as long as they wish. There is also another argument in favour of the retention of experience and skills in workplaces when employees with specific skills and experience wish to continue using them productively. Changing attitudes to people staying at work beyond normal retirement ages are illustrated by a survey commissioned in 1990 by the Office on Ageing in which respondents were asked how strongly they agreed or disagreed with the State Government's plan to remove compulsory retirement. Of the respondents, 84 per cent agreed that compulsory

retirement ages should be abolished. Social changes resulting in age discrimination

legislation have not occurred in a vacuum; they are a response to the reality of an ageing society. It is within the context of prevailing social mores that we can place previous social and welfare milestones such as the setting of the pension age. Nevertheless, it is within the context of present social conditions that past practices and attitudes must be reviewed.

In 1908, when the pension age was set at 65 years, life expectancy at birth for men was 55 years, and women 59 years. This fact, combined with means tests and the social stigma associated with the pension, meant it provided no threat to the Federal Budget. By 1988 men lived on average to 73 years and women to 80 years but, counter to the trend in life expectations, men's work participation was declining. Longer life and longer life expectations have been accompanied by shorter periods at work. At the end of World War II more than half a man's remaining years of life after age 60 years were spent in paid work. By the end of the 1980s less than a third was spent in work. Women's participation in the paid work force has always been less than that for men, particularly at child bearing ages. Women's participation has been increasing at adult ages, except after age 55 years, at which level there have been minor declines in participation until the last two years.

The patterns of men's and women's working lives and life expectancy provide a strong contrast. Women live longer than men but have spent less time in the labour work force. In the past this has been partly a consequence of work in child rearing but this is becoming less of a factor. Women were more likely to be working in 1987, compared to 1967, at most ages up to 55 years. It is expected that increases in married women's participation in the work force will be seen in increasing participation rates for older women in coming years. What is the scope of the age discrimination problem? Age discrimination is common in the workplace. Peer group pressure, business practices and workplace expectation have a profound effect on the older worker. Many workers are considered old in their forties or, more commonly, in their fifties. These factors have contributed to a large number of workers retiring from full-time employment in their mid fifties.

It is likely that the implications of such factors are significant in the context of Australia's ageing population. It is often argued that economic forces alone will ensure a change in trends in this area and, even without age discrimination legislation, employers will actively recruit retired workers back to the workplace. However, it seems clear that older workers are less likely to be trained in new technologies and are more likely to be retrenched. The nature and extent of these problems is difficult to quantify. However, the community needs to examine carefully and test the assumption that such practices are economically rational. The economic significance of early retirement and discrimination against the older worker will increase in future years due to the greying of Australia's population. Those born in the post-war baby boom era will reach retirement age in the next 15 to 20 years.

Mr Amery: On a point of order. The Minister has not indicated whether he is leading for the Government, which is relevant to the time for which he is allowed to speak. He also has not indicated whether he supports or opposes the bill. He has not spoken to the bill generally or to its specific clauses. We do not know whether he is speaking to the bill or giving a general philosophy statement about age. Obviously, he is allowed some lead-in time but the Minister's remarks have not stated his position. He has not foreshadowed any amendments or mentioned any concerns about the bill.

Mr SPEAKER: Order! It is normally assumed that the person first speaking for a major party is leading for that party on the bill. That assumption was made. If that is incorrect, the speaking time may be adjusted. I seek an indication from the Minister whether he is leading for the Government on the bill.

Mr Phillips: Yes, Mr Speaker, I am leading for the Government, in opposition to the bill.

Mr SPEAKER: Order! It is for the Minister to decide whether he wishes to address the matters raised by the member for Mount Druitt. The only valid matter that could be raised by the honourable member as a point of order would be whether he believed that something the Minister was saying was outside the leave of the bill. The Minister does not have to indicate specifically whether he is for or against the bill. Members may draw their conclusions from what he says. It is not a requirement of the standing orders that a member say he is speaking for or against a bill.

Mr PHILLIPS: There is a potential that an increasingly greater proportion of the population will have to be supported by a smaller proportion in the labour force. A recent report prepared for the Office on Ageing by Hal Kendig has emphasised that ageing needs to be understood as a long-term process of change for both individuals and populations. Old age will become an increasingly long period of life. Approximately 90 per cent of those aged 40 years can expect to reach 60 years, and at that age men can now expect another 15 years of life and women another 19 years. These following words from the report deserve extra emphasis:

> People have yet to recognise the full implications of increasing life expectancy over recent decades and the future increases anticipated for the future.

New South Wales has experienced an ageing of the population over the post-war era. The number of older people has increased as a proportion of the population as a result of the rising numbers of births and immigrants earlier in the century, because of increasing life expectancy. Younger age groups have been increasing because of overseas immigration and the baby boom bulge. As a result of these offsetting trends the proportion of the population aged 65 years and over rose slowly from 8 per cent in 1947 to an estimated 11 per cent in 1989. Mr Kendig argues that the major impacts of the population ageing will be felt over the coming decades. Through the 1990s there will be a very rapid growth in numbers in the oldest age groups, but the real growth will come with the baby boom generation moving into old age from early next century. At the bottom end of the scale it is expected that continuing low birth rates will result in very little increase in the school-age population during the rest of this decade, and a decline next century.

The unemployment rate fluctuated greatly throughout the 1980s, with the most marked falls evident in the 15- to 24-year age group. Older workers did not experience a similar decline in unemployment rates; for the group aged 55 years and over, the rate increased significantly. There has also been a marked decrease in labour force participation for men in the age groups 55 to 59 years, 60 to 64 years and 65 years and over. In 1970 the labour force participation rate for men aged 55 to 59 years was 91.2 per cent. By 1989 this rate had fallen to 75.5 per cent. Similarly, between 1970 and 1989 the labour force participation rate for men aged 65 years and over fell by more than one half from 22.1 per cent to 9 per cent. For men this decline can be attributed to several factors ranging from a preference for early retirement to redundancy or resignation, resulting in difficulties with finding new employment. The decline in labour

force participation for older workers has occurred despite a rise in labour force participation among those aged 25 to 34 years during the same period. In 1966 the rate was 68 per cent, increasing to 77 per cent in 1986. By the turn of the century it is expected to increase further to 89 per cent.

However, the long-term trend in falling participation rates has been countered by evidence of rising trends since the early 1980s. This counter movement has been largely the product of an increase in female work force participation. But it should be noted that the participation rate for women is still significantly lower than for men. In April 1989 the participation rate for those aged 55 to 59 was 76 per cent for men and 32 per cent for women. It has been noted that the employment patterns of older men and women workers are quite different. Although the male unemployment rate is higher than the female unemployment rate in the older age group, there are different reasons for this. Older women have much lower labour force participation. This may be due to a number of factors such as the discouraged worker effect, domestic commitments, and an absence of appropriate employment opportunities combined with low skill and educational attainments. Large numbers of women in part-time employment also conceal the significant levels of underemployment. It could also be argued on a broader level that the very concept of retirement reinforces a bias towards the male worker, given the traditional expectations of a full-time working life for men and much less continuous working histories for women.

Whilst employment is probably the most significant area of discrimination against the elderly, studies indicate that they also face problems of discrimination in other areas, notably in obtaining accommodation, education, insurance, access to credit and provision of health services. Old age has been called an age of no consent. Decisions affecting older people are often taken by others on their behalf in the belief, often mistaken, that the elderly are incapable of understanding their own best interests. Faced with this attitude, the elderly often experience a real sense of powerlessness. They are frustrated at no longer being seen as useful members of society with a contribution to make to its welfare. The adverse impact of discrimination against the elderly is particularly noticeable for older women. Women tend to live longer than men and therefore constitute a higher proportion of the aged population, particularly the very old. The older women of today have generally not had careers outside the home and therefore have not had the opportunity to accumulate savings or superannuation. More often than not the breadwinner husband dies first, leaving the wife to face several years on a very limited income.

Groups representing age pensioners and the elderly have become more active in pressing their demands in recent years. Such groups as the Australian Council on Ageing and the Australian Retired Persons Association have called for Commonwealth legislation to outlaw discrimination against the aged with regard to health, employment, education, consumer credit, accommodation, workers' compensation and insurance. The Council on the Ageing, the New South Wales Consultative Committee on Ageing, the Combined Pensioners Association, the Council of Senior Citizens Association and the Ethnic Communities Council have also been advocates of age discrimination legislation in New South Wales. Various studies have referred to the negative stereotypes of the aged that are widely held in society. Age discrimination legislation could be a means of overcoming these stereotypes and allowing older Australians to be recognised as individuals with a valuable contribution to make to society. The physical, mental and emotional well-being of the elderly will be maximised by allowing them autonomy and control over resources and decision making.

Debate adjourned on motion by Mr Phillips.

STANDING ORDERS 50 AND 50A

Mr MOORE (Gordon - Minister for the Environment) [12.1]: I move:

(1) That this House agrees to and adopts the following new Standing Order 50 -

50. Whenever the House stands adjourned, the Speaker, on receipt of written requests, by an absolute majority of the members of the House that the House meet at an earlier time, shall fix by communication addressed to each member of the House, a day and hour of meeting within 10 days of the receipt of such requests, provided that -

Earlier meeting of House by written requests.

(a) the Leader of a recognised Party be deemed to have written on behalf of all its members.

(b) the request to summon the House be made directly to the Speaker.

(c) in the event of the absence of the Speaker, the Clerk shall notify the Chairman of Committees, who will summon the House on behalf of the Speaker.

(2) That Standing Order 50A be amended by omitting the words "by telegram or letter addressed to each Member of the House fix an earlier day of meeting" and insert instead thereof the words "fix an earlier day of meeting and shall communicate to each Member of the House the earlier time and day".

(3) That the new Standing Order 50 and the amended Standing Order 50A be presented by Mr Speaker to His Excellency the Governor for approval.

Some time ago the Deputy Leader of the Opposition initiated a discussion on a new standing order to enable a majority of members of the Legislative Assembly to arrange by notice in writing to you, Mr Speaker, to recall the House when it stands adjourned during one of its recesses. Inadvertently, as a result of that process, the new standing order was given the same number as an existing standing order, without there being any implied repeal or alteration of the existing standing order. The motion seems to create a new Standing order 50, which is a vacant standing order number. The opportunity has been taken to tidy up the standing order and existing Standing Order 50A, which deals with the recall of the House on the motion of the Government. The amendment will remove the necessity for the communication to be by letter or telegram and acknowledges the fact that there are now facsimile transmissions and the like. The amendment of the standing order will enable the House to be recalled under either of the sets of circumstances and using modern technology. I expect the standing order to be presented to His Excellency as soon as is convenient after the motion has been agreed to.

Mr J. J. AQUILINA (Riverstone) [12.2]: The Opposition supports the motion.

Motion agreed to.

SPECIAL ADJOURNMENT

Mr MOORE (Gordon - Minister for the Environment) [12.2]: I move:

That this House at its rising this day do adjourn until Tuesday, 1st September, 1992, at 2.15 p.m.

The program for the budget session has been circulated in draft form. I would expect that draft form to be adhered to unless the Standing Orders and Procedure Committee, during the winter recess, adopts any major variations to the proposals advanced by me for the estimates committee process. The Premier has indicated that he expects the
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House will be recalled during the winter recess after Mr Temby has reported on the reference made to the Independent Commission Against Corruption by the Parliament. As I have not had a precise indication as to what that date might be, the special adjournment is being moved to take the winter recess to the commencement of the budget session. However, it is clearly the expectation of the Government and of the Opposition that the House will resume at an earlier time and that either new Standing Order 50 or Standing Order 50A will be used for that purpose when a relevant date is available.

Motion agreed to.

COMMITTEE UPON THE LOCAL GOVERNMENT BILLS

Report

Mr RIXON (Lismore) [12.4]: As a member of the Legislation Committee upon the Draft Local Government Bill, I thank other members of that committee - the honourable member for Myall Lakes, the honourable member for Sutherland, the honourable member for Kiama, the honourable member for Manly and the honourable member for Coogee - for the way in which they formed a very workable unit to work together to ensure that various views were canvassed. I thank also others who were involved with the committee, that is, the clerk of the committee, Mr Mark Swinson, and the project officer, Mr Robert Lawrie. I thank also the departmental advisers: Mr Ian McKendry - the co-ordinator of legislative review; Ms Beverly Forner - manager of policy and research; Ms Jan Clark - senior policy and research officer; and Ms Margaret Newton - legal consultant. I thank also the Minister for Local Government and Minister for Cooperatives for making the resources of his department available to the committee. This contributed enormously to the committee's successful undertaking.

The local government review process had been pursued actively for five years. Following the release of a number of preliminary discussion papers, the Department of Local Government and Cooperatives in August last year released a discussion paper on local government reform. The committee was then formed to look at the proposed legislation. In late February the committee advertised and received 36 submissions. In addition the committee had referred to it 1,100 submissions received by the department about the bills. In March and April the committee took evidence from 13 peak local government organisations. Those organisations were the Local Government Auditors Association, the Association of Local Government Librarians, the Australian Institute of Ordinance Inspectors, the Institute of Municipal Management, the Australian Institute of Building Surveyors, the Australian Institute of Environmental Health, the Local Government Engineers Association, the Health and Building Surveyors Association, the Local Government Clerks Association, the Federated Municipal and Shire Council Employees Union, the Local Government and Shires Associations of New South Wales,

the Environmental Law Association, and the Australian Society of Certified Practising Accountants. I thank each of those organisations for the time they gave to the committee.

After considering the submissions the committee decided to concentrate on the main areas identified from the submissions which comprised the voting system, voter veto, the role of council and role of mayor, the role of the general manager, private works, contract employment of senior staff, powers of delegation, cost of change, councillors fees, damages against councils, and contracting out. A number of other areas were examined also. I believe that as a result of the co-operation of members of this committee and the fact that the committee was able to work with and receive submissions from a wide range of organisations, the report reflects accurately the views of the committee and I commend it to the Parliament.

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Mr E. T. PAGE (Coogee) [12.8]: I take this opportunity to place on record my view of the procedures followed on this issue. The process started about five years ago when the then Minister for Local Government, Janice Crosio, realised that something needed to be done about an Act that had been amended more than 300 times since it was introduced in 1919. One had to go through virtually the entire Act to obtain any information from it. It was completely fragmented. It had no system or structure that allowed a person to refer to a particular section or division for an answer to a problem. It was unwieldy and something had to be done about it. The Minister at the time, Mrs Crosio, undertook that task.

Unfortunately, and I say this advisedly, the process became bogged down with Minister Crosio's successor, the former member for Manly, who in my view did not address himself to the problem of updating the Act. The present Minister, the Minister for Local Government and Minister for Cooperatives, has done a creditable job. He has a background in local government and realised that positive action was needed to speed up the process. He was criticised by people who claimed that the process did not allow for sufficient consultation. I do not believe that is so. If the Minister had allowed the process to continue indefinitely, he and the system would have become completely bogged down. All submissions were properly considered. I commend the Minister on the process that he followed. I certainly enjoyed being a member of the parliamentary committee. All members of the committee acted properly and their discussions took place on a sensible and sound basis. I pay tribute to the other members of the committee.

The presentation of the departmental staff who worked on the bills was excellent. The committee was able to have proper discussions with them on every point that was raised. Even if one did not agree with them, one realised the contents of the bill had a proper basis. The committee received hundreds of submissions and interviewed several organisations. They acquitted themselves well. The committee had no difficulty understanding their submissions and the reasons for them. If legislation committees can be organised by the Parliament, they are the ideal vehicles to deal with controversial legislation. Most of the heat is taken out of contentious issues prior to their coming before the Parliament. The committee was unanimous in its view that voter veto should be excluded.

The report contains one minor error. In the section dealing with the number of councillors, the report states that the committee was unanimous that the number should be uneven. I did not support that view. Some councils operate with an even number of councillors and aldermen. If those councils wish to continue to operate in that way, there

is no reason to change things. Councils could have as many as 15 councillors. The councils with which I have been associated required councillors to sit on a large number of committees and perform other duties. If councils had only five or nine councillors, the duties of the councillors could become very onerous. I thank those who were involved in the legislation committee and I hope that when the bills are debated later in the year the discussion will be harmonious.

Mr DOWNY (Sutherland) [12.13]: I take this opportunity to say a few words about the report of the legislation committee on the local government bills. I was privileged to be involved in that interesting process, which is basically a new process in this Parliament. The concept of legislation committees is an excellent one. It serves a useful purpose in the operation of this Parliament in that it enables all parties to have input into the deliberative process before bills are debated on the floor of this Chamber. However, as the chairman indicated in his comments when he tabled the report, it is important that a legislation committee not become an alternative to debate in this House. It must be remembered that the final decision in respect of any legislation will be made

in this Chamber. Honourable members should never lose sight of the fact that debate in this place is a healthy process. I congratulate the chairman on his fairness and the way in which he conducted the committee. I thank also my colleagues who took part in the process. I agree with the honourable member for Coogee: in many ways it was interesting and enjoyable to share ideas. Members of the committee had differences of opinion, but those differences were resolved in a congenial way. I thank both the staff of this Parliament and the staff of the department for their contributions and probably also for their forbearance.

Mr HARRISON (Kiama) [12.15]: I am pleased to join with other members of the committee to express appreciation for the opportunity to participate in the deliberations of the legislation committee on the local government bills. I also found it an enjoyable and satisfying experience. When I was appointed to the committee by the Minister I thought I might have been in for a few weeks of confrontation. That certainly was not the case. On issues on which members of the committee disagreed, we agreed to disagree. Bearing in mind the political affiliations of the members, consensus was found on a surprising number of issues. I particularly express my appreciation for the courtesy shown by the chairman of the committee, the honourable member for Myall Lakes. I was extremely pleased with the way in which he conducted the committee, the courtesy that he showed to everyone, and the way in which he was able to iron out problems. Things may have been more difficult if a person less qualified and less experienced in local government had been at the helm.

The members of the committee all had backgrounds in local government - a total of about 71 years of local government experience. That certainly helped the committee to complete its deliberations in the time allocated to it. As previous speakers have stated, the members of the committee concentrated on issues which generated the largest number of submissions from interested persons. Hundreds of interested persons and organisations made submissions. Although the committee could not interview all of them, it gave particular emphasis to the submissions made by key groups, particularly the Local Government and Shires Association. The committee is indebted to those organisations for their input. The committee concentrated on the voting system, voter veto, the role of council and the mayor, the role of the general manager, private works, contract employment of senior staff, powers of delegation, the cost of change, councillor fees, damages against councils, and contracting out.

Although the committee considered many other matters, the matters to which I

have referred generated the most discussion so far as the public was concerned and they certainly took a fair amount of time. I commend the Minister for the way in which he has brought these bills to fruition during the past 12 months. As previous speakers have pointed out, reform of the Local Government Act has been on the backburner for a number of years. The Minister took the bit between his teeth and decided to get the issue on to the parliamentary agenda. I agree with my colleague the honourable member for Coogee that had the Minister not taken the bit between his teeth in the way he did, the issue would have remained on the backburner for a few more years.

In summary, the Minister's decision to set up this committee was correct. Though there were no hugs and kisses and agreement on everything - we will certainly be on a collision course on a number of matters, in particular the method of voting, when this issue is debated in the Parliament - there was a surprising amount of consensus. When this matter comes before Cabinet I hope that consensus is recognised. When the legislation finally comes before the Parliament I hope it will not be too drawn out and that there is no hostile confrontation. I thank the Minister for appointing me to the committee. It has been an enjoyable and satisfying experience. I thank those members of the Australian Labor Party who nominated me. [*Time expired*.]

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COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Collation of Evidence

Mr NAGLE (Auburn) [12.21]: I commend the chairman of the Committee on the Independent Commission Against Corruption and my colleagues who sat on that committee. The chairman conducted himself fairly and impartially and put a lot of work into the preparation of this review. I thank committee staff David and Grace for the help they gave me and other members of the committee and for their preparation of material. It was a good experience to be a member of that committee. In reviewing the work of the Independent Commission Against Corruption, the committee received a number of complaints. The committee visited Hong Kong to look at the operations of the Independent Commission Against Corruption there. We had intense and interesting discussions during that four-day visit and were able to witness the effectiveness of the operations of that commission. The chairman and I presented a paper to the Third International Anti-Corruption Conference in Amsterdam, which was well received by all delegates. Yesterday the honourable member for Cronulla, the chairman of the committee, said in this Chamber that one of the most important things we asked Mr Temby to look at was the overview of organised crime and its relationship to corruption. The honourable member for Cronulla said:

> The committee asked whether ICAC could see value in the preparation of a similar overview of corrupt conduct in New South Wales and whether ICAC would undertake to prepare such an overview.

Mr Temby, when questioned by journalist Quentin Dempster on 16th February said:

> Corruption has ceased to be a political issue in New South Wales since Nick Greiner established the Independent Commission Against Corruption on March 18, 1989.

Mr Dempster said:

> Last week Ian Temby QC reaffirmed that he had no intention of taking over

> "mythological" parts of political history like the Enmore conspiracy and the Botany Council affair. He and his staff had assessed all available evidence and published reasons why a line should be drawn in arranging the Independent Commission Against Corruption's fighting priorities and the most effective use of its $12 million-a-year budget.

On 12th November, 1991, Mr Dempster said:

> New South Wales and Sydney, once "frankly something of a cesspit" are no longer Australia's prime places for scandal and corruption.

The questions that were asked by the committee concerning corruption in New South Wales must be answered by Mr Temby. For example, what means should be used to prevent it? When I was in Hong Kong with the committee section 14 of the Hong Kong legislation was brought to our attention. That section calls upon a public servant to show cause as to how he obtained assets that may be considered to be far in excess of his income. If he fails to comply, section 14 is invoked and he can then be brought to trial. The Deputy Director of Public Prosecutions, Mr Reid, was asked to show cause. He fled Hong Kong and was arrested in Manila. He was returned to Hong Kong and is now serving eight years' imprisonment, under section 14, for receiving remuneration as

Deputy Director of Public Prosecutions. Mr Reid had property in Hong Kong and in Taiwan, New Zealand and Australia estimated to be worth $12 million. It is important for us to review legislation to determine what powers can be given to an organisation such as this and what this Parliament can do to assist it.

The Independent Commission Against Corruption has a budget of only $12.8 million, so it is restricted in what it an do and in how much it can spend in areas such as education in corruption prevention. The committee would like to give Mr Temby whatever assistance it can to assist him in carrying out his difficult task. I am sure the chairman of the committee would agree with me when I say that we were told by Mr Peter Allan, Commissioner of the Hong Kong Independent Commission Against Corruption, that after 17 years of operation - it commenced in 1973 - it is now reviewing its own operations and the strategies it uses to determine the level of corruption in Hong Kong. We hope Mr Temby will be able to give us some ideas so that we can determine what direction should be taken in the future. I commend Mr Temby and his staff for the good work they are doing in a most difficult area. The Independent Commission Against Corruption has an important role to play in examining corruption in both the public sector and the private sector. I hope it will look at that matter at some time in the future. Mr Goldstock said at the Third International Anti-Corruption Conference that organised crime could move into legitimate government enterprises and corrupt tendering procedures and activities. [*Time expired*.]

Mr GAUDRY (Newcastle) [12.26]: I concur with what has been said about the review of the Independent Commission Against Corruption. It was a great privilege for me, in my first term as a member of Parliament, to be appointed to the Committee on the Independent Commission Against Corruption. I pay tribute to my fellow committee members - in particular, the chairman of the committee - for the role they played. The committee has an important task in overviewing the work of the Independent Commission Against Corruption. The committee, after its latest meeting with Mr Temby, looked at some important aspects. Earlier, my parliamentary colleague the honourable member for Auburn referred to the chapter on strategic intelligence. Recently the committee went to Hong Kong to view the Independent Commission Against Corruption there. After discussions with the strategic unit of the Hong Kong commission it was interesting to discover what methods it was using to determine the

level of corruption. In a dynamic area such as this, sophisticated surveillance measures are available. The strategic unit in Hong Kong is carrying out this painstaking intelligence work to create an important picture of corruption. It is important for this committee, in reviewing the work of the Independent Commission Against Corruption, not to expect the commission, in its first few years of operation, to be able to provide a sophisticated concept of corruption.

This is an important matter. We covered other important areas with the commissioner, Mr Temby; for example, the role of the operations review committee. Some members of the committee desire to see a form of checks and balances in the operations of the Independent Commission Against Corruption. It is important for the operations review committee to look closely at this matter with a view to strengthening the role of the Independent Commission Against Corruption. The Parliament should also look more closely at the work of the operations review committee. I was impressed with the responses we received from members of the Independent Commission Against Corruption. The committee has met regularly with the Commissioner of the Independent Commission Against Corruption in order to obtain a clear idea of its effectiveness.

I raise one point of particular concern to me, the community's perception of the Independent Commission Against Corruption and of persons called to assist the commission with its inquiries. ICAC inquiries have been conducted in Newcastle and are ongoing, and many people who have had contact with the ICAC have expressed concern that that contact has had some impact on their reputations in the community. That is a cause of concern to the committee and one of the reasons that the ongoing action by the ICAC, both in corruption prevention and education, is necessary - education being an important part of its role. It is most important that publicity associated with ICAC hearings is balanced by the development of knowledge of the work of the ICAC, through general education in the community and the school system. The commissioner is taking steps to have that aspect of the ICAC more fully understood.

COMMITTEE UPON THE DEFAMATION BILL Discussion Paper

Mr KERR (Cronulla) [12.31]: The introduction of the Defamation Bill into the New South Wales Parliament in November 1991, followed by the introduction of a bill into the Queensland Parliament in March of this year, marked the culmination of discussion and consultations between the Attorneys General of New South Wales, Queensland and Victoria on the need to review the operation of defamation law in the eastern seaboard States. The Defamation Bill has been received with great interest, and in New South Wales the Attorney General referred the bill to a legislation committee comprising members from both sides of the Parliament and the crossbenches, to thoroughly evaluate the provisions of the bill. Since the first meeting of the committee on the Defamation Bill on 5th December, approximately 50 submissions have been received from members of the legal profession, representatives of media organisations and members of the public. In three days of hearings, evidence has been taken from several leading practitioners, former members of the judiciary, leading journalists and representatives of media organisations.

During the hearings, the evidence of witnesses concentrated on a number of issues - qualified privilege, the proposed court-recommended correction statements, alternative methods of dispute resolution, and determination of the quantum of damages. Other issues were raised which are not contained in the provisions of the current bill. The committee has agreed that there would be value in circulating some of the ideas and

suggestions raised in evidence for the purpose of eliciting further comment from those in the community who have an interest in the operation of defamation law. The discussion paper which has been tabled in this House does not cover all of the matters raised in the submissions and the evidence; nor does it reflect any final determination by the committee regarding the provisions of bill. The committee considers it important to focus on the most important reform proposals contained in the bill, and invites further comment on these matters.

Mr NAGLE (Auburn) [12.33]: I congratulate the chairman on the preparation of the discussion paper, and Helen Williams for the work she has done. I also congratulate the committee members for their efforts. As has been said, the committee had three days of hearings involving the taking of evidence on a number of the 50 submissions from various interest parties - the legal profession, representatives of the media and individuals who have been involved in defamation litigation. Many excellent submissions were received by the committee. They were concise and that enabled the committee to better understand the problems that people face in defamation actions. As mentioned by the honourable member for Cronulla, the Attorneys General of New South

Wales, Queensland and Victoria wish to examine the operation of defamation law, in order to best deal with the issue. There are contentions on both sides - the plaintiff, and lawyers acting for the plaintiff; and the defendant, and lawyers acting for media outlets. One of the witnesses was adamant that there should be very little scope for people to sue for defamation - there is probably no need for me to say that he acts for a media outlet. I asked him two questions: "Have you ever sued anyone in your own right for defamation?", and the answer was "No"; and "Have you ever been defamed?", and the answer was "No". There were no further questions I wished to ask that witness.

I would like to place on public record the value of the assistance given to the committee by Mr Michael Sexton of the Bar, Mr Moffitt - formerly His Honour Mr Justice Moffitt - Mr Terry Tobin, Q.C., Mr Stuart Littlemore, and representatives from the Australian Broadcasting Corporation, Channel 9 and Channel 10. The committee also appreciated the excellent submission and oral evidence of Mr Paddy McGuinness. One of the interesting issues discussed was whether the code of conduct or behaviour of journalists should be enshrined in legislation. There were differing views. Some witnesses said "Yes" and others said "No". There was discussion relating to privacy and the right of a person to have his public life kept public and his private life kept private, which was foremost in everyone's mind. The honourable member for Cronulla raised the issue of qualified privilege and how far it should go, and court-recommended correction statements. While the chairman and I were in London we had an opportunity to talk with Judge Hoffman, who raised an interesting law reform proposition whereby persons would sue for alleged defamation - the total damages would mount to £5,000 - together with a correction statement, and the whole matter could be wound up in a matter of four to six weeks.

That reform has not been introduced but His Honour was of the view that maybe it should. There has been discussion and enthusiasm shown by various individuals but the majority view was that it would not work. Alternative methods of dispute resolution, such as mediation, and methods of determining the quantum of damages were discussed at length. There were differing views, and that left us a bit confused as to exactly what should be done. Some members of the media were of the view that Judge Hoffman's reform should not be introduced; other members of the media believed it to be a good idea. There is a long way to go. The committee has until 30th September to report, and that will provide an additional opportunity to consider effective recommendations and ways in which the committee can assist in the future. Defamation law is an important

issue.

The public figure test was considered. I have been misquoted in the *Sydney Morning Herald* as being a supporter of the public figure test. I can assure honourable members that I am not a supporter of that test as it operates in the United States of America. It would mean that people who in some way raise their heads above the ordinary level of the community and who speak out publicly, could find themselves harassed and lied about with regard to totally erroneous issues damaging to their reputations. Because they are public figures they would not be able to sue for defamation. I do not believe that the Australian media has proved to date that it is sufficiently responsible - the media in the United States definitely has not - to have a public figure test. Another interesting argument concerned the defence of truth alone. That matter received little support from the committee. The final issue was the speedy solution of cases. [*Time expired*.]

Mr GAUDRY (Newcastle) [12.38]: I wish, first, to pay tribute to the chairman and other members of the committee. As mentioned by the chairman, the committee received 50 submissions and more are still being received. The physical task of reading through them is enormous. Many are written in a legal fashion and, speaking as one who

comes from a non-legal background, are difficult to understand and somewhat esoteric at times. I must say it was heartening - when we got to the stage of discussing these submissions and listening to the very eloquent and well-argued oral submissions from individuals - to hear many committee members who came from a legal background and some of the witnesses admit that defamation law is very complex and will not be easily changed. It was a matter of trying to unscramble eggs that had been fairly well beaten. The process being undertaken by the committee, though important, was going to be time-consuming. The aim is to achieve parallel legislation between the three States, but the committee anticipated difficulties in getting an absolute balance in the legislation between the three States.

Balancing the rights of freedom of speech and expression with the protection of reputation of the individual is an important matter. The majority of the public probably have little interest in defamation cases. If the politicians, the media owners and the legal fraternity were removed from the defamation court arena, many people would not feel that defamation was an area of law that touched them. But it touches people - whether they be members of Parliament or public figures - in so many ways; it has an impact on a person's reputation in the community. It is important to go through the process of listening to the need for change in order to effect changes to the defamation law. In some Australian States forum shopping is indulged in by plaintiffs and defendants in an attempt to have a case heard to their advantage. This State's legislation ought to allow for matters to proceed in the State in which they arise. It was an interesting experience for me to serve as a member of the committee. I pay tribute to my committee colleagues for the amount of work they have put into the defamation law.

BILL RETURNED

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

Swimming Pools Bill

[*Mr Speaker left the chair at 12.43 p.m. The House resumed at 2.15 p.m.*]

QUESTIONS WITHOUT NOTICE

FANMAC

Mr CARR: My question without notice is directed to the Minister for Housing. Is the Minister aware that last Wednesday the manager of Australian Mutual Provident Society's investments division told a seminar in Sydney that First Australian National Mortgage Acceptance Corporation Limited had lost market confidence? Did he blame administrative shortcomings and FANMAC's failure to provide adequate information to investors? Is the Minister's failure to overhaul FANMAC another example of the Government's paralysis?

Mr GREINER: The Minister for Housing is unwell. He is with his doctor, which is perfectly reasonable in the circumstances.

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

Mr GREINER: I say unequivocally that some damage has been done to FANMAC by the Australian Labor Party and by the honourable member for Heffron in particular.

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

Mr GREINER: The honourable member for Heffron has sought consistently, deliberately and with no motive other than malice to undermine a perfectly good idea. FANMAC, which was introduced by the Australian Labor Party, has had no change to its fundamental operations whatsoever.

Mr Carr: The Premier may find this document of some assistance.

Mr SPEAKER: Order! I call the Leader of the Opposition to order and I remind him of my recent ruling about members remaining seated while a member has the call. There is far too much interjection. Question time would proceed in a more orderly fashion if members acted with decorum. The Premier has the call.

Mr GREINER: Dealing with the second part of the question, yesterday in debate similar words were used. I note that it was the largest single winning margin that the Government has had in the past 12 months. That is an indication of the abject stupidity of the motion moved yesterday by the Leader of the Opposition. I am pleased to have this opportunity to speak about the Government's legislative program.

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

Mr GREINER: Something in the order of 95 per cent of the Government's legislative program has been passed.

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

Mr GREINER: The proposals include a significant number of landmark reforms ranging across the whole gamut of public administration. The Labor Party's position on FANMAC has no merit or substance other than Opposition members have set

about to try to damage public perceptions. If they think that is a worthy thing to do, then they have had some small measure of success.

CITYRAIL SIGNALLING SYSTEM

Mr PETCH: I direct my question without notice to the Minister for Transport. Has an independent investigation been conducted into the CityRail signalling system? What were the results of that inquiry, and in what way do they compare with the claims made earlier this year by the honourable member for Kogarah that passenger safety was at risk?

Mr SPEAKER: Order! I call the honourable member for Kogarah to order. I call the honourable member for Bulli to order. I call the honourable member for Cabramatta to order.

Mr BAIRD: I thank the honourable member for Gladesville for his question and his ongoing interest in safety issues on CityRail's network. The report of the independent investigation gives a true picture of the effectiveness and safety of the State's signalling system, as opposed to the garbage recently circulated by the honourable member for Kogarah. This Parliament reached one of its lowest points in February this year when the honourable member for Kogarah made ill-informed and reckless statements about CityRail's signalling system.

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Mr Langton: The matter is about to be investigated by the Independent Commission Against Corruption.

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

Mr BAIRD: I am willing to debate with the honourable member for Kogarah the signalling system chapter and verse any time.

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

Mr BAIRD: The honourable member for Kogarah did everything he could to mislead honourable members, the media and commuters into believing that there was a safety risk to commuters. In a press release he claimed that the lives of thousands of rail commuters were being put at risk each day by the signalling system. In part his press release of 21st February, 1991, stated:

> Thousands of rail commuters' lives are at risk each day because the Greiner Government has installed faulty signalling equipment and delayed essential signalling projects, Shadow Transport Minister, Brian Langton said today.

He said that signal failures had put trains on collision courses.

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

Mr BAIRD: He said also that rail disasters were being narrowly averted. The honourable member for Kogarah issued a whole range of press releases on the same

issue.

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

Mr BAIRD: Press releases were issued in May and October 1991 and so on.

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

Mr BAIRD: It is hard to imagine a more alarmist outburst.

Mr SPEAKER: Order! I call the Leader of the Opposition to order for the third time.

Mr BAIRD: It was one of a series of disgraceful inaccurate comments on signalling from the honourable member for Kogarah. The results of an independent review of the signalling system is now available.

Mr SPEAKER: Order! I call the Minister for Justice to order. The level of childish interjection from both sides of the House is both unacceptable and an extremely bad example to the very honoured guests we have today in the upper gallery. In the interests of establishing a modicum of decorum in the House, I ask all members to behave themselves from now until the conclusion of question time.

[*Interruption*]

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Mr SPEAKER: Order! I call the honourable member for Wallsend to order. In view of the stricture I just gave, I place the honourable member on three calls. Should he offend again, he will leave the Chamber.

Mr BAIRD: This is a particularly serious issue. The honourable member for Kogarah has raised these issues in the House, spreading concern and alarm among commuters. An independent review on the signalling system has been prepared, confirming that the honourable member has got it wrong, wrong and wrong. The person chosen to undertake this review was Mr Robert Nelson, vice-president of the British-based Institution of Railway Signal Engineers - one of the top people in railway signalling around the world. Mr Nelson is also the signal and telecommunications engineer with Scot Rail. He was given complete access to the CityRail system, to its signalling documentation and staff. I outline to the House his findings. He found that progress had been made on each of the 16 recommendations in the report by British Rail expert Brian Hesketh who examined our $600 million program to rebuild the signalling system. The nine short-term recommendations have been completed. Second, in relation to Mr Neary from the State Rail Authority, Mr Nelson states, "Mr Neary's allegations of shortcomings in the management of system safety may well have had validity five years ago". Who was in government five years ago? The Labor Party was in government. It has no validity now. Mr Nelson found that the implementation of the new signalling system has brought it to a first-class state. He found that progress in eliminating the worst deficiencies in the SRA signalling system has been excellent. This is an assessment by an independent signalling engineer, one of the top people in the world. He found that the allegations of the honourable member for Kogarah have been proved to be absolutely worthless. Mr Nelson stated also:

The decision to invest so heavily in signalling record update was bold -

This was because the Government took the initiative. He continued:

> - but has set an example which ought to be followed by railway companies elsewhere where similar problems exist. Incompatibility of records is a significant safety hazard. The CityRail program is well advanced.

Other important matters should be mentioned. Mr Nelson stated that by 8 o'clock each morning all of the senior executives have a complete report on the signalling system right across the network. He mentioned the interests of the chief executive, Mr Ross Sayers - who was so maligned by honourable members opposite - and the fantastic job he is doing. The review outlines Mr Sayers' total commitment to safety. It states that train drivers - if the signalling system is considered to be inadequate, unreliable and, above all, unsafe - will not be reticent in expressing opinions, either directly to their managers through their trade unions or even by refusing to drive the trains. Mr Nelson spoke to a whole range of train drivers and union officials and this is the conclusion he reached. He said:

> I detected no evidence of concern with State Rail's signalling system's in my travels with drivers nor is there any approach to SRA Management by Trade Union Officials to complain of the state of the signalling system.

Those were the recommendations and findings of Mr Nelson. What about Vincent Neary, who made allegations to the honourable member for Kogarah? On two occasions this independent expert requested an interview with Mr Vincent Neary, who declined on both occasions. This was an absolute 100 per cent put-up for political reasons, and yet the honourable member for Kogarah goes on with his claims that the whole question of State Rail signalling has put commuters' lives at risk. What occurred in this House in

February was a disgrace. The honourable member for Kogarah put fear into commuters on the question of signalling safety. Reports appeared in the media that the signalling system was incorrect and ineffective.

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

Mr BAIRD: The report of an independent review stated that our system has improved vastly to what it was under the former Labor administration where the system had been allowed to deteriorate to a point where there was potential for significant problems to arise. There are no safety problems in our system. I am sure that this House will allocate appropriate time at the end of the session to enable the honourable member for Kogarah to apologise to the House, the media, and the commuters of New South Wales.

MARKALINGA PRIVATE HOSPITAL

Dr REFSHAUGE: My question without notice is directed to the Minister for Health Services Management. Does the company Markalinga intend to build a private hospital adjacent to the public St George Hospital? Is Markalinga's parent company, National Medical Enterprises, under investigation in the United States of America for paying patient bounties, kickbacks to doctors and medical fraud? What were the results of the investigation by the Minister's department? Has the private hospital development been further delayed by this and the Government's paralysis?

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

Mr PHILLIPS: This is another attempt by the Opposition to continue on its path of undermining anything the Government attempts to do to try to improve the New South Wales health system for the benefit of constituents. The Opposition is not prepared to say to its Federal colleagues, "Stop cutting back the funding to New South Wales. Stop singling New South Wales out". New South Wales is the only one of the three major States - Queensland, New South Wales and Victoria - to which the Federal Government has cut funding for health care services. The Labor-led States of Victoria - which is in a parlous economic state - and Queensland, have not had their funding cut back.

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

Mr PHILLIPS: If the Federal Government picked up the share of the tab that it picked up in 1985 this year, the Government would have $250 million extra to put into New South Wales health services. Because of that fundamental problem in the funding of health care services in New South Wales, this Government has had to keep topping up the funding. Because it is necessary to do more and the Federal Government will not fulfil its responsibility of funding health care services, this Government needs to look at the full range of areas to find funding to put into the New South Wales health system to improve facilities, with the bottom line being improving health care services to the people of New South Wales - and the Government makes absolutely no apology for that.

Mr Collins: Tell us about St George.

Mr PHILLIPS: I am glad that the Attorney General, the previous Minister for Health, reminds me about St George. Honourable members would remember that when the Liberal Party came into government in 1988 St George Hospital was the flagship of what was absolutely wrong with the health system of New South Wales. It was a teaching hospital in name only.

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

Dr Refshauge: On a point of order. The Minister may not have heard the question. It was about St George private hospital, not the public hospital, and patient kickbacks as medical fraud.

Mr SPEAKER: Order! There is no point of order. I am sure that the Minister for Health Services Management heard the question quite clearly. I call the member for Swansea to order for the second time. I call the member for Illawarra to order for the second time. I call the member for Riverstone to order for the second time.

Mr PHILLIPS: It is important that I give a background to what exactly is happening at St George Hospital before I answer the question that the Deputy Leader of the Opposition has just referred to. The Government is making an investment in St George Hospital. I know that the honourable member for Kogarah would be very proud of the money that has been spent at St George Hospital, a hospital that was falling down around our ears. The emergency department was constantly closed. The Government has rebuilt that hospital, investing $200 million and making it a true teaching hospital for the people living in that part of Sydney. I mention another initiative in that area. An old boiler house had been on the property for decades. It was polluting the atmosphere

and it was falling down. It was pulled down. The area health service board had the initiative, in conjunction with the Government, to enter into a joint venture with Markalinga, an Australian-based company.

Mr SPEAKER: Order! I call the honourable member for Port Jackson to order. I call the honourable member for Mount Druitt to order. I call the member for Kogarah to order for the third time.

Mr PHILLIPS: This joint venture is to develop a 150-to 200-bed hospital on that site to work in conjunction with the public hospital. It will provide an excellent service to the people of that area. I wish the Opposition would stop trying to undermine what this Government is trying to do to improve health services. When the Opposition is asked what its policy on health care is and how it will improve the system, it does not have an answer. The Government is proud of what it is achieving and it will continue to improve the health system.

Later,

Mr PHILLIPS: Further to the question I was asked by the Deputy Leader of the Opposition, I can now advise the House that allegations were made about National Medical Enterprises Incorporated, a United States based private hospital corporation which is an investor in the Australian Markalinga group. I am advised that the Department of Health has made inquiries of United States authorities regarding those allegations. The results of those inquiries will be taken into account before a private hospital licence is issued in Australia. I give an assurance to the House that those inquiries will be full and extensive to ensure the credibility of the companies involved.

CASINO CONTROL AUTHORITY

Mr BLACKMORE: I address my question without notice to the Chief Secretary and Minister for Administrative Services. What action has been taken to establish a casino control authority to license and control casino gambling in New South Wales? What other steps have to be taken before a casino licence can be awarded?

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

Mrs COHEN: The Casino Control Bill has now passed through both Houses of this Parliament and yesterday was granted assent by His Excellency, the Governor. The Act constitutes a Casino Control Authority as an independent body to license and control the operation of legal casino gaming in New South Wales. Among other duties it will be the authority's job to select the casino operator. The Casino Control Authority should be in place by the second half of this year, with the casino likely to be established and running within three years. The authority will consist of five members, including a chief executive and four members appointed by the Governor on my recommendation. One of the appointed members will be made chairperson.

Today and tomorrow advertisements will appear in local and national newspapers inviting expressions of interest from persons with impeccable backgrounds who are interested in becoming members of the authority. Separate advertisements will appear, inviting applications for the position of chief executive of the authority. The chief executive will be responsible for the day-to-day management and control of the authority and for ensuring that the authority meets its statutory obligations. I am pleased

to be able to inform the House that the former Chief Justice, Sir Laurence Street, has agreed to convene the selection panel for the appointment of members to the Casino Control Authority. Sir Laurence is ideally qualified to convene the selection panel, given his years of outstanding service to law in the State of New South Wales and his wealth of knowledge on the subject of casinos arising from his inquiry held last year.

Any appointees to the Casino Control Authority must have an impeccable background. They must also possess qualifications or experience in one or more of the fields of business management, gaming, law, finance or information technology. One of the members of the authority must have special legal qualifications. The successful applicants will be subjected to rigorous probity checking. This will require the disclosure of - amongst other things - all financial interests, full employment history, financial relationships with close associates and any criminal records. The Casino Control Act stipulates that people are not eligible to be appointed as a member of the authority unless they possess the highest level of integrity. As the responsible Minister I have the statutory duty of determining whether a person has that high standard. To assist in this I will, as the Act stipulates, obtain and consider a report from the Commissioner of Police in relation to every person being considered. I assure honourable members that the methodical approach that has characterised the development of this legislation to date will be maintained throughout the selection process for the Casino Control Authority.

ICAC LEGAL AID APPLICANTS

Mr WHELAN: My question without notice is directed to the Attorney General, Minister for Consumer Affairs and Minister for Arts. Did he say publicly that he "had been given incorrect legal advice by the Crown Solicitor on the current text of section 52 of the Independent Commission Against Corruption Act"? Is that advice in writing? If so, will the Attorney make it public?

Mr COLLINS: I issued a background paper that contained the material that was forwarded to me by the Crown Solicitor at my request. That material speaks for itself. It was the incorrect and outdated version of section 52. That has already been made public. Also the error was contained in a letter which I wrote to each of the applicants. I have written back to them indicating my error and providing full detail of section 52 as it was amended in December 1991. If the applicants want to make those letters available, they are at perfect liberty to do so. But the information I received initially from the department outlining what it understood to be section 52 has been released already.

POLICE-ABORIGINES TAFE COURSE

Mr ZAMMIT: I ask the Minister for Industrial Relations and Minister for Further Education, Training and Employment has the Minister approved a technical and further education course for police working in Aboriginal communities? If so, how will the course operate and, in particular, in what ways will it help to promote racial harmony in our community?

Mr FAHEY: I acknowledge the considerable amount of work that the honourable member for Strathfield has done in regard to the Aboriginal community. He has put in an enormous amount of effort in a sincere and capable way. He continues to perform a very valuable role for that community. All honourable members will be concerned about the relationship between the Aboriginal people and the police. That

relationship has been of great concern to the Government as well. As a result of that concern and on the initiative of the principal of Sydney Technical College and the Director of the Sydney Institute of Technology and, following that initiative, with the co-operation of the police department - in particular the Assistant Commissioner of Police, Neil Taylor - a course has been devised that will assist improved relations between the State's police officers and the Aboriginal community. I am sure most honourable members will be aware of the college at Redfern known as the Eora College. The college is designed and operates for the benefit of the Aboriginal community. The commitment of the Government is such that $3.4 million has been approved and will be provided through a building program over the remaining part of this year to set up a new Eora centre for the Aboriginal community.

With the assistance of two Aboriginal women TAFE teachers, Ms Gill and Ms Watts, a course has been designed with the co-operation in the planning stages of 25 detectives, officers and beat police from the Redfern police station. This will be a pilot course that will be held in June this year. The course will be conducted at the Eora centre and has the complete support of the college. Officers will be able to associate with Aboriginal teachers, support staff and students during their time at Eora. It is hoped that after the conclusion - and I believe it will be a satisfactory conclusion - of the pilot course all police, male and female, regardless of age and rank, will be able to continue with the full course before taking up positions in high-density Aboriginal communities with those officers who are already serving those communities. It is important to outline the content of the course. It will deal with such areas as pre-contact; the Aboriginal culture and the European culture and the differences and similarities between the two; Aboriginal law and introduced law; government policies and their effect on Aborigines; dependency; stereotyping - community attitudes that are based upon stereotyping; and, importantly, strategies for the future.

On completion, the course will be evaluated by officers to provide feedback and understanding through a recognised assessment. There is an obvious need to address community concerns about tension between the police and the Aboriginal community at Redfern. There is no more positive and constructive way of doing that than through an education and training process. Undoubtedly, this course will raise awareness among police officers of the nature of the community they serve and lead to a better understanding of the complexities involved. I am confident, as is the Minister for Police, that through better training the police will develop an improved understanding of the way the Aboriginal community works. That can only improve the manner in which police operations are carried out in that community. This approach highlights that fact that the

Government is taking positive and constructive steps to address problems as and when they arise. The new and restructured technical and further education system, because of its flexibility, was capable of responding with its own initiatives by developing the course in a short time to meet the needs and demands of the community. This is a further outstanding example of how technical and further education is working to serve the community. I commend this course and am sure that all honourable members will join with me in wishing those who participate in it the optimum benefit it can confer. Undoubtedly this will lead to a much better relationship between the police officers of the State and the Aboriginal community.

LITHGOW ROAD ACCIDENT FATALITY

Mr CLOUGH: My question without notice is directed to the Deputy Premier, Minister for Public Works and Minister for Roads. Did a young woman die near Lithgow last Sunday after a truck spilled wool bales on her car? Did a Roads and Traffic

Authority report dated November 1991 recommend urgent action to prevent such a crash? Why were the recommendations of the report ignored?

Mr W. T. J. MURRAY: Last Sunday a tragedy occurred on the Great Western Highway west of Lithgow when a 23-year-old Orange woman was killed after the car she was driving was crushed by wool bales. The young woman was returning, after a weekend in Sydney, to Orange where she worked as a news reporter with Prime Television. As with any tragic road death, a coroner's inquiry will be held. On behalf of the Parliament I extend to the woman's family and friends the deepest sympathy of the New South Wales Parliament. Over the past two days considerable discussion has occurred, especially in the Central West, about the accident and the haulage of wool by trucks along the Great Western Highway. The discussion has centred around the Roads and Traffic Authority report into wool carriers, which made a number of recommendations about the future of the haulage of wool on that road. The report was initiated in October last year following a series of accidents - seven in number - which occurred on that highway in 1991; two occurred in the first half of the year and five in the second half. No deaths resulted from those accidents.

At the end of November the Roads and Traffic Authority completed its preliminary report into accidents in this area. The report was finalised in March this year. The report had been commissioned by the RTA as a result of those accidents and because of the need to keep a close check, as the RTA does, on all of our roads for any anomalies that might crop up. The report lists six factors that could contribute to the problem. It recommended that each of them be fully investigated. Those factors are: load height; load security; driver tiring; speed; weight of load and road vehicle worthiness. No action can be taken on such a report without there being wide consultation within and outside the Road Traffic Authority. That is the normal process and must be followed. Road safety and heavy vehicle experts have been examining the report, which has been distributed to the police, Transport Workers Union, Australian Wool Corporation, Livestock Hauliers Association, Long Distance Transport Association, Road Transport Association, Australian Road Transport Foundation, Australian Research Bureau and the business community for comment and discussion. I have asked the Roads and Traffic Authority to advise as soon as possible about the list of recommendations in the report. I have also directed the RTA that the report and all relevant information should be made available to the Coroner in whatever form he desires so that a full coronial inquest into the accident may be conducted. As a result of that inquest, additional reports and recommendations may be made.

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TOURISM BENEFITS OF INDUSTRIAL RELATIONS LEGISLATION

Mr SMILES: I address my question without notice to the Minister for State Development and Minister for Tourism. Has the Minister been advised of what benefits the tourism industry will get from the new industrial relations legislation? If so, what action is he taking to encourage operators to take full advantage of these potential benefits?

Mr YABSLEY: No industry stands to benefit more than the tourism industry from the industrial relations reforms being supported and implemented by the Government. Honourable members should be aware of some aspects of the tourism industry that indicate the desperate need for the proposed legislation and how important it is that the Federal Government follows the lead set by the New South Wales Government, and in particular by the Minister for Industrial Relations, in bringing the

legislation into being to ensure that industry, and the tourism industry in particular takes advantage of enterprise-based agreements.

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

Mr YABSLEY: Extremely worrying figures compiled by the tourism task force, chaired by John Brown - the doyen of the tourism industry - show in no uncertain terms that the Australian hotel industry has the highest labour and productivity costs in the world.

Mr SPEAKER: Order! I call the Minister for Industrial Relations to order. I call the honourable member for Port Stephens to order.

Mr YABSLEY: Every member should become familiar with those figures, which illustrate how important workplace reform is for the tourism industry. According to research undertaken by the tourism task force, Australia's hotel industry ranks last in terms of productivity, labour costs and gross operating profit, making Australia one of the least attractive countries in the world in which to invest in hotels and other holiday accommodation enterprises. I doubt that anyone could take satisfaction from those figures. But if the cycle is to be broken and the rest of Australia is to implement the reforms already in place in New South Wales to change the dismal picture conveyed by the fears expressed by the tourism task force, the market-place must be made aware of the facts.

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

Mr YABSLEY: I would not expect the Opposition to be deeply interested in this topic, despite the fact that some members opposite are absolute experts on hotel expenses. Honourable members would recall seeing a couple of years ago a telephone bill of the Leader of the Opposition when he was staying at the Amigo Hotel in Brussels.

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

Mr YABSLEY: The Government has more recent information about that matter, gleaned from correspondence dated 29th December, 1989, which states:

> Mr Carr is on an official overseas visit and is presently resident at the Amigo Hotel in Brussels. Unfortunately, he has exceeded the $10,000 credit limit on his Mastercard and is unable to settle his hotel account. It would therefore be appreciated if immediate action could be taken to increase the credit limit to $30,000 on his Mastercard and to notify the credit control authority so that the Leader and his party can continue with their itinerary.

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

Mr YABSLEY: But the story gets better. the matter had to be referred to none other than the Office of the Agent-General in London. The correspondence states further:

> If all is not well, London office has been asked to provide assistance in paying accounts and generally facilitating your and the Leader's travel arrangements. If needed, the

Agent-General's home number is London 5893689.

Imagine a telephone call at 6 o'clock in the morning: "Sally Anne, this is Bob. Is Neil there? I am trying to check out of this hotel".

Mr A. S. Aquilina: On a point of order. The Minister is trivialising question time. I should like to hear the Minister's answer to the question. The Minister has already taken up two minutes trivialising question time but has not replied to the question.

Mr SPEAKER: Order! If the Chair took action against all members who could be said to be trivialising question time, perhaps no one would be left in the House. However, I was becoming somewhat concerned that the Minister seemed to be straying from the subject-matter of the question. I direct the Minister to return to the subject of the question.

Mr YABSLEY: Of course, this is what tourism is all about. The conversation would be along the lines: "Sally-Anne, is Neil there? I am just trying to check out of the Ritz" -

Mr SPEAKER: Order! I have directed the Minister to answer the question.

Mr YABSLEY: It is vital that other State governments, and the Federal Government in particular, follow the lead of New South Wales and put into place the industrial relations reforms necessary to ensure that enterprise-based agreements are established within the tourism industry. One of the major problems is that for the most part the hotel industry is covered by Federal awards. The Government has done as much as it can in New South Wales to encourage the industry to establish enterprise-based agreements. It is now up to the Federal Government and the other States to follow the lead. The Tourism Commission, to ensure maximum awareness of industrial relations reforms that the Government has put in place in New South Wales, has organised a seminar to be held at the New South Wales Leagues Club on 13th May. That seminar will explain the various aspects of the new industrial relations legislation in New South Wales to make sure that the tourism industry is au fait with the advantages it can reap from that legislation. I have no doubt that New South Wales will continue to lead the field as a result of the industrial relations reforms the New South Wales Government has put in place.

ICAC LEGAL AID APPLICANTS

Mr J. J. AQUILINA: My question without notice is addressed to the Attorney General, Minister for Consumer Affairs and Minister for Arts. In relation to the answer given to the question asked by the honourable member for Ashfield earlier this day, did the Attorney General obtain a formal written advice from the Crown Solicitor -

Mr Moore: On a point of order. Sessional orders now provide for supplementary questions to be asked only by the member who asked the original question and at the time that the original question was responded to. I suggest that any question that starts with the words "Further to your answer to the question asked by the honourable member for Ashfield earlier" must, of necessity, be a supplementary question.

Mr J. J. Aquilina: On the point of order. This is clearly a different question

though it arises from an answer given earlier by the Minister. It may not necessarily be a supplementary question if it seeks to provide further information, which is clearly what it seeks to do. The Minister for the Environment did not even allow me to complete my question before he took a point of order.

Dr Refshauge: On the point of order. The Minister said that if a question begins with words to the effect "taking into account an answer to an earlier question", it must be a supplementary question. A supplementary question must relate to the subject of the original question. It is possible therefore that although a question takes into account an earlier answer, it has more substance about a different subject - although related - and therefore it is not a supplementary question but a new question. The point of order is flawed.

Mr Whelan: On the point of order. I am very well acquainted with the requirement relating to supplementary questions, and had I wanted to ask a supplementary question, I would have. Surely any individual member is entitled to ask a question, as the honourable member for Riverstone has. I, as a member, can ask a supplementary question but to do so I must comply with the sessional orders, which require me to ask the question immediately upon hearing the Minister's answer. I did not do that. The honourable member for Riverstone has a separate question and he is entitled to ask it.

Mr SPEAKER: Order! Supplementary questions being something new under the sessional orders, most members are in uncharted waters. I uphold that element of the Minister's point of order that there is certainly a presumption that when a question begins with the phrasing chosen by the honourable member for Riverstone it is a question supplementary to one asked earlier. It may well be ruled out of order on that basis because it is a supplementary question. However, I also uphold that element of the points put by the Opposition that until one has heard the entire question it is impossible to make a decision. I propose to allow the honourable member for Riverstone to ask the question, after which time I will determine whether I consider it a supplementary question.

Mr J. J. AQUILINA: My question without notice is directed to the Attorney General, Minister for Consumer Affairs and Minister for Arts. In relation to section 52 of the Independent Commission Against Corruption Act -

Mr SPEAKER: Order! I direct the honourable member for Riverstone to ask the question in the form in which he originally started to ask it.

Mr J. J. AQUILINA: The specific wording was: In relation to the answer given by the honourable member for Ashfield earlier did the Attorney General obtain formal written advice from the Crown Solicitor -

Mr SPEAKER: Order! I must have silence so I can listen to the question intently.

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Mr J. J. AQUILINA: At that stage I was stopped. I continue: Did the Minister obtain some formal, written advice from the Crown Solicitor at all and was it given prior to his writing to applicants for legal assistance. If so, will he make it public? If not, why not?

Mr SPEAKER: Order! I would have to rule that is a supplementary question, given its phrasing.

SECOND SYDNEY GREYHOUND TRACK

Mr RIXON: My question without notice is directed to the Minister for Sport, Recreation and Racing and Minister Assisting the Premier. Have certain sections of the greyhound racing industry been pressing for the establishment of a second greyhound track in Sydney? If so what action, if any, is proposed?

Mr SOURIS: I acknowledge the presence in the gallery of members of the Singleton Public School, King Street. In response to representations from sections of the greyhound industry, I ordered the New South Wales Office of Racing to undertake a cost benefit analysis of the feasibility of establishing a second greyhound track in Sydney. The analysis concentrated on the second track being established at the Harold Park complex, where greyhound racing ceased in 1987. The two major greyhound clubs decided to use Wentworth Park on alternate nights. I have ruled out the establishment of a second greyhound track on the recommendations of the cost benefit analysis of such a move. The analysis concluded that the re-establishment of greyhound racing at Harold Park was not economically viable. The widest possible consultation with the greyhound industry took place during the cost benefit analysis. I let the industry see the findings of the analysis and invited it to furnish its comments to me before I made my final decision.

There is no doubt that the consolidation of metropolitan greyhound racing at Wentworth Park since 1987 has been highly successful. The analysis found overwhelming evidence that a return by one of the clubs to Harold Park could result in a serious decline in racing income. Given that such a move could have a serious effect on the viability of the major clubs the perceived benefits of greyhound racing returning to Harold Park would be far outweighed by the added cost to industry. The study revealed the move would involve capital costs of at least $1.8 million, with additional operating costs of $490,000 per annum. On those findings it would make no sense at all to pour millions of dollars into establishing a second major greyhound racing track in the metropolitan area.

The existing grass track at Wentworth Park will be converted to a loam surface. I have approved a Racecourse Development Fund grant of $297,500 to the Wentworth Park Trust for the project. The existing grass track is under threat of deterioration through constant use. Loam, which is a specialised sand substance, will allow greater use of the track. It will also stand up better to wet weather. Loam surfaces at greyhound tracks are becoming the norm. The most recent conversion is at Dapto, which has been a highly successful track. The move to loam has the support of the greyhound industry particularly in light of the decision not to have a second metropolitan track. While the project is being undertaken, Wentworth Park will be closed for greyhound racing for approximately five weeks.

Mr Clough: Mr Speaker -

Mr SPEAKER: Order! As the honourable member for Bathurst has already asked a question today, I give the call to the honourable member for Murwillumbah.

LIQUID TRADE WASTE DISPOSAL

Mr BECK: My question without notice is directed to the Deputy Premier, Minister for Public Works and Minister for Roads. Has the Public Works Department yet formulated a guide for liquid trade waste disposal in country towns? In what ways will a guide help businesses relocating to country areas?

Mr W. T. J. MURRAY: It is remarkable that the old-timer from Bathurst is the only member of the Labor Party who was aware that another question could be asked. Congratulations! A little experience is worth a lot. I thank the honourable member for Murwillumbah for his interest in decentralisation progress and the progress of rural communities. The decentralisation of commerce, industry and government has been a continuing program of this Government, which cares about the progress of country New South Wales and its people. The relocation of the Department of Agriculture to Orange is a demonstration of its commitment to decentralisation. The private sector has responded with enthusiasm to the Government's decentralisation policies. I refer specifically to the relocation of part of the operations of the clothing manufacturer Depict Distributors from Sydney to Kurri Kurri, involving 700 staff and an investment of approximately $2,500 million by Nestle Australia Ltd to extend its pet food operation to Blayney in the central west.

The surge in decentralisation is heartening for the Government and indications are that it will continue as New South Wales leads the nation out of its recession. However, any increase in decentralisation obviously gives rise to the need to upgrade infrastructure and revive existing systems to cope with new demands. In that regard the Public Works Department has identified the need to overcome some of the difficulties being experienced through the discharge of liquid waste into some country sewerage systems which were not designed to cope with industry demands. The Public Works Department and local councils have formed an extremely successful partnership to provide water and sewerage infrastructures in New South Wales. For example, secondary treatment is the minimum standard provided in 250 country town sewage treatment plants. Investigations reveal that treatment exceeds best international practice or standards.

The Public Works Department will ensure that the very high standard in protecting public health and the environment in country New South Wales is improved and maintained in a cost-efficient manner. To improve this program the department has released details of a model policy for the discharge of liquid trade waste to sewers. The policy document will help councils control the discharge of liquid waste generated by industry and other business. It will ensure proper asset management practice. The policy can also be used to provide an important link between councils' development plan and environmental plan so that only sustainable development occurs in the area. The formulation of guidelines followed a seminar held in Gosford in 1990 with the Public Works Department and councils at which it was suggested that a model for trade waste be developed. This approach to trade waste in country New South Wales will encourage uniformity and help prevent confusion and misunderstanding for councils, industry and the community. It is important that councils be aware of the cost of accepting trade waste and who should pay for the treatment of the additional load. The manual recommends that council differentiate and categorise trade waste discharges according to their effects on the sewerage system. As well, the manual advises action to take in areas including monitoring, penalties, inspections and charging. The policy is primarily a guide, and councils have flexibility to vary conditions and charges on industry. In finalising the policy, the Public Works Department and the Local Government Advisory

Committee circulated a draft review and several suggestions were included in the final guidelines. Local councils have contributed greatly to the development of the policy

manual, which demonstrates the successful partnership between the department and councils in providing water and sewerage infrastructure to country New South Wales.

TAFE SENIOR EXECUTIVE SERVICE

Mr FAHEY: Yesterday the honourable member for Drummoyne asked me a question in relation to the number of senior executive service positions in TAFE. It was clear from the press release subsequently issued by the honourable member for Drummoyne and from the content of his question that he wished to give the impression that there had been a massive increase in senior executive service positions in TAFE. I indicated in my answer that I did not know the details specifically in relation to 1988 and that I would provide further information. There were no senior executive service positions in TAFE in 1988. The senior executive service did not even exist until October of 1989. Initially, 59 senior executive service positions were created. At this time there are 54 senior executive service positions in technical and further education, and two of those positions will be cut out in 1993. So there are five fewer than were approved and there will be two fewer next year. Further, of those 54 positions 10 have involved senior management positions - that is, 10 principals - which have been merged with 10 senior executive service positions. So the net situation now is that there are 15 fewer positions at senior management level than was the case not so long ago. I would suggest to all members of the House that that indicates a very definite reduction program in accordance with the undertaking given to the Independent members of this House following a debate on a bill referring to the senior executive service which was introduced by the Opposition earlier this year. I intend to ensure that the basis of efficient management continues in TAFE.

PETITIONS

Tarro Accident Black Spot

Petition praying that the black spot at the intersection of Anderson Drive and the New England Highway at Tarro be eliminated, received from **Mr Price**.

F4 Freeway

Petition praying that the House not proceed with the implementation of a tollway charge on any section of the western Sydney F4 Freeway, received from **Mrs Lo Po'**.

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

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

Newcastle Buses

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

TAFE Disadvantaged Student Courses

Petition praying that the House reinstate the level and investigate the possible expansion of TAFE courses for disadvantaged students, received from **Mr Nagle**.

Hospital Waiting Lists

Petition praying that funding cuts to health services and hospitals cease and that funding be provided to ensure that waiting lists for hospitals and operations are eliminated, received from **Mr Gaudry**.

GRIEVANCE DEBATE

SUTHERLAND CAR PARKING AND BUS-RAIL INTERCHANGE

Mr DOWNY (Sutherland) [3.20]: In the past I have grieved on behalf of constituents concerned about parking in the Sutherland town centre and about bus and train travel generally in and around Sutherland. This afternoon I wish to congratulate the Government on the initiatives it has taken and is about to take in relation to Sutherland railway station in order to solve the problem of commuter parking in the Sutherland area. Recently I spoke in this House about complaints I had received from office workers, residents and the local Chamber of Commerce, representing the business people of Sutherland, about the lack of parking space in the Sutherland town centre and surrounding streets. In particular I referred to the fact that there was an abysmal lack of commuter parking in the Sutherland area and that in 1989 Sutherland Shire Council conducted a study which showed that 704 commuter vehicles occupied council kerbside spaces in the town centre. At the time I said that the study identified, on the basis of advice from the State Rail Authority, that approximately 50 per cent of commuter demand for street parking spaces would be catered for by the provision of off-street parking within approximately three years.

Yesterday in this Parliament the Parking Space Levy Bill was passed by both Houses. The importance of that bill is that the parking space levy will raise $7.4 million, less collection costs. That money will be used initially for car parking and bicycle storage facilities at railway stations in order to make public transport more attractive and accessible. I have been informed by the Minister for Transport that Sutherland will be one of the priority locations for the construction of commuter parking; that 400 spaces will be provided at Sutherland railway station in a multideck car park. I congratulate the Government on this important initiative. There can be no doubt that Sutherland station has a definite need for commuter parking. That railway station is the fourth busiest station on the Illawarra line. It services a very wide area, apart from Sutherland itself,

including Menai. Because of the excellent service provided at Sutherland, commuters are attracted from other parts of the shire, particularly from the Engadine area.

Commuter parking has always been a problem. Consequently, there has always been a problem for residents, particularly on the western side of the railway line where commuters take parking spaces that should be the preserve of local residents.

The fact that the Government has listened to my representations and acknowledged that action must be taken is borne out by the fact that Sutherland has been nominated as a priority location for funds from the Parking Space Levy Bill. That is gratifying and I congratulate the Government on that. It is obvious that the Government acknowledges Sutherland to be an important area, as evidenced by other initiatives that it has taken in that shire. The old railway station building that was at Sutherland for more than 50 years has been demolished and a completely new station is under construction. A new ticket office complex is being constructed as well as a new retail complex on the overbridge. The buildings on platforms 1 and 2-3 are being completely renovated. Provision will be made in the design of these buildings for automatic ticket vending machines which will be operational within the next 12 months. I have received many congratulatory calls from residents and commuters about these plans. In fact, on the day the announcement was made that the station would be completely renovated, a reporter from the *St George and Sutherland Shire Leader* conducted an impromptu survey of commuters at the station. There was 100 per cent agreement with the proposals that had been outlined, and the commuters were extremely happy that the improvements were taking place. The proof is in the pudding because that work has commenced. The work will inconvenience commuters for about six months, but they can see the work taking place and know that at the end of six months they will have a brand new station that will provide more comfortable facilities than they had in the past.

In addition to increased parking facilities and new station facilities, there will be a new bus-rail interchange in East Parade, Sutherland. That is under construction. I have spoken in this House about the need for that interchange and I recall asking the Minister to have the Government take into consideration the views of shopkeepers on the western side of the line in East Parade - perhaps it is a bit Irish for East Parade to be on the western side of the line. Officers of the Department of Transport and of Sutherland Shire Council who were involved in the design of the bus-rail interchange took into consideration the concerns I raised in this House. The construction of the interchange is proceeding. I acknowledge that it is not only a State initiative but also an initiative of the Federal Government and the Sutherland Shire Council. The interchange will be of benefit to commuters from the Menai area who will be able to catch buses to Sutherland. From Sutherland they can catch trains to the city. The interchange will provide undercover facilities so that commuters will be able to transfer, completely under cover, from buses to trains. I congratulate the Government. After years of neglect, vast improvements are under way in Sutherland. I take this opportunity to congratulate the Minister for Transport because he has shown a personal interest in these developments in Sutherland. If it were not for his personal interest, I am sure these plans would not come to fruition.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [3.27]: I thank the honourable member for raising this issue. It is important to put such issues in perspective, particularly at a time when allegations are made about the transport system in New South Wales. This Government has upgraded that transport system. There is no doubt in my mind that any objective review of the system will show that it is more efficient today than it has been in the past. Suburban roads have been upgraded substantially. It never ceases to amaze me that although the people of this State

acknowledge that the Government is doing a good job with transport, the honourable member for Kogarah says that a Labor government will return the transport system to

how it was before the Greiner Government came to office. Goodness knows where the money will come from. It is amazing that this type of rubbish is peddled by the Opposition. As the honourable member for Sutherland said, roads in his electorate will be upgraded significantly and I am sure his constituents are grateful to the Government for the work that has been done. The honourable member for Sutherland has been at the forefront in ensuring that his electorate is serviced. I daresay that if the Federal Government gave more help by returning to the States more of the 22.5c a litre that it pockets from fuel tax, more could be done for roads in New South Wales.

On many occasions honourable members on this side of the House have mentioned the condition of country roads. Those roads are not being upgraded, because the Federal Government is not returning the petrol tax. In fact, that tax goes directly into consolidated revenue, and that is a disgrace. At least the New South Wales Government has had the decency to apply all fuel levy funds to road construction and maintenance. That is evident across the State. I warn the people of New South Wales that on several occasions the honourable member for Kogarah has said that under a Labor government the F4 Freeway will not have a toll. The Opposition refuses to admit that there is an alternative route, that no-one will be forced to use the freeway. If the cost of constructing the F4 Freeway is not offset by the toll collection, funds will have to be diverted from other roads. There is no alternative. The debt left to this Government by the previous administration means that there is no magic box of money; the former government spent all the money that was in hollow logs. That money is not there any more. The debt run up by the Wran Government is enormous.

CAMBODIAN REFUGEES

Mr NEWMAN (Cabramatta) [3.29]: I draw the attention of the House to the plight of Cambodian refugees in Australia and convey the concern of the Khmer community in New South Wales, particularly those who live in the Cabramatta electorate. Of all the refugees who have come to Australia from the Asian region, the Khmer have suffered the most. In the three and a half years that the Khmer Rouge ruled Cambodia between April 1975 and December 1978, they slaughtered a quarter of the population. Cambodia is still one of the world's poorest countries, where one child in five dies before the age of five, where there is one doctor for every 16,000 people, and where malaria and tuberculosis are rampant. The memory of genocide still haunts the many Cambodian settlers in Australia, a horrific saga which has the main protagonist, the Hitler of Asia, Pol Pot, still alive and in control of the faction's armed forces. Development of natural resources has been slow and cumbersome with the civil war stopping agricultural opportunities for food production. More than 300 amputations still occur each month as a result of land mines scattered across the country. Communist indoctrination is still the policy of the Government and those who object are dealt with severely.

I paint that backdrop so that the House will appreciate what will confront the 300 Cambodians, on their return, who are at present imprisoned in the Port Hedland immigration detention centre. I met 26 of the Cambodian boat people who arrived in December 1989 and arranged for them to join the 1990 new year's celebrations in the Cabramatta Town Centre. Since that time their story has not been pleasant. Imprisoned for two years, these people have committed no crime. They are not criminals but they have not received the benefit of the presumption of innocence inherent in our legal system. They have no presumption in favour of bail; they are simply imprisoned. They are also treated in a terrible way. Our criminals are probably given better treatment than refugees. Recently I received a letter from Sroun Kim Lek, a refugee in the detention centre. He wrote:

> . . . we have been in jail for over 2 years, children babies as well and we fear that our situation is hopeless. The Government want to deport us to our war torn Country. We fled from dangerous situations a long time ago and face an even greater threat if we are sent back.

During their stay in Australia the refugees have been moved around the country; from Darwin to Sydney and back to Darwin. Those moves have caused considerable distress. They have become institutionalised by this two-year stay. They have experienced a lack of access to interpreters, education, recreational and cultural activities and pastoral care. On many occasions it has been said that the Government has violated statutes governing the Human Rights and Equal Opportunities Commission. There have been numerous violations of Australia's obligations. The asylum seekers have a general fear of returning to Cambodia. Because of their method of arrival in Australia, the Cambodians have been denied the opportunity of having their cases properly reviewed and refugee status bestowed. The House ought to know that when Cambodians of this kind leave their country by boat, they keep few references with them. Documents are destroyed for the simple reason that, if they embark and are caught within limits of the embarkation point, they are in deep trouble for whatever documentation they have.

One can imagine a family departing and taking with them documentation that proves they are refugees and persecuted in their own country. That sort of documentation on board a boat would be a virtual death warrant. Obviously that type of information is destroyed. When they arrive, they attempt to convey to Australian authorities that they are refugees. Australia has the capacity to absorb these people. I have appealed to the Prime Minister. I have written to him about the 37 boat people at Port Hedland. I asked him at least to accept these people into Australia and then re-examine the overall policy and the situation that is developing. I asked him to reflect on the attitude taken by the Government to the Tiananmen Square massacre and the emotional decision made by the then Prime Minister. The new Prime Minister, Paul Keating, has made a decision to confirm the permanent residency of 20,000 Chinese students and, indeed, an additional 14,000 relatives. I support that decision. However, in contrast, I have asked him to look at the circumstances of the Cambodian refugees, to remember the Killing Fields and equate that with Tiananmen Square. There is little difference in the two emotional situations.

The Prime Minister also directed his attention to a forewarning. Yesterday 10 Chinese boat people sailed out of Dili in East Timor bound for Australia. Australia now has notice that people are about to land on our shores. When they land on our shores, they will be imprisoned. That will probably cost Australia another $1 million. The boat people who have been here for two years have cost Australia about $4 million to date and another $1 million will be spent on wrangling about the inadequate immigration system which does not provide early refugee status. The Cambodian community abroad regard Australia as a haven, a sanctuary, from Communist oppression from which they must escape. Through this House I make a last appeal to the Prime Minister to reflect on new laws that will probably more quickly resolve issues of this type and to think about two years of unwarranted imprisonment of people who have committed no crime against this country and who have fled a regime for which Australia has no respect. They have become what I consider to be the meat in the political sandwich of the plan of Australia's Minister for Foreign Affairs for peace in Cambodia - [*Time expired*.]

Mr CAUSLEY (Clarence - Minister for Natural Resources) [3.37]: I have noted the comments of the honourable member for Cabramatta. He knows that decisions about Cambodian refugees are not matters for this Parliament. However, he has access to

Federal members who should be able to deal with the problem. Recently I had the

opportunity of visiting Thailand, which is adjacent to Cambodia, and conferring with the Government there. What is going on in that part of the world is a great tragedy. The area has enormous potential, yet the wrangling and fighting continue. I have no doubt that any decent Australian would be appalled by what Pol Pot did in Cambodia. I repeat, that it is a matter for the Australian Government. I am sure that if the Federal Government can help in any way, the people of Thailand, Laos, Cambodia and Vietnam will be grateful. The Clarence River is one of the largest in Australia. It carries about five million megalitres of water to the sea every year. The Mekong River carries 94 times the amount of water carried by the Clarence River. The economic potential is enormous. With sensible development, sufficient electricity could be provided for all of South-east Asia. The area could be industrialised and thus help the people who are at present fleeing the country. That is something the Federal Government should be examining closely.

LOOK AT ME NOW HEADLAND SEWAGE OUTFALL

Mr FRASER (Coffs Harbour) [3.40]: Once again I bring to the attention of the House the question of waste water disposal on the northern beaches of Coffs Harbour. The Independent member for Manly, Dr Macdonald, introduced in this House legislation that will effectively curtail the waste water disposal program on the northern beaches. If his legislation is successful, the available options will cost every ratepayer of Coffs Harbour up to $500 per year. This is totally unacceptable. Most members of the Opposition who are backing this legislation have refused to come to Coffs Harbour. Those members who have visited Coffs Harbour have spoken to only a few people, all of whom are totally biased - the people at Emerald Beach with the "Not in my back yard" mentality. These people have run media campaigns and have told many lies to the effect that raw sewage will flow into the ocean at Look At Me Now Headland. The honourable member for Manly has admitted that the effluent that is being disposed of at present through Willis Creek and which is to be disposed of at Look At Me Now Headland is the finest quality effluent in Australia.

These people are sticking their noses into the business of Coffs Harbour people with a view to doing nothing other than raising their rates and achieving a green ideal, by means which are totally unacceptable. These people want to destroy our waterways. They are pushing for the reuse of sewage effluent even though it has been proved that this will be detrimental to soils in the Coffs Harbour area. They have no regard for the people in the Coffs Harbour area. I have received a letter from Mr Stewart who lives at Sandy Beach. I would like to quote extensively from this letter because it demonstrates the feelings of people in Coffs Harbour at the moment. Mr Stewart supports the stance that I and council have taken in an effort to upgrade the effluent disposal system on the northern beaches and to put in place an environmentally safe system for the people in Coffs Harbour. Mr Stewart wrote:

> When an E/O/F was originally proposed for Woolgoolga Headland the then and now Headmaster at Woolgoolga Public School permitted the Staff at his School to incite all the children with lies as to what would be seen to finish up in the Ocean from the Outfall., i.e. the children made paintings/posters (may be 100's) depicting what can be only described as a lump of solid sewerage fitted with a sail floating in the ocean. (N.B. solids have no hope of getting through our S.T. Plants). Now these paintings/posters were placed all over the school and even on the entrance steps and were seen around the township and also evidenced in an hysterical Protest march to the Headland (with plenty of children and visiting holidayers).

This man, who is concerned for the community, is stating facts. The honourable member for Manly and honourable members opposite are not listening to these facts. This man, who has grave concerns, goes on to state:

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Refer accompanying Photos - The Signs shown . . .

The photographs depict a sign at Fiddamans Creek, Emerald Beach. The sign states:

> Warning. Members of the public are advised that these waters are unsuitable for swimming or other recreational purposes. P.R. Hardy, Shire Clerk.

Mr Stewart also wrote:

> The Signs shown have been in position for at least the last 5 Years on the Reserve behind the beach at Emerald Beach.

These are the people who do not want the sewage treatment plant. Mr Stewart went on to state:

> These signs refer to Fiddaman's Creek which is another Beach E/O/F flowing over Emerald Beach like Willis Creek at Woolgoolga - but in this case Fiddaman's Creek contains untreated effluent from illegal Septic tank Pump-outs plus overflows from Sullage Pits etc and this polluted Creek flows through part of the Village and over the beach where the majority of swimmers swim.
>
> Alpheus Williams and his group must have excellent Media relationships -

Mr Clough: On a point of order. I was concerned when I heard the honourable member for Coffs Harbour commence his speech. Mr Acting-Speaker, I refer you to ruling 10.12.4 in *Decisions from the Chair* made by Speakers Lamb, Maher and Kelly, who said, "It is out of order to cast reflections upon a vote of the House, or against any statute". The honourable member for Coffs Harbour is casting a reflection upon a vote of the House.

Mr Fraser: On the point of order. I am referring to a point of view taken by a constituent of mine in regard to Fiddamans Creek at Emerald Beach. It has nothing to do with the bill which is before the House.

Mr ACTING-SPEAKER (Mr Merton): Order! I do not believe the honourable member for Coffs Harbour is referring specifically to that part of the North Coast affected by the legislation introduced by the honourable member for Manly. He is referring to another parcel of land, namely, a certain creek. He has drawn an analogy between that creek and the land affected by the legislation of the honourable member for Manly. I note the point of order taken by the honourable member for Bathurst. I direct the honourable member for Coffs Harbour that any comments he might make concerning the North Coast should be confined solely to real estate or land not affected by the legislation.

Mr FRASER: Mr Stewart also wrote in his letter:

> Alpheus Williams and his group must have excellent Media relationships.

He referred to the fact that the Fiddamans Creek issue never gets a mention in the press. He then wrote:

> I have tried to get the Editor of the now "Holiday Coast Times" to investigate and publish but he has not done so. He seems to be anti-Council and anti-Outfall. He is extremely suspicious that no media outlet has ever mentioned this polluted Creek Outfall or the dangers some Residents have to put up with from Illegal Pump-outs and who are fearful and abused if they complain.

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> All Emerald Beach would be sewered now if it hadn't been for M. Yeates delaying tactics and now A. Williams. These people just don't believe in Umpires such as the Commission of Inquiry.

People in my electorate are concerned about this matter. They are also concerned that parliamentarians will make judgments affecting their future.

Mr CAUSLEY (Clarence - Minister for Natural Resources) [3.47]: I noted carefully the statements made by the honourable member for Coffs Harbour. I also noted that the honourable member for Bathurst tried to protect a bill which has already passed through this House. It appears to me that the honourable member for Bathurst is saying that he accepts that the people of Australia should be subjected to additional rates as is the case for the people in Coffs Harbour.

Mr Clough: On a point of order. The Minister is implying that, in one way or another, I have indicated my support for a bill which has come before this House. I did not raise that matter in my earlier point of order. I said that the honourable member for Coffs Harbour was reflecting upon a decision of the House. For the benefit of the Minister for Natural Resources I deliberately refrained from voting on the legislation introduced by the honourable member for Manly. I have long held the view that people living in the city should not attempt to determine matters occurring in the country.

Mr ACTING-SPEAKER: Order! No point of order is involved. The Minister was entitled to make the comments that he did and it should not have resulted in the honourable member for Bathurst taking a point of order.

Mr CAUSLEY: I could not have done anything about the fact that the honourable member for Bathurst was playing pool when he should have been voting on the bill.

Mr Clough: On a point of order. That is an insulting remark. The Minister should be asked to withdraw it.

Mr ACTING-SPEAKER: Does the Minister wish to respond?

Mr CAUSLEY: I withdraw that comment. The honourable member for Bathurst was waiting to play pool, but he missed his turn. The honourable member for Coffs Harbour has raised an important matter. The honourable member for Bathurst might have helped in some way by bringing to the fore the crux of the matter - we sit in this Parliament and decide matters that will affect the people of Coffs Harbour. We cannot single out a group of people - although this Parliament has singled out a group of people at Coffs Harbour - and double their rates because we believe that we should have the ultimate waste disposal system in New South Wales. If it is good enough to impose

this rule on one group of people, it is good enough to impose it on the rest of Australia. We should not be hypocritical about this matter. We should not make decisions about one area and seek to isolate that area from the rest of the State. The honourable member for Manly should be prepared to confront the people of Manly and say that they should accept the same conditions. [*Time expired*.]

MOTOR VEHICLE EMISSIONS

Mr LANGTON (Kogarah) [3.50]: My grievance on behalf of constituents relates to the Government's proposals for vehicle emission testing, a matter previously raised in this House. There are grave concerns about the direction the Government is taking. Quite simply, the Government does not have an integrated strategy to control air

pollution in the Sydney region. This was quite evident at the Air Quality Summit held in February. Before any emission testing program is introduced, the Government needs to take certain steps. They consist of air quality and meteorological monitoring, the conduct of an emissions inventory including characterisation of emissions from the vehicle fleet, and smog formation modelling. When this work has been completed, a strategy can be formulated and can include targets for reduction of emissions from both new and already operating motor vehicles. The problem is that, at present, the Government has not stated the extent to which emissions can be reduced because it has not undertaken the research to enable it to do so. It also does not have emission targets, because it has not formulated an overall strategy.

Obviously more research into actual vehicle emission levels is needed before the Government can justify proceeding with the introduction of a vehicle testing scheme. There has been the decision of the Government, announced by the Deputy Premier, Minister for Public Works and Minister for Roads, to proceed with vehicle emission testing. The Government does not know why it is testing, what emission it is trying to reduce, or what pollutant in the existing smog in Sydney needs to be reduced. Is it coming from vehicles? Will the proposed testing procedures actually reduce pollution levels? The scheme which is proposed for New South Wales is based on the United Kingdom system. The Opposition is in possession of information from the Royal Automobile Club of the United Kingdom which indicates that the United Kingdom emission testing program has been introduced "on the cheap and in a hurry" and is not expected to be effective. In the United States of America, however, where emission testing has been done for a number of years, there is a large body of evidence which indicates that there are more efficient procedures to control on-road emission than engine idle speed testing - the procedure proposed for New South Wales. I believe the Deputy Premier and the Government should try to learn from the experience of the United States.

The pilot scheme which the Government intends to introduce over the next six months does not address, for example, oxides of nitrogen emissions from vehicles. Oxides of nitrogen are only produced when the engine is under load and combustion temperatures are high. That can only be replicated on a dynamometer. It cannot be done simply by testing at idling speed. Oxides of nitrogen are of concern because of their existence in smog, the effects these pollutants have on health. The pilot scheme does not address the problem of evaporative hydrocarbon losses - that is petrol fumes which leak from the fuel tank, generally on hot days, and from vehicle engines when they are hot. United States data indicates that evaporative emissions can be even higher than emission from tailpipes. As many Australian vehicles are meeting current United States tailpipe emission standards, the extent of evaporative loss may be significant in New South Wales also. Research on Australian vehicles must be carried out prior to the establishment of any emission testing system to ensure that what is proposed is cost

effective and environmentally effective.

The Deputy Premier and the Roads and Traffic Authority must take note of Professor Stedman's across-the-road emission measuring device. A technical investigation is currently being undertaken in Victoria in respect of that device. It functions in a manner similar to the slant radar unit. It has the potential to detect high polluting vehicles from the roadside and has been developed by Professor Don Stedman at the Denver University in the United States of America. It acts as a filter for an emission testing program, ensuring that only a relatively small number of dirty cars are required to undertake more intensive testing. In other words, rather than test every vehicle on the road, an across-the-road scheme would be implemented. I suppose it could be related to the wand that is now used as a screening device for random breath testing.

Only those vehicles which do not pass the test would be required to undergo further testing. Obviously, that action has to be investigated. It would lead to a more cost-effective scheme and would be likely to result in significant benefits to the environment. However, the New South Wales Government has already committed itself to a pilot program without even considering that across-the-road device.

Another problem associated with the United Kingdom scheme - which the Deputy Premier, Minister for Public Works and Minister for Roads has indicated will be introduced on a pilot basis in New South Wales - is that grave errors have been found in the results. That data is available. I referred to it in this House a couple of weeks ago. In respect of up to 50 per cent of vehicles shown to have poor emissions, the tests are inaccurate. Conversely, tests have shown that many vehicles are okay when in fact they are not. Obviously with a 50 per cent false failure rate in one instance and 30 per cent in another, there is a problem. What will happen, for example, in the case of a vehicle shown to have failed the test when in fact it is okay is that the owner will be required to spend a lot of money searching for a fault that does not exist. In fact, some work done during the repair process may cause the vehicle to emit the type of fumes that are causing the problem. Such irregularities will bring the whole system into disrepute, thus making it difficult to introduce a decent system.

I am concerned at the way this is heading. I raised this matter in this House a few weeks ago when the honourable member for Ermington raised a matter of public importance in relation to it. I am concerned that the pilot program will not address anywhere near the number of issues it should. I do not believe that the Minister and the Roads and Traffic Authority have any idea about the make-up of smog, what proportion of smog is caused by vehicles, how it can be tested, or to what extent it can be reduced. Those issues have to be addressed more carefully. The Minister is very ill-advised. The Minister has an absolute responsibility to reinvestigate all issues surrounding the proposed scheme. Things are moving too quickly. The Minister attended the Air Quality Summit in February but the recommendations were written before he got there. That is no way to do business. I am more concerned about smog in Sydney and making certain that any vehicle emission testing scheme works properly and effectively. [*Time expired*.]

Mr W. T. J. MURRAY (Barwon - Deputy Premier, Minister for Public Works and Minister for Roads) [3.58]: The National Roads and Motorists Association and some environment groups have criticised the Government's vehicle emission testing program. The criticisms can be grouped into three parts. The first part concerns the effectiveness of the type of testing proposed for New South Wales. Emission testing is being introduced in New South Wales with a twofold purpose: first, to educate the public

about its responsibilities to maintain clean vehicles, and the benefits of emission testing, and, second, to find the worst 10 per cent to 15 per cent of vehicles which cause approximately 80 per cent of vehicle emission pollutant. The type of idle emission test being proposed for New South Wales is referred to as a gross filter test, which is aimed at finding the worst emission cases. It is not intended to be a highly discriminating test.

The Government is confident that a properly administered idle exhaust test will find the worst of the polluters. At the recent vehicle inspection forum, which covered two days and examined many aspects of vehicle inspection, including emission testing, the forum agreed that a pilot scheme should be run to ensure that idle emission testing will be effective in New South Wales. This scheme will be established and monitored by a task force which will include government - the Roads and Traffic Authority and the Environment Protection Authority - industry and National Roads and Motorists Association representatives. The National Roads and Motorists Association prefers a type

of remote sensing emission testing. This technology will be very effective for scanning vehicles while they move along the road. But this technology is not yet perfected, and the work being undertaken by the Victorian Environment Protection Agency will be useful in determining how it can be applied in Australia. The application is not yet ready for general testing.

It has been asserted that emission testing would be more effective if conducted at specialised emission testing centres. It is arguable that specialised testing centres would allow a higher degree of quality control of testing and ultimately allow for more specialised testing. However, that type of testing has a number of significant disadvantages at this time in New South Wales. Another assertion is that the program is being introduced with unseemly haste. Emission testing of the type proposed by the Government can be introduced relatively quickly - six months is the target period - and at relatively low cost, as the inspection station infrastructure is in place. The motoring public is used to having the vehicles tested each year at authorised inspection stations. Therefore, in this way emission testing can be introduced with the least adverse reaction from the public and in a manner that is familiar to them. To introduce testing in any other way - for example, through specialised centres - would require a lead time of at least two years, which would be lost time in terms of getting experience on testing. Introducing idle-type emission testing as soon as possible will contribute valuable experience for long-term planning and allow more detailed testing of alternative technologies to be undertaken under the auspices of the Environment Protection Authority. Thus, considerable experience in testing will have been gained quickly and at low cost, the worst offending vehicles will have been identified and rectified, and the public will become accustomed to the concept of regular emission checks. [*Time expired*.]

SUTHERLAND WATERWAY POLLUTION

Mr KERR (Cronulla) [4.1]: I congratulate the Deputy Premier on his sense of timing. Honourable members will recall that last week I raised the subject of a letter forwarded by the Cronulla Development Watch to Sutherland Shire Council. At that time I told the House I would not be silenced on the issue. I want to raise again the quality of the waterways in the Sutherland shire, and request the release of a study on stormwater pollution carried out by Sutherland Shire Council. The residents of Sutherland shire are entitled to know whether all stormwater outlets were covered in the study, what the conclusion of the study was and over what period it was conducted. Honourable members are aware of the pollution late last year of Cronulla beaches, which

are generally acknowledged to be the best beaches in the world. A concern was that elements of pollution were found on the beaches. It is time that this House was reminded of the sewerage problem that Sydney has faced for decades. For many years the policy was to sewer metropolitan Sydney. I am pleased that under this Government Kurnell was finally sewered. It was a scandal that an area in which thousands of people lived was left unsewered for 12 years under the previous Government, though it held the seat of Cronulla for many years.

Mr Martin: And held it well.

Mr KERR: The honourable member for Port Stephens said that it held it well. One of the seats that the people in Kurnell did not think they held so well was their toilet seat because Kurnell was an unsewered area. Fortunately, they are enjoying their seating more now under the present Government. For many years sewage in Sydney was regarded as an engineering rather than a social problem. Commendable efforts were

made to sewer Sydney, but no one really looked at the problem of disposal. I am pleased that this Government, though at times it attracted considerable criticism, imposed a levy, because it was concerned for the future. I am pleased also that the Minister for Industrial Relations and the honourable member for Murwillumbah are in the Chamber, for they had the benefit of hearing the Hon. Janice Crosio say that outfalls would be the complete solution to Sydney's problem.

Mr Fahey: What about that swim she had at Bondi?

Mr ACTING-SPEAKER (Mr Merton): Order! I call the honourable member for Port Stephens to order.

Mr KERR: I am reminded by the Minister for Industrial Relations of that famous swim at Bondi Beach. Who could forget that! The former Minister's efforts were rather futile, because it became clear that the outfalls were not the solution to Sydney's sewage problem. This Government is now tackling the problem on a comprehensive basis. I remind the House also that for too many people the environment has become a political football. But no longer can the environment be dismissed as the private domain of hard-core environmentalists. Australians - and particularly people in the Sutherland shire - have become environmentally aware. Evidence emerging from the Eastern Bloc reveals that a cleaner, healthier environment cannot be achieved financially or technologically without a thriving economic base and it cannot be merely the subject of rules from above. There must be public participation. With that in mind, the Water Board, to its credit, has appointed committees to advise it on the problem so that it is no longer seen purely as an engineering problem.

I am grateful to people like John Holt, a former national Iron Man who has made his expertise available to help the community with pollution problems. Not only the beaches, but all the waterways in the Sutherland shire should be looked at. The Water Board has commenced a study, which will cost more than $800,000, into the causes of pollution in Botany Bay. It is important to determine whether the pollution is caused by stormwater runoff, rubbish, or sewage, to implement real and meaningful solutions to the problems. I commend the Minister, who made available that funding. I believe that the study must be carried out so that its results can be made available quickly to the public to make use of any comment and expertise from the general community. The environment should not be used as a political football. At Silver Beach at Kurnell, which has been eroding towards Bonna Point, work is about to commence on the construction of two new rubble groynes which will cost in the vicinity of $400,000. They will prevent sand

drifting from Silver Beach to Towra Point. In that way, both beach erosion at Kurnell and the disruption to the current ecological balance at Towra Point will be prevented. This is an important matter that concerns not only environmentalists but all of us, because Kurnell is the birthplace of our nation and Towra Point is the subject of international treaties. I am pleased that anchor points for emergency deployment of oil pollution control booms will be provided at the extremity of each of these groynes. This is being implemented as a precautionary measure for Caltex Refinery Company Limited. The honourable member for Port Stephens said it was well served. During the period of the former Labor Government there were many oil spills in that area, but what was done about it?

Mr Martin: The Government is condoning the discharge of raw sewage into Port Stephens.

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Mr KERR: The honourable member is not interested in Kurnell, the birthplace of our nation. He is interested only in parochial issues. We are all Australians and it is time that the honourable member showed concern for his heritage. He talks about changing the flag and so on but shows little interest in individuals. [*Time expired*.]

Mr FAHEY (Southern Highlands - Minister for Industrial Relations and Minister for Further Education, Training and Employment) [4.9]: The honourable member for Cronulla raised a number of issues concerning pollution of beaches and waterways in his electorate. One of his concerns was that a study carried out by the Sutherland Shire Council into stormwater pollution within the shire has not been made available for further comment to residents of the Cronulla region and the Sutherland shire. He made the valid point that although considerable attention has been paid to pollution of our beaches, little attention, perhaps unjustifiably, has been given to various stormwater channels and waterways. The city's stormwater channels ultimately discharge far too much waste into waterways - bays within the Sydney Harbour region or the Botany Bay-Georges River area. More should be done to prevent polluting substances being carried through the waterway processes into the harbour and, ultimately, washed on to beaches. I will certainly bring to the attention of the relevant Minister the fact that Sutherland Shire Council is not willing to release for further comment the study it commissioned into pollution. Unless this is done the problem cannot be constructively addressed. It is pointless commissioning such a study only for council's internal consumption. I trust that the study will be released ultimately. I commend the honourable member for Cronulla for his numerous contributions to the marriage of industry, be it Caltex at Kurnell or other industrial areas within his electorate. There needs to be eternal vigilance to prevent the escape of deleterious materials from these industrial bases, which are so important to the economy of this State, to ensure that the environment is preserved. [*Time expired*.]

PORT STEPHENS LAND SALE

Mr MARTIN (Port Stephens) [4.12]: My concern is about the planning, zoning and advertising on television of land at North Arm Cove, Port Stephens, which is causing all sorts of problems to people in my electorate. I have written to three or four Ministers about the poor planning and bad decision-making, and that is why I am raising this matter in Parliament today. I call on the Government to address the issue. This problem began in 1913 when Burleigh Griffin was responsible for designing a subdivision of land at Port Stephens. Now, roads are being built in incorrect places and there is lack of open space and poorly designated space. A number of Ministers have indicated their willingness to

consult with their departmental officers, but this will take more than consultation with permanent heads of departments. It will take ministerial involvement. Therefore I call on the Government to address this serious issue. Land which cannot be built on has been sold at prices up to $10,000 a site. Heritage Land Company has repurchased the land and, through television advertising shown three and four times a day, seeks to resell those sites. People are being duped into buying land that they cannot build on. It is important that the zoning classification be amended and that there is a moratorium to preclude the sale of that land. [*Time expired*.]

Mr ACTING-SPEAKER (Mr Merton): Order! It being fifteen minutes after four o'clock, p.m., the debate is interrupted pursuant to Standing Order 122A.

Grievances noted.

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BUSINESS OF THE HOUSE

Printing of Reports

Motion, by leave, by Mr Moore agreed to:

That the following reports be printed:

Report of the Fish River Water Supply Undertaking for the year ended 31 December 1991.

Report of the Homebush Abattoir Corporation for the year ended 31 December 1991.

Report of the Hunter Management Trust for the year ended 31 December 1991.

Report of Macquarie University for the year ended 31 December 1991.

Report of the South West Tablelands Water Supply Undertaking for the year ended 31 December 1991.

Report of the Tobacco Leaf Marketing Board for the year ended 31 December 1991.

House adjourned at 4.17 p.m. until Tuesday, 1st September, 1992, at 2.15 p.m.