LEGISLATIVE ASSEMBLY

Thursday, 22nd April, 1993

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

Mr Speaker offered the Prayer.

CASINO CONTROL (AMENDMENT) BILL

Withdrawal

Order of the day for second reading of this bill discharged.

Bill ordered to be withdrawn.

GLENREAGH TO DORRIGO RAILWAY (CLOSURE) BILL

Second Reading

Debate resumed from 1st April.

Mr WEST (Orange - Minister for Conservation and Land Management, and Minister for Energy) [9.7]: I ask the indulgence of the House to raise a procedural matter. Under general business, orders of the day, at 10 o'clock on the last private members' day for the introduction of bills, the honourable member for Coffs Harbour was making his second reading speech on the Glenreagh to Dorrigo Railway (Closure) Bill. He had a page of his second reading speech yet to read when debate was interrupted. The matter now appears at the bottom of today's list. I would ask that at the conclusion of the second reading speeches which are about to be delivered the honourable member be given permission to finish his second reading speech.

Mr SPEAKER: Order! As the debate was interrupted rather than adjourned the member delivering the second reading speech would have the automatic right to continue the speech as would be the case with an order of the day. I rule in that way and call the honourable member for Coffs Harbour to conclude his second reading speech.

Mr Whelan: On a point of order. Mr Speaker, do you intend now to proceed through the notice paper or do you intend to call the honourable member for Coffs Harbour to conclude his second reading speech?

Mr SPEAKER: Order! I have been proceeding with notices of motion. A second reading speech would have precedence at 10 o'clock.

Mr Whelan: That is the point I was going to make. The matter is already covered by the standing orders and sessional orders.

Mr West: On the point of order. I understand the point that the honourable member for Ashfield is trying to make but I submit that because the honourable member for Coffs Harbour was delivering his second

reading speech when debate was interrupted he should be given the opportunity between nine o'clock and 10 to conclude that speech. The amount of time that we have spent now -

Mr SPEAKER: Order! I have received clarification from the Clerk. The matter is still in a sense in the notice of motion phase in that it is not yet adjourned and is not yet set down as an order of the day.

Mr Whelan: That is what I was going to say, Mr Speaker. It does not qualify under the provisions for orders of the day because it is incomplete. In fact, the draft program places the matter in the wrong spot. That has led to confusion. I assume that the Government wants to have the honourable member conclude his second reading speech and the matter will be adjourned. Why do we not leave this discussion until we get to that stage?

Mr SPEAKER: Order! We are at that stage now.

Mr Whelan: I thought you had not proceeded to -

Mr SPEAKER: Order! The business paper has been called through and notices of motion are now being dealt with. To finish the procedure interrupted during the notices of motions period on the last Thursday sitting of the House the member for Coffs Harbour must be allowed to finish his speech. That will be followed by the next notice of motion, which is notice of motion No. 1 standing on the paper today.

Mr Whelan: In the ordinary course of events the member's second reading speech should be contained in notice of motion -

Mr SPEAKER: That is exactly right. This is the first time such an event has happened but it could well be repeated. To clarify the matter I will rule that where a second reading speech of the mover of a notice of motion is interrupted at 10 o'clock, the resumption of the debate will appear on the business paper under notices of motion having precedence on that day.

Mr FRASER (Coffs Harbour) [9.10]: As I was saying before the honourable member for Kogarah interrupted last week 30 seconds before time, clause 8 of the bill -

[*Interruption*]

Mr FRASER: I can go for an hour.

Mr SPEAKER: Order! Honourable members will stop interjecting. The member for Coffs Harbour will continue with his contribution.

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Mr FRASER: Clause 8 of the bill will allow the authority to give non-occupiers at least an additional six months' notice after settlement of sale or lease of the corridor in or about December, on top of the two years' notice that will have been already given by that time, to remove any rolling-stock that may then be on land which they neither own nor rent. Hopefully, by June next year, persons holding no legal interest in the land will have removed their rolling-stock from the line, though there is provision to extend this, if necessary. This clause will operate only if the owners of the rolling-stock fail to buy or rent any of the corridor; fail to sell any of their unwanted rolling-stock to the new owners or lessees of the railway; fail to remove their rolling-stock within a reasonable time; and, in effect, fail to give vacant possession of the corridor to the rightful occupier in 15 months' time.

Mr Langton: This is a land grab.

Mr FRASER: To have the Opposition claim that this is a land grab shows the Opposition's

misunderstanding of this issue. I have already offered to discuss the matter with the honourable member for Kogarah. This issue is about rolling-stock. If honourable members opposite had been listening they may have picked it up. This is not a land grab. I believe this is unlikely to occur. Forfeiture of any rolling-stock is an absolute last resort. It must be remembered that this is forfeiture. It has been put by honourable members opposite and the public in Coffs Harbour that this is actually confiscation. I have made it abundantly clear that this is forfeiture; it is not confiscation in any way, shape or form. The fact remains that vacant possession must be made available by the legislation to allow a clear, unhindered tendering process and an expression of interest to take place.

It has taken a long time to formulate, draft and refine this bill and the complementary expressions of interest document, but I am confident that the detailed plan of action proposed will give all interested parties a fair and even chance to bid for the operation of tourist trains on the Dorrigo line, while at the same time resolving past concerns. This matter is of great concern in the Coffs Harbour electorate. Once this legislation is passed and trains are running on that line, the Coffs Harbour electorate will be pretty well recession proof. It is in the broad interest of the Coffs Harbour electorate, not merely political interest, to ensure that this legislation passes. This bill will provide the Coffs Harbour electorate with a great attraction for which it has been vying for 20 years and which for various reasons has been held up. This legislation will allow the plan to come to fruition and will provide the people of the Coffs Harbour electorate with an opportunity to have a great asset for many years to come. A collection of rolling-stock, part of the heritage of the people of New South Wales, also will be preserved. I commend this bill to the House.

Debate adjourned on motion by Mr Langton.

INDUSTRIAL RELATIONS (PROTECTION FOR EMPLOYEES OF SUBCONTRACTORS) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GIBSON (Londonderry) [9.15]: I move:

That this bill be now read a second time.

"A fair day's wages for a fair day's work. It is as just a demand as governed men ever made of those governing. It is the everlasting right of man." That statement was made many years ago by Thomas Carlyle but is most applicable today and even more so because the present State Government caused the Industrial Relations Bill to pass through this Parliament in 1991. To my way of thinking one flaw in that legislation was the deletion of security of payment for workers. Though honourable members, government and unions have talked about this for a long time there is nothing in the Industrial Relations Act, as it stands, to give security of payment for workers. My bill will give the opportunity to include that part of legislation that was missed out; it will give the workers of New South Wales security of payment for the first time in the history of this State. There should be bipartisan support for this initiative. During the last election campaign we circulated a petition. That petition stated:

> We, the undersigned, call upon the New South Wales Government to properly address the problems which occur when companies go into liquidation. In particular, we call on the New South Wales Government to make the necessary legislative and administrative changes to ensure that workers do not miss out on wages and entitlements when companies are wound up.

That issue concerns security of payment for workers. I have bipartisan support for that petition because the first two names appearing on it include Mr John Hewson - the person who a few weeks ago thought he was going to be Prime Minister of this country and who signed the petition for security of payment and urged the New South Wales Government go make those changes - and the second person who signed the petition

happened to be Carolyn Hewson, his wife, who also believes in the legislation I have introduced. A further two signatories happen to be Mr and Mrs Forrester, Mr Forrester being the candidate for the seat of Macarthur in the recent Federal election. The honourable member for Camden, Liz Kernohan, also signed the petition, as did John Howard, the whiz in the Federal sphere regarding industrial relations matters. With that sort of bipartisan support this Government and the Premier ought to support this legislation.

Three weeks ago during question time in this Chamber the Premier spoke about industrial relations. I interjected and asked him about security of payment for workers. It is recorded in *Hansard* that the Premier replied, "I support security of payment for workers". The reason it is not there, he said, was because of the Federal Government. This legislation will give the Premier and the Government the opportunity to support legislation for security of payment for workers. Once and for all the Premier

either will have to put up or shut up on this issue. This bill will be an historical precedent if it passes through this House because, for the first time, it will give workers security of payment.

The first test of the new industrial relations legislation took place in Richmond, in my electorate, in December. During the building of the TAFE college at Richmond, a subcontractor by the name of Dionfield went broke, went into liquidation overnight. Forty people subsequently were thrown out of work. At the same time Dionfield was trading as Dionfield Pty Limited he was also trading as Dionfield Australia. These were $2 companies but they were protecting this person. When the company went into liquidation 40 people were thrown out of work. Under the system that operated prior to the new Industrial Relations Bill, if a subcontractor went broke the principal would pick up the tab for outstanding wages for work that had been done. Under present legislation the principal does not have to pick up the tab for workers unless he is legally compelled to do so.

Under the former system a replacement subcontractor would offer jobs to the people who had been sacked. That did not happen in this case. These people were not only sacked but also not paid. The work had been done, there was no argument about that at all. Now, well into 1993, the workers still have not been paid. These workers have been robbed of their wages for work done, robbed of their redundancy pay, their superannuation, overtime and all other entitlements that usually accrue during normal employment. The $2 company structure has protected Dionfield all the way through.

Prior to the 1991 legislation being passed by the Parliament, the easiest way to solve such a dispute was to make an ex gratia payment. The union would speak to the company involved, an ex gratia payment arrangement would be made and the dispute settled. The ex gratia payment may not be the best solution but it was at least a solution. During the debates that led to the new industrial legislation being passed in 1991, the Government argued that the unions had held unfair advantage because the unions had stood over companies to get this ex gratia payment. The royal commission into the building industry cost taxpayers a lot of money and proved virtually nothing. The code of practice which emerged from that royal commission stipulated that a union did not have the right to make a demand on a company, or a suggestion, for an ex gratia payment.

The current industrial legislation has taken the whip hand from the unions and has allowed standover tactics by the Government. I will explain why. On any occasion now when a principal or a company wants to make an ex gratia payment to workers, they fear to make it because, if they do, they will fall out of favour with the Government. If they fall out of favour with the Government they will be taken off the preferred tenderer list. Once they are taken off the preferred tenderer list their business will suffer greatly. The industrial legislation passed by this Government has taken the bully tactics from the union movement and given the bully tactics to the Government. There will be no ex gratia payments to settle industrial disputes in New South Wales unless agreed to by both parties. But there will never be agreement, because the first company that breaks the new rule and creates that precedent turns the clock back to prior to 1991.

The new situation cannot be altogether cured by the practice that worked very successfully prior to the 1991 period; there is the matter of false statements to be taken into account. This bill will create new

liabilities for penalties for principals who knowingly receive and act upon false statements. In the case of Dionfield at Richmond, the subcontractor gave the principal a written statement stating that workers had been paid. The workers had not been paid. Because he was given a statement of claim by the subcontractor the principal is totally, legally in the clear. This bill will deter the principal from attempting to avoid liability for wages by pressuring or arranging for false statements from the contractor. Today the principal is covered legally by the fact that a subcontractor makes a statement in writing, whether he knows that statement to be true or false really does not matter because he is covered by that statement.

This bill will set new penalties to be imposed where it can be proved that the principal knew the statement to be false. Under the legislation that this Government pushed through in 1991, the penalty is $2,000 maximum fine. That is not even a deterrent. These contractors and principals are working on projects that, in some cases, are worth millions of dollars. With the risk of only a $2,000 fine it would be in his favour to try to get someone to give a false statement to cover him. A $2,000 fine is no deterrent in any way, shape or form. In 1940 the penalty contained in the equivalent provision of the Industrial Arbitration Act in New South Wales was a $500 fine or six months' gaol. The current maximum fine is only $2,000. This is clearly insufficient in view of the large financial advantage to be gained by a principal in inducing a false statement.

This bill will re-establish a realistic penalty level that will act as an appropriate deterrent. The penalty for a corporation will be increased to 1,000 penalty units, which is the equivalent of a $100,000 fine. In other cases the penalty will be 100 penalty units, which is a $10,000 fine. That is a true deterrent. A $2,000 deterrent in an industry that deals in millions of dollars is a total disgrace. Another change my bill will adopt, if successful, is that the written statement previously referred to from the subcontractor to the principal shall not protect from liability for wages any person referred to in that area, if such person knew or there were reasonable grounds to suspect that the written statement was false. There is currently no prescribed form. My bill will standardise the type of written statement required so as to avoid current debate as to whether or not a particular written statement is sufficient to comply with the requirements of this section.

A lot of time and money will be saved by taking many of such matters - which today finish up in the court anyway - out of the courts. A solution will be found much more quickly. My bill will standardise the form so that it can be clearly seen whether the principal knew that the statement was true or false. This bill will create a new personal liability for directors and persons involved in the management of companies in respect of the penalties. The form of this proposed section is modelled on section 22 of the Employment Protection Act of 1982. A number of defences will be available to directors and management where the individual concerned was not personally involved or responsible in any real sense. This means that there will be greater responsibility for the principal to know a little more than he probably knows today about the subcontractor he employs. This will put the onus on the principal to select his subcontractors a lot better than he may. Instead of taking the lowest price offered, the principal may have to consider whether the subcontractor can pay wages. He may have to choose the subcontractor who can do a better job.

This bill will tighten up the area that will remove the protection for liability of the unpaid wages provided under section 154, part 1, for a principal who has received a written statement, where the principal knew, or there were reasonable grounds to suspect, that the statement was false. This will prevent the principal from avoiding liability for wages by simply organising a false statement from the contractor or ignoring clear information that points to the statement being false. This would have rectified the situation at the Richmond Technical and Further Education College in about two seconds flat. A very important part of my bill will clarify the meaning of wages as it currently appears in the section so as to ensure that it is not limited to wages in a narrow sense but will include such allowances as can be pursued under the Act's enforcement provisions. The definition is broadly in line with the decision in *Miller* v *Simpson*, 1929 Arbitration Reports, at page 82.

The bill will give the Local Court, the Industrial Court and the Chief Industrial Magistrate's court a

discretion, where appropriate, to make back-up orders against directors or persons involved in the management of the company. The bill will ensure that persons will not be able to avoid liability under the shield of a $2 company. The Federal Government must look at the existing company law and start protecting workers and business people from $2 companies.

Similar clauses were included in the Industrial Relations Bill 1990 passed by the Parliament. The Employment Protection Act provides penalties for company directors. It will be an historic moment when this bill is adopted because for the first time workers in New South Wales will get security of payment. The word bipartisan is used many times in this Chamber, and honourable members should adopt a bipartisan approach to this bill. Some of the people that were sacked from the Richmond College of Technical and Further Education are still unemployed. Some have tried to get another job; others have stood their ground for a principle and are still fighting for that principle.

This is the first time that the new industrial relations legislation has been tested. The legislation is tremendously flawed because workers have no security of payment. The old saying is: no bees, no honey; no work, no money. The work is being carried out but there is no money for the people because no one wants to pay. The principal of the Richmond College of Technical and Further Education claims that he agrees the work is being done and the workers should be paid, but under the 1991 legislation no one is legally bound to pay for that work. Unless some form of security of payment is obtained for workers in big and small jobs, New South Wales will be duped until Parliament comes to its senses and passes legislation to give that security. I urge honourable members to look carefully at this legislation and support it on behalf of the workers of New South Wales.

Debate adjourned on motion by Mr Hartcher.

CRIMES (COMMON NIGHTWALKERS) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr KERR (Cronulla) [9.33]: I move:

That this bill be now read a second time.

The object of this bill is to amend the Crimes Act 1900 to abolish the common law offence of being a common nightwalker. Common nightwalkers are persons who sleep by day and walk by night when reasonable people are in bed. This offence does not relate to prostitution and seems to have been concerned with providing a power to arrest strangers passing in the night during a curfew.

This offence originated in England in the Middle Ages. By virtue of section 24 of Imperial Statute 9 George IV Chapter 83 all laws and statutes in force in England as at 25th July, 1828, were inherited by New South Wales. There is some uncertainty as to whether the common law offence of being a common nightwalker existed in England in 1828. However, it appears probable that the offence was inherited by New South Wales in that year. In further support of that proposition I mention that the offence of being a common nightwalker was abolished in England by the Criminal Law Act 1967. It was the view of the British Crown law officers that this common law offence was in existence in 1967. Therefore, one would presume it was in existence in 1828.

The criminal offence of being a common nightwalker is clearly obsolete in New South Wales. There is no record of any prosecution for this offence

in New South Wales this century; neither is there any need for this offence. The offence of being a common

nightwalker is, like many common law offences, nebulous and unclear as to the conduct necessary for the commission of the offence. It appears to have been based mainly on suspicion that the person arrested may have had evil in mind. The only conduct required to be found for suspicion appears to have been that the accused was out and about at night. Such an offence is out of step with present-day lifestyles in which late night chemists, supermarket customers, moviegoers and all manner of persons legitimately pursue interests of business or pleasure at night. Honourable members have just heard a speech about workers' rights. What about the rights of shift workers?

[*Interruption*]

I am glad that members of the Government, who are very concerned about workers and workers' rights, want to know about the protection afforded to shift workers. It is absolutely wrong that in the Sutherland shire shift workers cannot walk the streets at night theoretically without being subjected to this common law offence. One of the tasks of this Legislature should be to remove obsolete laws and ensure certainty as to the law wherever possible. I should have thought that under the rule of law if something is not unlawful, it should be legal. There should be certainty about citizens' obligations to the State but, by the same token, the State must ensure that citizens are not unduly restrained in their freedom to enjoy life.

Mr Fraser: Let them go about their daily business.

Mr KERR: As the honourable member for Coffs Harbour says, let them go about their daily business, whether it be in Caringbah or Coffs Harbour. That should prevail and will prevail under this Government when this legislation is passed. By abolishing the ancient offence of being a common nightwalker, this bill will help to achieve that.

Mr Fraser: Imagine if one were a sleepwalker.

Mr KERR: The honourable member for Coffs Harbour just said, "Imagine if one were a sleepwalker" This offence originated in the Middle Ages, when a curfew existed and there was a very settled lifestyle. That sort of feudal system should not be imposed on the people of Coffs Harbour and the Sutherland shire.

Mr Downy: People are usually on the street at night.

Mr KERR: The honourable member for Sutherland mentions people being on the street at night. Last Saturday night I attended the rugby league match between Cronulla-Sutherland and Balmain.

Mr Downy: Up the mighty Sharks.

Mr KERR: Up the mighty Sharks, as the honourable member for Sutherland said. They beat Balmain. That game did not finish until about 10 p.m. Nevertheless, more than 13,000 people who went to the Caltex Field at Cronulla to support the world's greatest rugby league team of course had to leave the football ground. They could all have been regarded as common nightwalkers. If it had not been for the Government there could have been mass arrests. That is the sort of thing that would have occurred under the previous Government, which was happy to leave this common law offence in place.

Mr Fraser: They do not look after the workers.

Mr KERR: They do not look after the workers, as the honourable member for Coffs Harbour said. But the coalition Government has put an end to that sort of fear. If Australia should become a people's republic, this law will not be in the armoury of some draconian government in the future.

Mr Fraser: Imagine giving it to Paul Keating.

Mr KERR: As the honourable member for Coffs Harbour said, imagine giving it to the present Prime

Minister! The Federal Government is already talking about reintroducing death duties.

Mr Beck: Shame. There are many senior people in my electorate who are concerned about that.

Mr KERR: As the honourable member for Murwillumbah said, many senior people in his area are concerned about that. They have worked hard all their lives. Many have had to work nights in order to build an estate or a nest egg for their families. The Government in Canberra, because it made a large number of promises it knew it could not honour with financial resources, is now going to take the funds from those people who have worked at night. That is unsatisfactory.

Unfortunately the Government cannot prevent that. However, the bill will prevent people being arrested for merely going about their business or undertaking recreational activities at night. The people of my electorate are entitled to protection against the arbitrary use of power by those in authority. This bill is important legislation. Australians take too much for granted, and it is appropriate that the second reading speech is being delivered on the eve of Anzac Day. It is about ensuring that Australians provide a level of freedom for future generations and that the offence to which it relates does not remain in existence. Because of sacrifices made on Anzac Day on behalf of all Australians, honourable members must be vigilant. As the twenty-first century approaches, the labour-market and working conditions are different. The old working hours of nine to five have very much gone by the board. People are now prepared to work at all hours of the day. Computerised tasks can be undertaken in offices late at night and early in the morning. The sort of offence to which the bill relates is very much a hindrance to the development of modern Australia. With those few words I commend the bill to the House.

Debate adjourned on motion by Mr Whelan.

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LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr BECK (Murwillumbah) [9.42]: I move:

That this bill be now read a second time.

The object of the bill is to ensure that the statutory timetable associated with claiming compensation for compulsory land acquisition is observed. This will be achieved by allowing an owner of resumed land to obtain a copy of the Valuer-General's valuation direct from the Valuer-General if the acquiring authority has failed to provide it in the first instance. Currently section 42(1) of the Land Acquisition (Just Terms Compensation) Act 1991 provides for that. A State authority that has compulsorily acquired land under that Act must within 30 days after the publication of the acquisition notice give the former owner or owners of the land written notice of the compulsory acquisition. The entitlement of the owner or owners to compensation and the amount of compensation offered to them is determined by the Valuer-General.

Concerns have been raised that some councils have failed to comply with their statutory obligations to forward valuations to the relevant landowners. In one instance a representation was received which indicated that a council failed to offer compensation within 30 days of resumption because it did not agree with the Valuer-General's valuation. By failing to make an offer for compensation, the council was able to deliberately stall the whole process. Under the existing legislation a landowner is unable to proceed with the matter until an offer has been received. The legislation, however, imposes no sanction against a failure by the authority to comply with its requirements. The only recourse is for the affected landowner to take court action to compel the authority to abide by the Act. This action is considered unjust and contrary to the

principles of the Act.

The intention of the Land Acquisition (Just Terms Compensation) Act is to ensure that a statutory timetable is followed to guarantee the speedy resolution of land resumption and the prompt payment of compensation to the landowner. The landowner should not be burdened with unnecessary legal costs and delays merely to enforce the statutory obligations of a government or local government authority. The proposed amendments will enable owners of resumed land to apply directly to the Valuer-General to obtain a copy of his valuation when the government authority has failed to do so. It should be noted that the purpose of the Valuer-General's assessing the amount of compensation is to ensure that landowners are treated consistently in terms of valuations when they are going through the resumption process. This amendment will strengthen the rights of the private property-owner. Government agencies will no longer be able to frustrate a landowner by delaying the payment of compensation merely because they do not agree with the Valuer-General's independent assessment. The amendment will ensure that matters relating to compulsory land acquisition are dealt with in the shortest period with a minimal level of inconvenience imposed upon the landowner. I commend the bill to the House.

Debate adjourned on motion by Mr Davoren.

CASTLEREAGH LIQUID WASTE DISPOSAL DEPOT BILL

Bill read a third time.

WILDERNESS (PRIVATE PROPERTY RIGHTS) AMENDMENT BILL

Second Reading

Debate resumed from 1st April.

Ms ALLAN (Blacktown) [9.48]: The Opposition does not support the Wilderness (Private Property Rights) Amendment Bill as introduced by the honourable member for Oxley. Before I comment on the bill I should like to refer to the process by which the bill has come before the House. I congratulate the honourable member for Oxley on his persistence in introducing the legislation. For many years he has been talking, not only in this House but also within the broader community of his electorate, about the issues behind this legislation. He has had some difficulties. Last year he indicated that it was his intention to bring forward the reforms to the Wilderness Act that are contained in the bill. However, not long after the Hon. John Fahey became Premier, he tried to clamp down on some of what he believed to be the excessive initiatives of his backbench and the National Party backbench of his deputy leader, the Hon. Wal Murray. Those backbench members were seeking to introduce fairly retrograde bills that were a potential source of embarrassment to the Government.

I should like to refer in part to an article that appeared in the *Sun-Herald* on 30th August, 1992, headed "Fahey Faces Revolt". In that article Mr Jeffery, the honourable member for Oxley, joined a roll of dishonour, a roll of backbenchers who were trying to bring forward various legislative initiatives but were not able to do so. Unfortunately, the initiative that Premier Fahey showed last August to prevent this piece of legislation coming before the Parliament was overturned over the Christmas period. It is an indictment of the honourable member for Oxley that he brought forward the legislation at the beginning of this year. But the Premier should be indicted also for allowing the legislation to come forward when he knows it does not have widespread support in the Parliament. He has bowed to the whim of the honourable member for Oxley who, in turn, is bowing to the loud voices in his electorate that are calling for the legislation to be brought forward. The Opposition cannot support this bill. It signals the erosion of the 1987 Wilderness Act.

Mr Fraser: Nonsense; that is nonsense.

Ms ALLAN: The honourable member for Coffs Harbour thinks it is nonsense. He, the honourable member for Oxley and several other honourable members want this Parliament to throw out the New South Wales Wilderness Act. It is no use being delicate now about that view because they were singularly indelicate about it in various debates in this Chamber over the past 18 months or so, particularly the debates relating to the endangered fauna legislation and the timber industry legislation. In debates over the past two years in this Chamber about the protection of the natural environment, these honourable members usually mentioned in their speeches the severe disadvantage rural constituents would suffer from the provisions of the Wilderness Act. It came as no surprise when the present legislation was introduced into Parliament.

I am disappointed that Premier Fahey has allowed the legislation to be introduced. I am not surprised that the legislation is before the House, but I am interested to note that it is supported by the Government and, in particular, by the Minister for the Environment, who no doubt will speak in this debate. His support is further confirmation that he has the lowest ranking of any Minister in the Cabinet. He cannot get his environmental priorities through the Government. Instead, the honourable member for Oxley - a backbench member of the National Party - responds in a knee-jerk fashion to concerns raised with him by his constituents and is able to do the Minister for the Environment in the Cabinet through the National Party members of that Cabinet.

The honourable member for Oxley and the Minister for the Environment know that this legislation is all about destroying the New South Wales Wilderness Act by stealth. But, unfortunately for the New South Wales Parliament and the people of New South Wales, the honourable member for Oxley is having more success than the Minister for the Environment in getting his agenda through the Government. There is genuine anger among rural landowners about the Wilderness Act. It has engendered much media attention and letters to honourable members, including me, from disgruntled landowners. Though their anger may be genuine, their fears are not well founded. Already under the Wilderness Act the Director of National Parks and Wildlife must notify every holder of land being considered as part of a wilderness nomination of any proposal received in relation to that land and must advise the Minister for the Environment on the proposal within two years.

The Act also ensures that values of private and Crown lands are professionally assessed by the service through a public participation process - hence the hundreds of letters I and other honourable members receive every year. The legislation as proposed by the honourable member for Oxley will change that procedure to require conservationists to gain the consent of the owner before a wilderness assessment can take place. If the assessment does not occur within two years, they must gain a new consent. That is an entirely inappropriate requirement. The requirement for community groups and conservationists to obtain consent from landholders before a wilderness assessment can proceed is nonsense. It will effectively stop nominations and the assessment process, and that is exactly what the honourable member for Oxley wants to achieve. He wants to derail the nomination and assessment processes.

The Minister for the Environment, who is in the Chamber, should hang his head in shame that he has not fought hard enough against the honourable member for Oxley and his National Party colleagues in the Cabinet to stop this bill coming before the House today. The assessment of a piece of land does not mean that it will automatically become part of a wilderness area. I am glad the honourable member for Monaro has joined us. Now we have the loudest trio of protesters on behalf of rural constituents who are concerned about the Wilderness Act. When I reply to those who have written to me about this issue I will be able to say that when the bill was debated the honourable member for Monaro, the honourable member for Coffs Harbour and the honourable member for Oxley were in the Chamber supporting the cause loudly and strongly - not particularly articulately, but loudly and strongly.

Though people in rural areas where assessments are occurring have fears that their livelihoods will be destroyed by the operation of the Wilderness Act - and the bill is in part a response by the honourable

member for Oxley to lessen some of their concerns - it is obvious that many of their concerns are unfounded. I should like to refer to an article that Anne Susskind wrote in the *Sydney Morning Herald* last August called, "The Battle for the New South Wales Wilderness". She obviously attended a public meeting held at about that time in the Kempsey RSL club when about 500 people - mostly farmers, but including some timber workers - heard the Minister for the Environment, Mr Hartcher, talk about the Wilderness Act and the concerns that had been expressed about it. It must have been an interesting meeting, and I wish I had had the opportunity to attend it. I am sure the Minister enjoyed himself on that occasion.

Mr Fraser: The honourable member was invited.

Ms ALLAN: I know I was invited. I just wish I had had the opportunity to attend. It was interesting because obviously the Minister should have been able to convince the audience that their concerns were unfounded. One concern related to the forced resumption of land that rural landholders in New South Wales would face as soon as a nomination was made by local conservationists or by local members of the community to the National Parks and Wildlife Service. There is no justification for that concern. Forced resumptions are not part of the New South Wales wilderness legislation. The legislation clearly states that the consent of a landowner is necessary for a wilderness declaration. It may not be needed for a wilderness consent process to occur, but it is certainly needed for the declaration.

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Landholders may decide to keep their farms, they may decide to sell them, their children may still inherit them, or eventually they may choose to sell them to the Government at market value. Of course, that still does not satisfy these people who are so angry. They believe that so long as there is a consent process and they do not have the opportunity to veto it, so long as even an assessment of their land is taking place, their land value will automatically disappear. For example, Mr Keith Butler - who should know better; he is not only a farmer, he is also chairman of the Kempsey branch of the National Party - is quoted in the article as having said:

> Anyone can nominate my land for wilderness and in the meantime it is unsaleable.

What a gigantic leap in logic! He continued:

> It ties me in. I am in emotional pain.

I am almost in emotional pain reading it. He said:

> Private people can affect my land. Any hobo, any communist who does not believe in property rights.

That is a ludicrous statement for Mr Butler to make but it is, unfortunately, a very typical example, and it is representative of the views of many people who are protesting about the current Wilderness Act, and who have driven the honourable member for Oxley to introduce this bill. The legislation does not take into account that there are already safeguards. Even if there were some renegade members of the Government or the National Parks and Wildlife Service who want to force farmers off their land - and I do not believe for one moment that those people exist - there are already safeguards, not only within the Wilderness Act, for those people to have their interests protected. There are other safeguards. For example, the just terms legislation - the honourable member for Murwillumbah mentioned it earlier - which was supported by the Government last year, ensures that landholders have nothing to fear from government agencies that assess their land.

The proposed legislation is founded on the dishonest notion that the rights of private property owners are being infringed by the Wilderness Act. Their dreams might have become more colourful since 1987 when the Wilderness Act was introduced, but the reality for them has not changed. Nothing could be further

from the truth than the suggestion that the New South Wales Wilderness Act has really caused genuine pain to those people. Many of them are in pain. It has had a lot to do with the economic condition that exists in this country today, and the drought, but it is not caused by the New South Wales Wilderness Act. That Act has no acquisition powers, and it takes into account the concerns of landholders. I wish many of the people concerned would stop writing some of the letters they write, and actually sit down and read the Wilderness Act. They might then understand what is going on.

Last year the Government introduced the natural resources package to expedite assessment of land, yet the Government has now introduced legislation designed to prevent assessment, and stifle the assessment of areas for their wilderness and resource value. Many conservationists perceive this legislation as an indication of future government policy, which they believe will allow public agencies such as the Forestry Commission, the Department of Housing and the Department of Conservation and Land Management and others to veto assessment in order to prevent the assessment of land. If Cabinet maintains its decision to support the proposed legislation, I believe those fears of conservationists are well founded. As I have said before, this is the beginning of a stealthy process to undermine the Wilderness Act.

[*Interruption*]

The honourable member for Oxley and the honourable member for Coffs Harbour claim that what I am saying is a lie and a nonsense. They should refresh their memories about what they probably said at the Kempsey RSL club on that occasion when they were faced with the raging masses. The honourable member for Oxley is quoted as having said on 24th August, 1992, that he wishes to make several amendments to the Wilderness Act. I doubt very much whether this is the end of the story. A series of these amendments will be moved. The honourable member has already referred to a number of amendments - about which I propose to speak briefly - and he has indicated that he has the support of the New South Wales Farmers Federation for those amendments. The obvious priority for the honourable member was the amendment that is included in this bill.

But there were other amendments. For example, the honourable member for Oxley said that nominators of an assessment should lodge an amount of money - in this case $10,000 - in a trust fund, and that any nomination should include an economic and social impact statement, with the cost to be borne by the applicant. At that time Anne Susskind, writing in the *Sydney Morning Herald*, suggested that he was unlikely to be successful. The honourable member was certainly unsuccessful at that time with that amendment but, at the same time, he was successful with this amendment.

There is genuine concern, and I believe some evidence, that the conservationists feel that this bill will be only the first of a series of small bills to come before the House and that public relations exercises will be conducted. The honourable member for Oxley believes, probably quite genuinely, that the bill will not undermine the Wilderness Act. He believes that, but that is no good if the reality is something completely different. The honourable member believes this is a minor piece of legislation. It is not a minor bill, it is a major bill in terms of its impact on the Wilderness Act. And if it is the beginning of a series of amendments to the Wilderness Act, the accumulated impact - and I am addressing my comments to the Minister for the Environment in particular - will be that the whole purpose, intent and spirit of the Wilderness Act of 1987 will be destroyed.

That is probably something that the honourable member for Oxley and the honourable member for Coffs Harbour and others would welcome, but the majority of people in New South Wales would not. In fact, the opposite is the case. The people want more wilderness to be protected. They have been very disappointed by the performance of the Greiner-Fahey Government since 1988. Only a handful of new wilderness areas has been declared, both by the former Minister for the Environment and the current Minister for the Environment, despite the growing weight of evidence that has been presented to them by the National Parks and Wildlife Service, in particular, that a number of areas within the State are worthy of protection and

declaration as wilderness areas.

The Government - and in particular the former Minister for the Environment and the present Minister for the Environment - are not prepared to take on their National Party Ministers in Cabinet and insist that, for the overall well-being of this State, we need more wilderness, not less wilderness. There needs to be more efficient administration of the Wilderness Act, the Act needs to be fully resourced, and a proper contribution has to be made by the New South Wales Government, to ensure that a national wilderness directory is completed. The New South Wales Government should not be dragging the chain in relation to the protection of the wilderness and of bio-diversity generally.

The Opposition cannot support this legislation. It knows what the legislation is really about. It is about the erosion of the New South Wales Wilderness Act. The Opposition is committed to a strong Wilderness Act, and when we return to government one thing is absolutely definite: the Wilderness Act will be properly administered. In the long-term future honourable members will not be dragging the chain as has been occurring.

Madam DEPUTY-SPEAKER: Order! I call the honourable member for Monaro to order.

Ms ALLAN: With a great deal of respect to the honourable member for Oxley - because I believe that generally speaking he is endeavouring to appease the heartfelt concerns of a number of people in his electorate, who I believe are unfortunately misguided on this issue - the Opposition cannot support the legislation.

Mr FRASER (Coffs Harbour) [10.9]: Talk about drivel, rot and nonsense! That is what honourable members have just heard. The Labor Party has said it will not support the legislation, and yet the Opposition brought the bill back before the House. The Opposition allowed it to come back in. This debate is about property rights. We are not talking about massive changes and ideological arguments, such as those raised by the honourable member for Blacktown; we are talking about putting up-front what already is in legislation. At present a farmer whose land has been nominated for wilderness - by an individual who is more than likely unemployed or unemployable - has to endure a blight on his land for two years or more.

Mr Jeffery: It could go on and on.

Mr FRASER: As the honourable member for Oxley said, it could go on and on. What normally happens with wilderness applications is that the land is nominated, it is knocked back, and the nomination is revived in some other form, as happened at Washpool and many other areas on the North Coast. We are talking about giving private property-owners - and that is what this country is all about, the right to own property - the opportunity to say up-front, "No, I do not want my land nominated. No, I do not want a blight placed on my land. And no, I do not want the Government to unnecessarily spend hundreds of thousands of dollars assessing a wilderness nomination on property that is owned by me, the farmer, when I will not allow it to be nominated". The honourable member for Blacktown said she wants more money spent on wilderness. Hundreds of thousands of dollars are being absolutely wasted on present nominations; the Opposition knows full well that property-owners will not accede to many nominations, they will not agree with it, they do not want to agree with it. In the meantime the farmer's livelihood is affected because of that nomination.

It is an absolute nonsense, it is a waste of government money, it is a waste of the farmers' time, and it is a waste of the National Parks and Wildlife Service's time, which could be better spent in ridding national parks of noxious weeds and feral animals and in preserving the pristine state of national parks. The national parks in the Coffs Harbour electorate are beautiful, but slowly and surely feral cats are invading them and killing off all the wildlife. Who is being blamed? The farmer, of course; it would not be the feral animals. The parks are also being overrun by noxious weeds.

The honourable member for Blacktown said that she had an invitation to attend a meeting in Kempsey last year, which I attended. The meeting was also attended by 500-odd farmers who said, "We have a blight

on our land and it is not one that can be handled under just terms compensation. As soon as our land is declared a wilderness area, we will not be allowed to farm it". The basic wilderness argument is that when an area is declared a wilderness it cannot be entered and you cannot walk in it.

Mr Jeffery: You cannot ride a horse in lands declared a wilderness area.

Mr FRASER: As the honourable member for Oxley said, you cannot ride a horse in lands declared a wilderness area. The environment centre in Kempsey supports this legislation. The honourable member for Blacktown is not listening to the electorate, she is not hearing their concerns.

Mr Jeffery: What about the national horse trail?

Mr FRASER: The national horse trail, as mentioned by the honourable member for Oxley, effectively will be closed - it is in the current nomination - and no one will be allowed to use it. Before one of the parliamentary committees on which

I sat - Dr Macdonald's Forestry (Amendment) Bill committee - Tom McLoughlin from the Wilderness Society gave evidence under oath that as far as he was concerned, if an Aborigine wished to go back and live a hunting and gathering lifestyle in the wilderness on any land nominated for wilderness, even if it were traditional land, he or she would not be allowed to enter it. Is that what we are trying to do? This bill endeavours to give relief to the private landholder. We want to say, "You do not have to worry about it. In this country and in this State you have a right to actually deny someone nominating your land as a wilderness area". On 14th April in the *Coffs Harbour Advocate* Mr Anthony Too, a spokesman for the Armidale Wilderness Society, said:

> The areas identified as wilderness by the NPWS include 2116 hectares of private land, which represents only four per cent of the total wilderness area.

Mr Jeffery: In Sydney how many house blocks would that be?

Mr FRASER: In Sydney that equates to 21,160 house blocks. If a wilderness area were nominated across an area of 21,160 house blocks in Sydney the honourable member for Blacktown would say, "You cannot do it. Look after my people. They are on my doorstep. They are not able to mow their lawn, they might kill a cricket. They are not allowed to live in their own house because the land has been declared a wilderness area". That is the effect of the wilderness legislation. The environment centre on the North Coast is saying, "There are only 2,116 hectares". Good Lord!

Relate that back to city versus country. If that were to happen in a city area it would affect at least 60,000 people; but the honourable member for Blacktown does not want to worry about anything in the country because only 500 farmers and forestry workers attended the meeting at Kempsey. Those 500 people gave up a day's work; that is how important this issue is to them. Members of the environmental movement did not give up a day's work, because they are either employed by the environment centre or the Government as recipients of social security benefits. Yet 500 people gave up a day's work. That equates to 500 days, almost two years of lost productivity; that is how important this issue is to them. However, the honourable member for Blacktown and members opposite say they will not support this legislation. Section 10(2) of the Wilderness Act 1987 says:

> (2) The Minister shall not enter into a wilderness protection agreement relating to land or an agreement varying such an agreement unless:
>
> (a) where the land is subject to a residential tenancy agreement or other lease, the tenant or the lessee has consented in writing to the agreement; and

The Government is asking that this proviso be put up-front so that the owner or the lessee of that land can

say, "No, I want to farm my land. I do not want it locked up as wilderness. I do not want you, as the Government, to waste hundreds of thousands of dollars assessing it, because that would be a waste. You would be better off giving those hundreds of thousands of dollars to those poor beggars up in Queensland and northern New South Wales whose sheep are dying and who are trying to manage. They cannot get the dole; they cannot get assistance from any government". The Government is prepared to hand out money for the National Parks and Wildlife Service to assess something that will never be declared wilderness but it cannot help the farmers. However, we can hinder the farmers - let us belt them. What will happen in the long run when so much land in this country has been locked up? We will blight it so much that no one will be able to buy a loaf of bread because there will be nowhere to grow the wheat to make the flour and no one could have meat on the bread anyway because there will be nowhere to graze the cattle.

Ms Allan: The honourable member for Coffs Harbour could become a vegetarian.

Mr FRASER: The honourable member for Blacktown suggested that I could become a vegetarian - that is the mentality of the Opposition. What does the honourable member for Blacktown suggest that we all eat - platypus and long footed potoroos? That is the direction in which we are heading: we will have no land available to produce anything. The situation has been reached where ordinary, average Australian people are not allowed to carry out their ordinary work because of a minority wanting something that is not theirs. It is a communist-socialist philosophy that says, "It is yours. We want it for the public good but we will not pay you for it. While we are trying to get it we will tie it up so you cannot produce from it". It is a pathetic attitude. The cost to the Government and to the community of assessing these areas is incredible, yet the Opposition is not worried about it.

We have spoken about leasehold land and I have heard some suggestions from certain quarters that this legislation will be accepted for private land but that leasehold land should not be included because leaseholders do not really own the land. All Western Lands Division land is held under perpetual lease, and is as good as freehold land. If we allow wilderness nominations to lock up our leased land we stop the hard-working people who have been on the land for hundreds of years from producing for this country. It has often been said that New South Wales and Australia ride on the sheep's back. That arose from the hard work of people on land held under perpetual lease.

This legislation must be passed. More than 4,000 people signed a petition because they want more; they want the nominees of wilderness to pay for the loss of their livelihood. I think that is fair. This is a compromise on behalf of the honourable member for Oxley and on behalf of the people in my electorate. All we are saying is, "Give them a fair go". They should be given the opportunity to run their lives on their own land, the land on which they have worked their guts out, on which they have produced for years. It has been done for generations.

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They should be given the security and the opportunity to continue their lives unhindered, to continue to produce for this country as they have done for generations. For Opposition members to say that they will not support this legislation is an act of hypocrisy, an irresponsible act. The present legislation stipulates that when land is nominated, if the private landholder - and I emphasise "private" - says he does not want the nomination, it will not be approved by the Minister. I suggest that nominations currently before the Minister should be examined closely. They are now outside the terms of the Act. The Act specifically states that buffer zones will not be permitted in wilderness nominations. [*Extension of time agreed to*.]

Not only is private land included in the current nominations, but also buffer zones, which also affect private land. The owner of the land nominated and adjoining landholders are affected. Those nominations are outside the terms of the Act and it is about time that people who wish to nominate wilderness areas are told that their nominations will not be accepted unless they comply with the Act. The time of government employees and the taxpayers' money are wasted assessing nominations that are outside the Act and therefore cannot be accepted by the Minister or by this Government.

This legislation will prevent people making such nominations, and that is what worries the honourable member for Blacktown and other Opposition members. These Macquarie Street capitalists want equal rights for all, except they want to be a little more equal than others. Mr Keating, who owns a pig farm, is into capitalism in a big way, but when I read his manifesto for equalisation of income I do not see him profit-sharing with the workers on his pig farm. The communist Labor socialist philosophy says, "Chris Hartcher, Minister for the Environment, we are going to nominate your property for wilderness and you will have no right to inhabit your own home. You will not be permitted to enjoy your own private asset".

Out of pure cussedness I might nominate the Royal Botanic Gardens, the Domain, or the electorate of the honourable member for Blacktown - 21,160 blocks which house some 60,000 people. I wonder what her attitude would be then. She would say, "You cannot do this to my constituents". As I said before, if such nominations are accepted by the Minister, those people will have no recourse to compensation. The Just Terms Compensation Act does not cover that aspect. If a road reserve, or a powerline, or any other government structure nominated by government for the public good runs through a property, they are covered by just terms compensation.

Under the current wilderness legislation people, such as the fellow reported in the *Daily Telegraph Mirror* not so long ago as admitting to being a professional protester, can travel around the country and turn up on anyone's backdoor and say, "I intend to nominate your property as wilderness". If that happens and the Minister accepts his nomination, there will be no compensation. It is not done for the public good. It is done by a individual with the agreement of a Minister of the Crown. Private property rights are what we are on about - what all good governments should be on about.

We are a democratic nation. I tend to think that today we are so democratic that the rights of the minority are put before the rights of the majority. It is sad to see a great nation such as Australia, which has the potential to go so far, being limited by minority groups day in and day out. The needs of the people must be met, but we should not rule in favour of a minority if it affects the majority. The current nominations affect 500 landholders - 2,116 hectares of private land. That is disgusting. It is disgraceful.

People in my electorate will not accept the nominations and cannot be expected to accept them. They have worked hard for many years, supporting themselves, their families and this country. They should be allowed to continue to work to meet their aim and ideal: the work ethic of which this country has been so proud for many years. This legislation will give them the right to continue to do that without having their properties or livelihood blighted and without having their families put under undue stress, not knowing from one day to the next whether they will be able to continue their way of life on the land that they have worked for. This legislation will give them the right to continue. It will take away that pressure and it will not affect wilderness, because wilderness areas may still be nominated.

Mr Cochran: Unnecessary pressure.

Mr FRASER: It will take away that unnecessary pressure, as the honourable for Monaro said. I believe that this House should support the legislation. Labor Party members should not hide their heads as the honourable member for Blacktown has. She did not have enough guts to come to Kempsey and talk to the people affected. I am pleased to see in the gallery today the Chief Executive Officer of the Forest Products Association, Colin Dorber. He has now seen the Labor Party attitude. He will tell the workers of this State, the people he represents, that the Labor Party does not represent them, does not stand up for their rights, and will not support a good piece of legislation put forward by a member who has the support of his electorate, the support of his party and the support of New South Wales in protecting people's private rights. I support the bill.

Mr COCHRAN (Monaro) [10.29]: I support the honourable member for Oxley's bill. I commend him for his courage and tenacity in pursuing this legislation against some adversity. Doubtless he is an example of the type of courageous member we need, who pursues issues in which he firmly believes. The honourable

member for Oxley should be commended for being prepared to pursue his principles. I believe that he has the unequivocal support of his electorate. Having witnessed the meeting that took place at Kempsey, I can tell the House that the comments of
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the honourable member for Oxley represent the views of landholders in the electorate of Oxley, and no doubt in many other areas across New South Wales, who are fearful about the future of freehold land rights in this State. Their fear is that some government - not so much this Government but a future Labor government - will, as the honourable member for Blacktown has said, pursue the Wilderness Act to the nth degree and further threaten the freehold rights of landholders in this State.

I contend that this bill does not go far enough; in fact, I am disappointed that it is not a repeal bill. Many freehold landholders are fearful of their land rights and would agree that the bill is unnecessary; that wilderness areas can be and have been declared under the National Parks and Wildlife Act; that the wilderness areas that have been nominated under that Act are still in existence in the State, though some have been converted under the current Wilderness Act, which was introduced by the former Minister for the Environment; and that the current Wilderness Act is an imposition of the worst type on the freehold rights of landholders in the State.

I want to set aside the emotion that surrounds this issue as far as landholders are concerned. I want to set aside the community animosity and the record of the meetings which were held and attended by several hundred people and the honourable member for Burrinjuck and myself at Adaminaby, at Tumut, where a large number of people attended, and at Kempsey, which I attended with the honourable member for Oxley, and get down to the nitty-gritty of this amending legislation and what it seeks to achieve. It should behove every member of the House, including those on the Opposition benches, to read and absorb the explanatory note to the bill.

The explanatory note states that the proposed Act modifies the procedure the director must follow when considering land, whether in response to a proposal or by way of an investigation instigated by the director. The procedure is modified by requiring that the consent of any owner, lessee, mortgagee or chargee of the land must be given prior to the land being assessed for wilderness. That is the nub of the issue - the landholder has the right, in any event, to refuse the nomination. One could not help but wonder why it would be necessary for the assessment to take place prior to the landholder making that statement as to whether he agreed to the wilderness proposal. That is the nub of the entire issue.

This amendment provides an opportunity for the National Parks and Wildlife Service - in fact, the taxpayers of New South Wales - to save a dollar. It avoids the necessity of the assessment taking place and the landholder subsequently saying to the National Parks and Wildlife Service, "No, I do not agree with the nomination of this land as wilderness". It should be common sense to the Opposition to protect that fundamental right of the landholder to make that decision and to state his or her case prior to the assessment taking place. Under the current Wilderness Act that does not happen. The Opposition has put the cart before the horse. This sort of legislation was put through by the Labor Party in 1987 - I must say, against my wishes and no doubt against the wishes of many of the constituents of my electorate. Had I been here I would have voted against it.

The current Wilderness Act is very much the same as the endangered fauna legislation, which was approved by the Labor Party. That legislation is costing the timber industry in southern New South Wales jobs and productivity. It is the same type of inane legislation which gives no consideration whatsoever to the working people of New South Wales. I claimed on 5th March last year, when 5,000 timber workers were demonstrating in Macquarie Street, that the National Party is now the representative of the working people of New South Wales. Members opposite have lost the plot. The National Party is representing the working people of New South Wales, not the Labor Party. Poor old Paul Keating and Bob Hawke led the people up the garden path. They are now up the creek without a paddle.

The Labor Party has lost it and the National Party has taken over representation of the working people

of New South Wales. The Opposition spokesperson for the environment did not have the courage to go up to Kempsey and face the working people of New South Wales. When the honourable member for Moorebank takes over the shadow portfolio of the honourable member for Blacktown we will see whether he has the courage to go up there because she will not last long - she is starting to fail, just like the Leader of the Opposition. The honourable member for Liverpool is waiting in the wings; he will have him before long. The basic right to own a piece of Australia is being contravened by the Wilderness Act. The right to own a piece of Australia carries with it some responsibilities. We do not deny those responsibilities.

Landholders are required to manage their piece of earth, and to protect the wildlife and river systems on it, so that eventually that land can be passed on in a better condition than it was when the current landholders inherited or bought it. I admit that in many cases that has not been the case in the past. Education of the people of Australia through the environment movement has no doubt had significant benefits for the environmental considerations of this country. But the rights of the landholders of New South Wales to own and occupy their freehold land unhindered by legislation such as the Wilderness Act should be preserved. Such legislation should not preclude those people from owning and managing that land in the best interests of all Australians.

The landholders of New South Wales, through a process of time and evolution, have been educated to better manage their land. We accept that. But they must decide how the land is managed and occupied. The current Wilderness Act denies them that right. In the final analysis, the rights of the freehold landholder in this country are sacrosanct - and so they should be.
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This amendment simply provides an opportunity to protect that right. We all know that freehold land purchased by and owned by an individual is registered. To the owner - or to the bank which has a mortgage against the title - that land represents a security against which the owner can borrow. It is an asset that the landholder can hand on to subsequent generations. The ownership right is tangible. The Wilderness Act threatens that right. When a wilderness nomination is placed upon that land by a third party - it does not have to be a landholder; it can be a man of straw or any person off the street - the mortgage value, the right the landholder has, is eroded because a blight is created upon that land.

Members opposite who do not believe what I am saying should listen to the views of owners of land adjoining areas nominated for wilderness. They know that a blight has been placed on their land. I have been made aware of cases of North Coast property owners who are unable to sell their land simply because a wilderness nomination has been placed on adjoining land. In fact, landholders say that a wilderness nomination not only affects the value of adjoining land but also erodes land values in a whole district. The Act, introduced in 1987 by the current Leader of the Opposition, provides that private land may be assessed prior to landholders giving consent. That is the nub of the issue. The cost of that assessment is borne by the taxpayers, not by the person who proposes a wilderness nomination. [*Extension of time agreed to.*]

The National Parks and Wildlife Service, not the proposer of a wilderness nomination, bears the cost of assessment. Money spent on an assessment - which could subsequently be defeated - should be put towards providing better facilities in national parks so that taxpayers may reap the benefits. That money would be better spent by the Forestry Commission in controlling wild pigs and dogs and cleaning up noxious weeds. The exorbitant fees charged for entry to national parks could be reduced and the people of New South Wales would benefit. Why should private land be assessed prior to a landholder exercising the right to object? Surely that is a waste of taxpayers' money. I cannot understand why the Opposition would seek to deny residents of New South Wales the opportunity of saving a few dollars and putting them back into the environment.

The bill provides that when a third person - it could be Bill Bloggs from the backblocks - nominates a piece of land for a wilderness area, the National Parks and Wildlife Service can go ahead and make an assessment without having any regard to the views of the private landholder. I contend, as was expressed in the original amendments put forward by the National Party and others throughout this State, that parties such as the Colong Foundation who nominate private land for wilderness should pay a nomination fee

sufficient to cover the cost of assessment. However, I was beaten on that proposal, as was the honourable member for Oxley, and we accepted that.

In 1987 we disagreed but compromised on the Wilderness Act, though I was not here to vote against it. We compromised again when we accepted that it was the view of the broad range of Liberal Party and National Party membership that a nomination fee of $10,000 was not acceptable. We compromised and said that we would go along with that. However, the issue now relates to freehold land rights, that is, the right of a person to say, prior to assessment taking place: "No, I do not want you to come on to my land to make an assessment. I want you to say to the Director of the National Parks and Wildlife Service that I do not want my land to be nominated for a wilderness". That should be the end of the issue, with no cost to the taxpayer or the NPWS but of benefit to everyone.

However, contrary to logic, the Opposition is insisting that the assessment should happen first. That is putting the cart before the horse. Many members on this side of the House have a great love of the wilderness and spend a lot of time out in the bush. In June last year I walked the Kokoda Trail, an area of New Guinea that, kilometre after kilometre, is truly the most superb wilderness. Areas in New South Wales, such as Deua and Wadbilliga, have been preserved in pristine condition for at least 40,000 years since the beginning of human occupation of this country. Those areas have been protected by Australians and do not need to be declared a wilderness. People still have access to them and can still go into and enjoy them.

Mr Schultz: And they use them responsibly.

Mr COCHRAN: People indeed use those areas responsibly, as the honourable member for Burrinjuck says. The efforts of Australian conservationists should not be talked down. We are all conservationists and we love the bush. My greatest recreation is to saddle a horse and ride into the mountains with my children to enjoy the bush. However, the Act passed by the Labor Party denies Australians access to declared wilderness areas. There is no justice in that, nor is there any justice in private land being invaded by those seeking to assess land nominated for wilderness by clowns who live in the bush, who may not have a cent to bless themselves with and who are probably not even on the electoral roll. Private landholders and residents in this State are denied natural justice under the Wilderness Act.

The amendment proposed by the honourable member for Oxley, supported by the Government, should be given credence by the Independents. I appeal to the honourable member for South Coast and to the honourable member for Manly to give serious thought to what the bill seeks to do. The bill seeks to protect the rights of freehold landholders in New South Wales. Regrettably, and sadly, from time to time conflict has arisen in this Chamber over environmental issues. However, the bill is concerned not only with environmental issues. It does not seek to repeal the Act. We are asking the Labor Party - the honourable member for Port Stephens should note

and refer this request to the Leader of the Opposition - to help protect the rights of freehold landowners. We are not asking much. I ask all Government members to put forceful arguments in support of what is a good bill to protect the land rights of the people of New South Wales and provide some equity in a situation which at the moment is completely unbalanced.

Mr CHAPPELL (Northern Tablelands) [10.49]: I have great pleasure in supporting this very simple, mechanical change to a piece of legislation which will achieve a great deal of benefit for both sides of the environmental debate. Let me explain why. This bill is simply about giving people the right that they already have to object to a wilderness proposal at the end of a lengthy and costly process but to bring that objection forward to the beginning of the process. They have that absolute right anyhow. All this proposal does is give them the right to express their opposition to having their private land, be it freehold or leasehold, taken into account at the beginning of the process. The clear consequence of that is that the resources of the department, be they human or financial, will be able to be devoted to what the department is supposed to be doing, which is managing the national parks and the wilderness areas of the State in a more effective and efficient manner.

Why do we inflict up to two years, and more, of pain, heat and conflict at the local level into wilderness declaration when the Wilderness Act gives the landholders the right at the end of the process to say, "Thanks, but no thanks"? There is no logic in that. It is stupid. It is wasteful of resources and it does not help anyone. It distracts all of the mental energy, so much of the commitment of the time and the resources of all types from the real burden, the real responsibility of the community, parliamentarians, bureaucrats, community leaders and affected landholders. We ought to be getting on with the real task of working in sympathy with productive enterprises and the environment. That is the simple import of this proposal, a mere mechanical change to allow an absolute right of veto which presently exists in the legislation, and which may be exercised at the end of the process, to come at the beginning of the process.

Let me quote briefly from a paper that was put forward recently by a very committed environmentalist in my area, Dr Alan Jackson. He is the secretary of the Armidale District Advisory Committee for National Parks. He has spent virtually all his life working vigorously in support of environmental issues. He is a very keen and dedicated supporter of national parks, wilderness and all of the natural environmental factors as we would expect of such a dedicated scientist. He said, "There is growing disenchantment by the public in these recurring, expensive and unproductive episodes of conflict". Why should we have all of this conflict in a situation which does not require it? In fact, it is counterproductive. That quote from a lengthy paper clearly shows that those people who support the best interests of the protection and management of conservation values in the environment are fed up with the unnecessary constant bickering, fighting, heat, conflict and emotion involved in these issues.

Recently in my area a significant statement on the environment was published by the Right Reverend Peter Chiswell, Bishop of Armidale. He has been a dedicated bushwalker and environmentalist all his life. He loves being out in the wilderness areas of the State bushwalking, having his own, as we call it, self-reliant recreation with nature. And what a way that is to spend free time. Would that we could all do that more often. In a covering letter Bishop Chiswell stated:

> It is my perception that human factors are not yet being considered adequately by the Wilderness Society submissions, by the National Parks and Wildlife assessment reports and by much of the current public debate.

That is his clear perception, and I can assure the House that it is very much the perception of most of the community. He went on to say that while walking along sections of the Bicentennial National Trail he had seen significant numbers of wild horses and other animals intruding into wilderness areas and causing conflict.

This problem needs management and ought to be managed. Clearly, it is not being properly managed while our attention is being distracted by the ongoing conflict between the so-called environmentalists and the landholders. Let us get back to the real issues is the substance of what he is saying. The bishop and many others have referred to the wasted resources being devoted to this argument. An example has come to light in respect of one of the national park nomination areas in the New England district. There were 143 responses to the public display of the nomination and 85 of them expressed clear opposition to the Wilderness Society proposals for the dedication of the wilderness area. Eleven expressed clear support. The respondents were private individuals, farmers and graziers, timbergetters, bushwalkers, and organisations such as shire councils, the timber and mining associations, the New South Wales Farmers Association and the Bicentennial National Trail organisation.

All those individuals and groups wrote to say that there was a clear conflict between the notion of imposing wilderness and the rights of people to have reasonable and responsible use and interaction with - and exploitation in the right sense of the word - of the local environment. Of the 143 responses, 85 were clearly opposed, 11 expressed support and the others had specific points to make. To me, that shows that there is an imbalance in the debate. From the public meetings that many of us have had in our electorates - they have been held in Armidale, Glen Innes, Tenterfield and Ebor, with all the community groups coming

together - people are concerned at the impact on their land and land values, the use of their land for recreation purposes and so forth.

There is a clear conflict between nomination as wilderness area and the use of private land, freehold and leasehold. Common sense must be put back into

the situation. The simple and effective way of doing that is to allow landholders, be it of leasehold or freehold land - or forest land as far as I am concerned - the right to say whether that land will be assessed and threatened, if you like, from a perception point of view for nomination as a wilderness area. After all the pain, turmoil and anguish of the proposal landholders are now able to say, "Thanks, but no thanks. We do not want to have a declaration over our land as a wilderness area", but they should have that right at the beginning of the process.

Whether we are talking about the Washpool, or more recently the north Washpool, the Binghi, New England, Werrikimbe, the Macleay Gorges, Mann, Guy Fawkes River National Park or other wilderness proposals - they are all up my way - the reason people are so concerned is the ongoing, constant reaffirmation of the commitment by the Wilderness Society and others to impose their wishes on local landholders and organisations, friendly users of the environment. People are concerned that there will be a continuing war of attrition until the environmentalists have got their way. Many members have been out to public meetings constantly saying that the landholders have rights. But the perception is that the claims keep coming and that the two- to three-year process between nomination and the land being cleared of the threat, if you like, of being declared a wilderness area is a blight on the land. Landholders are concerned about the ongoing and repetitive claims by others who have no proprietorial interest in the land.

All that the landholders are asking for, via this legislation, is to be given a break. The Government should be able to say upfront whether it supports the process and wishes to be perceived to be involved in the process or does not want to be. I am sure the Minister for Conservation and Land Management and Minister for Energy will support me in this matter. I have taken him into my area recently to meet some of those landholders. Many landholders want to sell their land to the National Parks and Wildlife Service for declaration as national parks or wilderness but the Government cannot afford to buy that land. The Government is wasting its resources, not protecting the land, in fighting instead of getting on with the job. Many of the Government's resources, time and energy are tied up in this useless fight and still the Government cannot afford to buy the land that is on offer. That is absurd.

The Government should step back and take the heat out of the problem. The Government should talk to those people who want to raise the matter not in a position of threat, or perceived threat, but clearly one to one. The great majority of these people, 80 to 90 per cent of the local landholders, are quite willing to talk to the Government. They are saying, "Take the threat away from us, take this great weight off our heads and we will come and talk to you". Many landholders are proud to the nth degree that after having had several generations of their family on a particular parcel of land someone is still interested in their land for its wilderness value. That is a recognition of the fact they have treated their land properly over many generations. They are the genuine conservationists. They are saying, "Do not threaten us that you will take it away, do not threaten us that someone whom we have never seen or heard of might impose some restrictions on us from doing what we have been doing all along, which you, as responsible managers of the environment, respect, otherwise you would not be interested in it".

In supporting this legislation I claim that the heat can be taken out of the issue, thus enabling the Government to proceed with genuine supportive dialogue and giving the Government the ability to redirect resources to positive support for important environmental issues. This would be more efficient and certainly less expensive. Certainly, there will be less heat and less trauma for families if they know that they can enter into genuine dialogue with the National Parks and Wildlife Service, with the Minister for the Environment, with a government as a whole - whichever government it happens to be - because there is no threat. The Government should ask these landholders upfront, "Are you interested in negotiating with us for a wilderness management plan over your land?" If the landholders respond to that question affirmatively the Government

should speak to them. If the landholders reply, "No. We want to carry on with the type of management we have had, which you clearly respect otherwise you would not be talking to us about wilderness. Respect our views, leave us alone and let us get on with what we are doing", that is what this legislation is about.

The legislation deserves the support of both sides of the House because it has positive benefits for both the environmental movement and the landholders; it will remove the conflict, heat, anger and anguish and will allow more effective use of the resources of the Minister's department, the National Parks and Wildlife Service. This legislation will allow farmers to deal naturally and normally with the production of their land, in concert with their local national parks and wildlife officer and other people who have responsibilities in environmental management. The legislation will allow farmers to get on with running their productive family enterprises, which in many instances they have been doing for generations.

There is simply no logic in the Act as presently worded in relation to this particular issue. That is not to say we are opposed to every concept of wilderness - of course we are not; many honourable members actively support national parks wilderness areas. We are saying that there is a perceived threat of conflict in the Act as presently worded. This simple mechanical legislative change will take the heat out of the issue, remove the threat and enable people upfront to say, "Thanks but no thanks on this occasion. Go off and talk to someone else but not to us. Do not threaten us with wilderness nominations on this occasion".

Mr ARMSTRONG (Lachlan - Minister for Agriculture and Rural Affairs) [11.4]: I appreciate the opportunity to participate in this debate. This

debate is of particular significance to all members in this place. None of us can claim to be unaffected by the environment and by land ownership in this State. My qualifications, credentials and the reason for speaking in this debate come from my background first as a member of Parliament, second as a practising conservationist for all of my adult life, and third as Minister for Agriculture. Over the years I have had the opportunity to be in charge of and husband a considerable amount of agricultural, semi-urban and urban land in this State.

Mr ACTING-SPEAKER (Mr Hazzard): Order! Is the Minister leading on behalf of the Government?

Mr ARMSTRONG: No. My background supports my claim to have a number of vested interests. First, anyone who lives in country New South Wales is certainly a conservationist at heart. As for the actual aspects of wilderness, some unique areas of countryside in both the urban and rural areas of the State are worthy of continuing preservation. Unfortunately, much of the land of this State during the last couple of hundred years has changed in character from its original native status. The bottom line is that virtually every square metre of every hectare of land in this State has come under the varying effects of weeds and of introduced species of animals such as the red fox, cats, dingoes and dogs. This has changed the balance of the ecology of much of the State.

Over the Easter weekend it was my good fortune to spend three and a half days on a horse ride through the Snowy Mountains going from Talbingo across through Long Plain, out to Oldfields Hut and on to Bluewater Hole, running right out to the head of the Murrumbidgee River. It is quite a feeling to step off the horse and find a small stream in front of you as wide as this desk which, when you step across it, means you are stepping across the commencement of the mighty Murrumbidgee River that runs down through southern New South Wales. This river is the main waterway for the Burrinjuck Dam and further downstream it provides water for the Murrumbidgee Irrigation Area; it is a major economic contributor to our economy and recreation in this State. With those thoughts in mind I believe I can speak with some qualification and certainly a great of personal commitment on this matter.

Mr Nagle: Is that qualification a degree?

Mr ARMSTRONG: The very best qualification, for the basis of my experience is that I have had access to many people with both academic qualifications and practical experience. The bottom line is that if

national park wilderness areas are to achieve the stated objective, that object must be compatible with the needs, wishes and general indications of the majority of the community. Some 18 months ago it was my pleasure to listen to one of Australia's leading reptile experts, Mr Graham Webb, who is a professional adviser on reptilians to the Northern Territory Government. He précised the whole matter of conservation in a manner that was more attractive than anything else I have heard in a long while. He put forward the thought that in Australia, when we find an area of some endangered species or of particular significance in geographic terms or of native bushland, we immediately throw up a fence. We ban people from it and lock in the area and all of the enemies that go with it.

We lock in the cats, dingoes, and important marsupials. The cats kill the birds and we keep out the people. The weeds proliferate, the blackberries choke the tracts of land and St John's Wort proliferates and spreads along the waterways. Considerable areas of land are infested with problem weeds and pest animals. In many other parts of the world when an area of some uniqueness or species of some uniqueness is discovered, commercial funds are raised and a proper management program put into place to ensure that the unique area or species is preserved so that the people can enjoy it in a sensible, proper manner and, most important, that it is managed properly and its enemies are isolated from it.

The great majority of people in this country want to do the right thing. A siege mentality on land management and activity centred on the endangered species works ultimately against that. A commonsense balanced perspective and a harmonious relationship are necessary if the objectives of the majority of the community are to be achieved. The legislation relates very much to the right of the individual to live his or her life in an unfettered, unencumbered manner. At the same time it seeks to ensure that individuals fulfil their community responsibilities. In a very recent survey conducted by political parties and demographers, one or two factors have been consistently evident. Personal security is a major issue. Members of the general public are concerned about being able to walk down the street without seeing blood, about job security and about the right of their children to an education, employment and a decent life.

Obtaining that security involves one fundamental right. That is the right to own, occupy and develop a portion of land - be it a home unit at Ryde, a house block at Newtown, a small farm up the Putty Road, broadacres in the west of New South Wales or one of the more versatile areas on the North Coast. That fundamental right has been traditional in our society since we first arrived on this continent in the late 1700s and settled here in the early 1800s. I acknowledge that certain responsibilities accompany that right, but in no way should the average homeowner, landholder or tenant be deprived of his or her quality of life because of government interference or government decree.

If the concept of the preservation of land and endangered species is to become a reality, a harmonious relationship is necessary. The bottom line is that in recent years there has been a push from some minority sections of the community to try to destabilise the fundamental principles of the right of land ownership and happy occupation. That cannot continue. Confrontation is no good; there must be

co-operation. My constituents, the agriculturalists of New South Wales, have demonstrated historically that they act in co-operation with the majority of the community. They have demonstrated that they excel in the preservation of animal and plant life. In our harsh climate, the traditional farmers of this State have worked in harmony with nature in a way that has been achieved nowhere else in the world.

I said earlier that the bill introduced by the honourable member for Oxley should be supported. In a few simple, straightforward words the bill encompasses the mainline objectives and the mainstream thinking of every commonsense person in this State - be that farmer, housewife, businessman or student. This is one of those occasions when Parliament can be proud that a backbencher has introduced a sensible and acceptable piece of legislation. I welcome it and support fully the principles it embodies. The legislation should now set the cornerstone for the future direction of all State governments in the management of wilderness areas.

Mr RIXON (Lismore) [11.15]: Before I deal with the provisions of the bill I should like to place on the

record my credentials as a conservationist. All my life I have been interested in conservation issues. I live at Upper Eden Creek. To me that name implies many things. Eden Creek is literally a Garden of Eden. It is a great place to live. My family has had a home there for five generations. At various times it has been bought and sold but has come back to the family. All those generations of my family have been involved in farming. In fact, I am probably an aberration. Even though I am still a farmer, I am now also a teacher and a politician. That is rather unusual in my family. Members of my family have been farmers, bullock drivers and timber workers all their lives. They love living in the bush. They love the birds, animals and timber in the bush.

I well remember stories of my uncle, who was a bullock driver in the bush in that part of the world. One part of the bush in my electorate is called Coolgardie merely because many years ago the locals were making fun of the bullock drivers, who were hauling hoop pine, by saying they thought they had found a goldmine. So the locals satirically named as Coolgardie that part of the bush from which the bullock drivers were hauling. As a student I was a member of the Gould League of Bird Lovers. As a teacher I encouraged students to become members of the league. During my honeymoon I enjoyed walking through the bush in Binnaburra National Park. I am now again a farmer in that part of the world in which I grew up. As a child growing up on the farm I never heard a koala. However, because people in the area are taking a continuing interest in conservation issues and because of the way they are managing the area, I now commonly hear koalas at night. There are platypuses in the creeks, echidnas, whip-tail wallabies, red-leg wallabies, and what are referred to as swamp wallabies in greater numbers than ever before.

I have two special interests. One is Australian native orchids. I have worked extensively in that field for many years. I am also greatly interested in Australian insect life. I was best man for Max Moulds, an entomologist and acknowledged world expert on cicadas. I continue to do field collections for him. I have the honour of having caught the type specimen for a species of grass cicada. For the benefit of honourable members who do not know what a type specimen is, it is the first specimen of a particular insect ever caught. It has special significance in the scientific field and is given particular care in private insect collections and in museums. I am proud to have been associated with that.

All I have said simply means that I have a great interest in all conservation issues and I have a real knowledge of them - not a Pitt Street conservationist opinion about what ought to be done, but a knowledgable understanding of what conservation is all about. The bill is not about conservation issues. It is about commonsense procedural management. It is about a plain commonsense approach to the way in which public moneys ought to be spent. Under the Wilderness Act genuine applications are able to be made to have particular sections of country declared wilderness areas. That is as it should be. However, one might ask what now happens further down the track, when such an application relates to private property? The answer is that the Director of National Parks and Wildlife must assess the suitability of that private land to be declared a wilderness area. He will then decide either, yes, it is worthy of classification as a wilderness; or, no, it is not.

After the National Parks and Wildlife Service has spent all that money assessing the situation, it will then approach the owner of the land and say, "Would you like this land to be included as wilderness land?" and the person, who could well be a genuine conservationist and not want outside interference, might say, "No, thank you". All the money spent on that application would be wasted. That is not common sense. What should happen is that the Director of National Parks and Wildlife should approach the owner first and ask, "Would you like us to assist you in having your property declared as a wilderness?" If the owner says yes, the National Parks and Wildlife Service could proceed with the application. If the owner says no, all that money could be saved.

As honourable members well know, in Australia at the moment, because of the recession, there is insufficient funding for anything and especially not enough to look after the national parks that already exist. Any funds that the National Parks and Wildlife Service has need to be spent productively and not wasted. It is just plain common sense. If there is a better procedure than that under which we are operating at the moment, it ought to be adopted. The provisions of this bill are better provisions, better procedures than are

in place.

If we move from the genuine and serious people who really are interested in conservation issues, who are really interested in flora and fauna, we come to

the nut cases, those who are just plain nonsense people and who delight in vexatious applications. They can do a lot of damage in the community, and they have done a lot of damage. In many communities at the moment the words conservationist and greenie are an absolute insult because of the applications made by people with no common sense and no real sense of responsibility.

To be called a greenie or a conservationist in the community ought to be an honour, something to be proud of, but because of vexatious applications the meaning of those two words has changed. In many communities, to be called a greenie is akin to being called a twit, a fool or an idiot, and that is not the way it should be. The proposed legislation will help to give those two words the meaning they ought to have. People should be proud to be called conservationist. This bill will assist in removing the nuisance and vexatious applications. Persons making such applications will know that if they make an application which is not understood it will be refused, and unsettling results will not occur.

I am pleased to see the honourable member for Manly arrive in the Chamber. He did not have time to attend many of the committee meetings he was supposed to have attended. By attending now, he will hear about genuine conservation concerns. He is one of the Pitt Street conservationists to whom I referred earlier, those who do not understand. From what I have seen of the honourable member's applications, he does not really understand what genuine conservation is all about. I am pleased that he is prepared to learn about real conservation issues. Yes, I congratulate the honourable member for coming into the Chamber and at last paying attention to what is really needed out in the bush.

The bill will assist the genuine conservationists to ensure that money is spent where it ought to be spent in the national parks and will remove from the scene those who are damaging the conservation cause. For that reason, I am especially pleased to support the bill. Some in the community do not appear to understand that the vexatious and irresponsible applications by those who claim to be conservationists - not the genuine conservationists but the irresponsible - cause damage in the bush. I know of many instances where people have on their properties items of great interest to the general public, to the National Parks and Wildlife Service, to Aborigines and others but, because of the activities of some, because of the bad name that the irresponsible conservationists have given to the whole conservation issue, those people will tell nobody about the birds, animals, Aboriginal relics or other items on their properties.

For many years I was not prepared to tell anybody that I had koalas on my property, simply because I did not trust some of those irresponsible people. Because they have undermined the faith of many farmers and people in the community in the activities of the National Parks and Wildlife Service, the national parks are not receiving the support and co-operation from the general public which they deserve. That is a tragedy. Every person in the community should be proud to be called conservationist, proud of our national parks and wilderness areas, and should understand how valuable the forest areas are. They should understand that the forests, national parks and wilderness areas provide a variety of resources for the community. But, because of the type of legislation contained in the Wilderness Act, which permitted nuisance, foolish and irresponsible conservationists to make vexatious claims, many in the community are no longer prepared to give to the National Parks and Wildlife Service the support it deserves.

Some members of the community are, in their own way, quietly supporting the conservation issue but because they are not working together and not willing to provide the National Parks and Wildlife Service with the support it deserves - or should deserve, for I must admit that some in that service do not deserve support because they, too, are irresponsible - much that could be done is not being done. I congratulate the honourable member for Oxley for his initiative in bringing forward these sensible and responsible changes to management procedures which will, once again, help to restore the faith of many farmers and many in the community in other conservationists. I also congratulate him for the manner in which he has brought

forward this bill and has sought the co-operation of a wide variety of people within the community. I am pleased to say that I thoroughly support the bill.

Dr MACDONALD (Manly) [11.30]: I join in this debate to add a few points. If this bill proceeds, it will be the end of wilderness nominations in this State. The bill is in breach of the bipartisan agreement reached in 1987 on the future of the Wilderness Act and wilderness nominations. This bill should be rejected for a number of compelling reasons, many but not all of which are described in a joint letter sent recently to members of this House from peak environment groups such as the Wilderness Society, the Total Environment Centre, the National Parks Association of New South Wales, and the Nature Conservation Council of New South Wales.

As the honourable member for Oxley mentioned, this bill requires prior written agreement from Crown leaseholders and freehold landowners or occupiers before the land in which they have an interest can ever be nominated or evaluated for its wilderness qualities under the Act. I say categorically that this is not one of those bills often referred to in cliché terms as containing only administrative changes of little significance or consequence. The honourable member for Oxley said to me that it was not of a great deal of consequence and that it would allow the whole wilderness process to proceed, but my advice and research suggests otherwise. If the bill is passed, it will be an unmitigated disaster for natural heritage protection in New South Wales.

It should be noted that the honourable member for Oxley could not have taken the initial steps to enact this bill today or in the recent past as a result of the Premier's blanket ban on Government members

indulging in private members' bills. What we have is a leftover bill that the Government was not willing to adopt, but it has allowed it to proceed to avoid the retrospective application of that ban. It is significant also that the present form of the Wilderness Act was enacted with the support of both parties in 1987.

This bill has a hint of sour grapes about it, as though the debate on wilderness protection has moved on but the honourable member for Oxley and other members of the National Party have been left behind. The Australian Labor Party, for instance, made a commitment not to vote for a change to the Wilderness Act, and in many ways I believe it would be more appropriate for the Premier to ask the honourable member for Oxley to withdraw his bill. It is a waste of the time of the House. If the Wilderness Act requires any change, it needs strengthening, not weakening, which will be the actual result if this private bill is passed.

Wilderness contains the last substantial remnants of the natural environment substantially free of the impact of modern society and industrial civilisation. It is an area large enough to maintain biological populations and ecosystems. Wilderness can be found in many places - rainforests, eucalypt forests, alpine plains, coastal areas and tropical jungles. It can be used to measure the impact mankind has had on other land and as a storehouse of drugs from many plants and genetic information, protection from drought, flood and salinity, a moderator of the greenhouse effect, a haven for biodiversity, including rare and endangered fauna and, indeed, perhaps most importantly, a place where evolution can continue without intrusion.

Those are not motherhood statements. It is a basic scientific fact that wilderness is a source of clean air and water, soil and food. It is also a place of space, quiet and personal renewal, perhaps something modern society tends to forget. Apart from those profound environmental reasons for protecting the wilderness, there are clear economic benefits of a decision of conservation. On 24th August, 1992, the Minister for the Environment was quoted in the *Sydney Morning Herald* as saying:

> It is widely recognised that [Wilderness areas] do provide valuable ecosystem services by maintaining the quality of air and water, slowing soil erosion, reducing salinity through lowering of the water table, releasing water during drought and slowing run-off during floods - all of which are quite costly to undertake or provide once those natural systems are disrupted.

I commend the Minister for those words. As a result of 200 years of incompatible land use and destruction,

wilderness is becoming even more precious and rare. Obviously an extension of that argument is: the more rare it becomes the more precious it becomes. Only 4.4 per cent of New South Wales remains in a wilderness quality state. Much of it is unprotected and under imminent threat. Half of that area still remains to be nominated, and perhaps it is those areas that would be affected by this bill. They include Wollemi, Yengo in the Blue Mountains and the arid and semi-arid zones of New South Wales.

It is sobering to think that many other countries have lost all their wilderness. So this bill, I would argue, is inappropriate and unnecessary. The current Wilderness Act requires the National Parks and Wildlife Service to advise every Crown leaseholder and freehold landowner or other occupiers of any wilderness nomination covering the same land. Already it is a compulsory requirement for the Government to obtain written agreement from those people before any land can be officially declared protected as wilderness. Any land nominated under the Act is professionally assessed by the service, including a public participation process. There have never been any irresponsible or vexatious nominations of land under the Wilderness Act by any of the peak environment groups or, to my knowledge, by anyone else. I have heard no evidence of that from coalition members.

The case in point is the wilderness assessment report for Barrington Tops wilderness on the extreme southeast of the Northern Tablelands for which the executive summary was released as recently as yesterday. I understand that that detailed and professional report vindicates the nomination of that area by the Wilderness Society. Where is the evidence of vexatious nominations? Perhaps this bill is motivated by an irrational fear that the present wilderness legislation threatens private property. The present legislation has no power of acquisition of private land and takes account of landholders' concerns through consultation.

Another back-up is that the just terms legislation, passed last year, reinforces the security of private property rights. The bill also has the effect of improperly blocking future wilderness assessments by front-ending the requirement for that written consent. For instance, environment groups will not have the resources to approach all those leaseholders or freehold landowners within the nomination area or to undertake the necessary lengthy consultation. Blocking wilderness assessment runs contrary to the interests of the New South Wales community as a whole, which is the right to be informed of the conservation heritage of New South Wales.

Another criticism of the bill - and it is a parallel with what happens in cities and particularly in local government areas - is that it is inconsistent with current planning practices. For instance at the commencement to the local environmental plan process, all public nominations for National Estate listing do not require the prior agreement of Crown leasehold or freehold landowners. Members who have been involved in local government would know that. LEPs are prepared without the agreement necessarily of those who might be affected. However, once they have been prepared, LEPs go through due processes of public consultation, as happens at present with wilderness nominations.

The bill is also contrary to existing precedents set by many existing national parks that partly protect key wilderness areas and were once largely leasehold, for example the Oxley Wild Rivers National Park and

the Guy Fawkes National Park. The bill would also have the effect of subverting community support for New South Wales wilderness protection processes under the current Act. In 1992 the National Parks and Wildlife Service completed a successful public consultation process. About 2,000 letters were received for each of the 10 New South Wales wilderness areas. To this date, at least 75 per cent of those submissions - probably more - were in favour of wilderness protection. The bill threatens to hamper the operation of the existing legislation, which has widespread community support. There is also a serious possibility that reactionary elements within the Parliament will attempt to subvert the operation of the Wilderness Act by introducing draconian amendments to the bill, such as the $20,000 wilderness nomination fee that has been publicly canvassed by proponents of this bill.

Mr Jeffery: No!

Dr MACDONALD: The honourable member for Oxley can deny that if he wishes, but it is the truth. The urgent need for wilderness protection in New South Wales, chiefly by wilderness declarations under the Act, should be our main priority in this debate. The remaining few wilderness areas in New South Wales are under severe threat. The effects of logging, roadworks, communication towers, excessive bushfire control and Crown land sales are rapidly reducing the quality and area of the few potential wilderness areas left. I strongly believe that this is not the time to loan unnecessary legislative impediments on the wilderness declaration process. Only about 1.5 per cent of New South Wales is dedicated under the Wilderness Act; only 4.4 per cent of New South Wales retains its wilderness quality -

Mr Schultz: Did Geoff write that for you?

Dr MACDONALD: I got my statistics from the Total Environment Centre; I do not deny that. Only 4.9 per cent of New South Wales is dedicated as national park, yet national parks and wilderness areas are the only parts of New South Wales that the public really own - they are the only areas we can hand on to successive generations to show the beauty and complexity of our natural land. I urge the House to reject this bill.

Mr WINDSOR (Tamworth) [11.42]: Before speaking to this bill today a number of honourable members have given their conservation credentials. I have credentials as a practising conservationist. I have been in distinct disagreement with some of the extreme environmentalism that is evident on both sides of the House on occasion. As a practising farmer I am obviously a conservationist because my land is my livelihood and that of my children. I am possibly the longest performing operator of reduced tillage in Australia in relation to the self-mulching black soils. For a number of years I have been involved in extending that technology. I represented Australia some years ago - I think in 1987 - as a delegate to a farm management conference in Kenya on the extension of the boundaries of dry land farming and the techniques necessary to conserve a basic resource as well as extend the yield potential of those lands.

I was also a member of an advisory panel to the former Minister for Agriculture, Mr Jack Hallam, in relation to the formation of a total catchment management and integrated catchment management concept, which eventually was introduced in New South Wales. I was a member of the inaugural north-northwest total catchment management committee. As most honourable members would know, I attacked the natural resource management strategy of the Government on the formation of the Department of Conservation and Land Management, and I will continue to attack the Government's mismanagement of the State's soil and water resources. The Government and, to a certain extent, the Opposition are not addressing that important environmental matter as closely as they should.

Wilderness means different things to different people, irrespective of what the Wilderness Act says. There are a great many things that honourable members should be doing environmentally, and I am not one who would suggest that we act only in a negative way and keep the environmentalists at bay. We should not do that; we should conduct a campaign against the extremists who have invaded the minds of some honourable members. A disappointing, but obvious, example of that was the speech the honourable member for Manly made a couple of minutes ago. He discussed wilderness, what the bill is all about and the insidious attempts to undermine some precious environmental areas. The rubbish he put up, from a rather ignorant stance, was quite distressing. It highlighted to me the difference in recognition of environmental problems between city members of Parliament and country-based members of Parliament.

Over and above that, it distresses me that the honourable member for Manly - who, to my knowledge, does not have a wilderness nomination within his electorate - speaks with great authority on land in the electorates of other people. I, for one, have two nomination areas in my electorate, one being Werrikimbe and the other Oxley Wild Rivers. On numerous occasions I have invited the honourable member for Manly, the honourable member for Bligh and the honourable member for South Coast to come and look at those areas. I have promised them a free weekend so that they can make an assessment for themselves and, most importantly, talk to the people who are involved in those areas - the people who own the land, the people who, rightly or wrongly, feel the impact of the Government's legislation or the potential amendments of

legislation.

A number of issues have to be addressed in this debate; some have been addressed quite well. One issue is that of rights. The word rights has a different meaning to different people. Another issue is the blight that is caused by the Wilderness Act and the nomination of certain areas, the assessment process of the National Parks and Wildlife Service and the delay that often occurs in assessment. The effect of the blight on individuals is important. The number of people affected by blight is not enormous, and it distresses me that the Labor Party - which purports to

represent and defend the individual - is not addressing the real meaning of the bill. It is not an insidious attempt to undermine the wilderness area and suddenly let half-crazed bike riders destroy our biosystems and environmental beauty spots.

Blight is an important issue. The important philosophical division artificially created not only in this Parliament but in other Parliaments as well may help to explain the attitude of the Labor Party and, for that matter, some members of the Government to the bill. It will be interesting to assess the voting pattern of the other Independents when this bill comes to a division. That is what this debate is about. It is not about the land and the people that it should be about, but about the philosophical division created in this place to produce ongoing conflict at election time and a choice for the people of the community. On coming into this place I remember making the point in my maiden speech - and some people would suggest that I am not a real Independent but something else -

Mr Beckroge: The Independents think that, anyway.

Mr WINDSOR: They do. The honourable member for Broken Hill is quite right. I will be interested to see how the honourable member for Broken Hill - one of the few country-based Labor members in this place - votes at the end of the second reading debate on this environmental bill. The philosophical approach to the environmental debate could continue to be at risk over time. I have encouraged many members not to forget or walk away from their philosophical leanings towards the needs of people, the economy and the environment. The environment is too important to be dealt with solely as a political issue. It would be a great shame if the city and country, solely for political reasons, became divided on the environment rather than attempting to address the issues. For a number of years I have been concerned about how wilderness nominations are made under the Wilderness Act. Since I became a member of this House a series of meetings have been held in the Tamworth electorate with Mr Tim Moore, the former Minister for the Environment, Mr Chris Hartcher, the current Minister for the Environment, and other members of Parliament in an endeavour to examine the Wilderness Act and its impact on people living in those areas. I am pleased that both Ministers took the time to visit the electorate.

Last year I also attended a meeting at Kempsey organised by the honourable member for Oxley. The Minister for the Environment, in addressing that meeting, alleviated the fears of landholders about the impact of the Wilderness Act on private lands held in leasehold or freehold. I thank the Minister for alleviating those fears. The bill is merely an extension of what the Minister said on that occasion. The measure will alleviate the fears of landholders at the start of the assessment process rather than at the end. The bill will not have a significant impact on the thrust of the Wilderness Act or those who want to protect the environment, but it will help those who, rightly or wrongly, have a feeling that their land has a blight on it during the assessment process.

I wish to put this matter into perspective. The bill provides that a landholder who is not interested in having his land classed as a wilderness area may express that view at the start of the assessment process rather than after a two-year assessment period, as provided by the Act. The measure will not significantly impact on the areas of land that may eventually end up being declared wilderness areas. The honourable member for Manly was quite off line in suggesting that it would have an impact in that way. Under the Act, land held by those who object to it being included in a wilderness area will not be included. The bill is about the rights of individuals, and about the impact of wilderness nomination on the emotional and financial state

of landholders, and on their securities and the borrowings that may be obtained from the banking system while an assessment is taking place.

It would be difficult to find a bank saying that it is reluctant to make further advances to a landholder because land is being assessed for wilderness purposes. Any banker would be crazy to say that. However, in its decision-making process a financial institution - and I can give instances of this - examines a loan applicant's funding options, which may be affected by the blight of a wilderness nomination on the applicant's land. Most members who have spoken against the proposed legislation are city people and would not understand those difficulties because they have not lived through them. I suggest they should talk to the people affected by Split Rock Dam. Though that dam is not in a wilderness area or of environmental concern, the same principles and impact on landholders apply. The Government introduced just terms legislation to take care of that problem, and I supported it. The bill addresses in just terms the rights of those affected by the current assessment process and the consequent impact on their ability to borrow, sell, develop and improve their land. [*Extension of time agreed to*.]

Any person has a right to nominate an area of land for wilderness dedication. Though at times I become distressed about the manner in which nominations have been made, I do not argue against the right to nominate. Equally, freehold and leasehold landowners, whose land under the Act may not be assessed for inclusion in a wilderness area unless they give permission, should have the right to remove that blight on their land at the start of the process rather than at the end. It is ridiculous for the honourable member for Manly to suggest that is an insidious undermining of the Wilderness Act. Other members suggested that a person who nominates a wilderness area might have difficulty contacting landholders and leaseholders, who have to give permission for an assessment to be made, as proposed in the bill. Members who make that suggestion must be unaware of the small number of people affected by assessments. In the Oxley Wild Rivers area such people could be contacted personally probably within one or two days.

It is unacceptable to suggest that the difficulty and delay faced by a wilderness area nominator in contacting freeholders and leaseholders - which could

be done in two or three days - could outweigh the blight suffered by landholders during a two- to three-year assessment period, with all the inherent economic and emotional factors involved in that. The number of people who need to be contacted is far less than that quoted by some members. The money that could be saved through the removal from consideration at the start of an assessment process of those who do not want to be in a wilderness area has already been discussed. However, that factor is very important, not only to the National Parks and Wildlife Service and the Minister but also to some important people who either live next to a nominated wilderness area or who have seen their leasehold removed over the past few years, and whose livelihood has become unviable on their remaining land.

A lot of the money saved could be transferred to assist those people to leave the land. I know of a number of people who live on the boundaries of national parks, some on properties under assessment at present, who would love to sell to the National Parks and Wildlife Service, but they are frustrated by the Minister's lack of funds. I would be the last to suggest that only economics should be considered in environmental issues, but there is a real possibility that funds saved in that way could be transferred to assist people who want to sell their land to the National Parks and Wildlife Service. Those people could be removed from the system, and greater areas of national parks, and in some cases wilderness areas, could be created.

I refer finally to the case of Lindsay Youdale, who owns a property called Cedar Vale. The Minister for the Environment knows all about this case. Mr Youdale is very distressed financially and emotionally. The National Parks and Wildlife Service resumed some leasehold land he had and left him with a completely uneconomic holding. Because his property is bounded by a proposed wilderness area he is unable to borrow any more money and he is unable to sell. Mr Youdale is a good example of someone who has been blighted by the wilderness declaration process even though his property is not within the proposed wilderness area. The rights of such individuals are important. I encourage the Minister to assess the

problem of this individual and to try to find funds to do something about this case. Both sides of the Parliament should support the legislation. I repeat for about the fifth time that it is not an insidious act to destroy wilderness areas. It will put common sense into the Wilderness Act. It will do a lot for the individuals who are in distress and go a long way towards depoliticising differences over environmental issues in this place.

Mr SCHULTZ (Burrinjuck) [12.2]: I am grateful for the opportunity as a country member, more particularly a Liberal country member, to support the honourable member for Oxley on the Wilderness (Private Property Rights) Amendment Bill. I was critical of the honourable member for Oxley because I felt that he did not go far enough in his bill, but I understand his reasons. Generally, his concerns centre on the rights of property-owners and the draconian effects on individuals of applications by the Wilderness Society. I understand fully why he concentrated on that area. I compliment the honourable member for Tamworth. He eloquently dealt with the necessity for this bill. He spoke knowledgeably about problems that have occurred. I put on record that I also have constituents who are trying to sell land to the National Parks and Wildlife Service.

I remind honourable members that, regardless of what they may think personally, we live and operate in a democratic society. We are a democracy. We are not yet a republic. It is incumbent upon us as people living in a democratic parliamentary system to protect the fundamental rights of individuals to do with private freehold land what they have been allowed to do since Australia was settled 205 years ago. To us, it is immoral that a property-owner can face uncertainty for two years about whether he may continue to do with his land what he has been doing very responsibly previously - in many cases for generations. I remind honourable members that the object of the bill is to recognise and protect private property rights by prohibiting land to be considered for wilderness protection without this first receiving the owner's approval. It is not about the rights of people to use the Wilderness Act to propose wilderness areas. It is about giving people who own private property the opportunity to say yes or no prior to their being put through a traumatic experience over a prolonged two-year period without knowing whether they will continue to own and work their land as they have done for many years.

I have had hundreds of letters from constituents in the electorate of Burrinjuck as a result of proposals by the Colong Foundation for Wilderness to declare the Goodradigbee area of Kosciusko National Park a wilderness. People appear to be under constant threat by those within the environmental movement whom I refer to from time to time as extreme radicals wanting to do all sorts of things under the guise of protecting the environment. Members of this House from all sides of politics have lost the plot with regard to the priorities we should have for protecting the environment. As an individual in this House over the past three years I have raised a number of issues centred on the protection of fauna and flora in New South Wales. To date my remarks have fallen on deaf ears. Thankfully, some members on the opposite side of the House have taken the initiative in looking after some of the concerns that I have by introducing and supporting a bill.

The Goodradigbee wilderness area represents about 17 per cent of the existing Kosciusko National Park, 39 per cent of which is already declared wilderness. If we continue to allow wilderness proposals to be successful and deny people the right to challenge people putting up wilderness proposals we will effectively, as is the case with the Kosciusko National Park, reduce the area that the general public uses. The same number of people will concentrate their recreational pursuits on an ever diminishing area, thereby compounding the danger to the

environment. Under the existing Wilderness Act proposals can be submitted regardless of whether the individual or body nominating the area owns the land. As a very concerned Australian I find that repugnant in the extreme. As politicians for many years we have concentrated on the rights of individuals from minority pressure groups in society. In many instances we have forgotten about the vast majority of individuals, depending on the direction that the Government has taken with regard to pushing its legislative powers over the rights of individuals.

The silent majority in our society have been forgotten because, unfortunately, it is convenient to listen to

those who voice their concerns in the public arena. It is only when considerable pressure is placed on individual members of the silent majority that they are motivated to do something about it. That has certainly been the case in the electorate of Burrinjuck, which covers an area of 26,000 square kilometres and for a country electorate is probably about the middle of the range in terms of size. The electorate has a number of small and medium sized towns, and does not have a major centre, but its constituents have a deep desire to rectify the problems that they, their fathers, grandfathers and great-grandfathers have in their ignorance caused over the years.

As an example, I refer to the efforts of the Cootamundra Lions Club, which is concerned about the rising-water table and the problems that is creating for productive farm land. The Lions Club is engaged in an exercise to raise money to purchase trees to plant on the land. The Lions Club is seriously considering a suggestion I put to that organisation. It is that, because of the recessionary conditions that people on the land are facing today, the club look very seriously at supplying fencing materials to those people and increasing the number of trees planted on their land to stop soil degradation, soil salinity and, more importantly, the damage caused by the rising water-table not only to their properties but to adjacent roads. Damage to roads is costing this State millions of dollars a year.

The point I make is that it is very easy for honourable members of this House to support measures to restrict the activities of landholders even though those measures are based on ill-conceived and philosophical advice coming from the radical green movement, without first considering the effect that those measures will have on individuals. Landowners have a basic democratic right to carry out on their lands any responsible activities provided those activities are within the laws of New South Wales and, more particularly, meet the environmental expectations of the people of this great country of ours. It is very important that we concentrate our energies on ensuring that those rights are honoured.

Yesterday in this House an Independent member referred to major party machine members doing what they are told. Undoubtedly that will be the case on the Opposition side today. Though many members opposite agree with the points I am making today they will not have the courage as individuals to stand up and be counted. I, as a member of the Liberal Party, am very happy to stand up and be counted in terms of my commitment to the constituents in the Burrinjuck electorate. I will continue to do what I have done previously: I will not support my Government, whether it is the coalition Government or the Liberal Party that I represent, on a piece of legislation that will have a traumatic effect on the individuals I represent.

I have had hundreds of people from the broad spectrum of politics write to me on the question of wilderness nominations - Labor Party, National Party, Liberal Party and Independent voters. They have expressed concern about the long-driven desire by politicians of all political persuasions to concentrate on the philosophical direction dictated by their parties. That is one of the reasons why young people, such as those who are in the gallery today, are subjected to what I constantly refer to as a very difficult situation with regard to their expectations in this magnificent country of ours. It is a magnificent country, and when I was a young person there were more opportunities to take on a career than young people of today have. That not only relates to the general attitude of politicians to this country, and the way both the Federal and State parliamentarians have used it, but also reflects on our ignorance of, and lack of action to remedy, concerns about the environment that other individuals have raised over the years.

But concern about the environment should not preclude consideration of the rights of law-abiding citizens, and in particular the people of New South Wales, who want us to preserve for them the fundamental right to have a say in whether they want to donate their land to the Government to assist the Government in designating more and more wilderness areas. I implore every member of this House to seriously consider that fundamental right in the interests of ensuring that the Government allows those people the democratic rights that they, as free people living in this wonderful country of ours, expect. I thank the Parliament and the honourable member for Oxley for the opportunity to speak on what I regard as a very important change to the Wilderness Act.

Mr KNOWLES (Moorebank) [12.17]: I join other honourable members in congratulating the honourable

member for Oxley on introducing the bill - not necessarily the content of the bill, because the Opposition has already indicated its disagreement with some of the content. I agree with the important principle the honourable member has expressed as a member of Parliament, to have the right to bring to the House a matter he fundamentally believes in, to represent his constituency and put forward the views of his constituency to the Parliament for determination. That is about a matter of principle. It is about standing up for one's beliefs. On that score, I record my congratulations to the honourable member for Burrinjuck, the honourable member for Lismore, and the honourable member for Tamworth. Those honourable members have been historically consistent in this place and have developed their arguments on these sorts of matters, particularly environmental issues, well and consistently while I have been a member of this place.

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I disagree with much of what has been said. In terms of their opportunity to express their views, what better system than Parliament is there to allow honourable members to do that? The honourable member for Oxley has made it clear that he has received enormous numbers of representations from his constituents. His second reading speech outlines that fairly clearly. He makes the point that he is dutybound, both in terms of his own beliefs and also on behalf of the constituents he represents, to bring forward their concerns to the Parliament. The honourable member for Lismore expressed in succinct terms his environment credentials and took issue with the fact that so many environmentalists these days are at odds with what one might consider the old traditional bush ways in looking after the bush. The honourable member for Burrinjuck similarly outlined the concerns of the constituents in his electorate for the issues that he holds dear in respect of the protection of the environment in his part of the State.

Is it not extraordinary that with all these principled men coming forward to present the views of their constituencies, the one person honourable members have not heard from is the Minister for the Environment? That is the main reason for my contribution to the debate. Where is he? What is he doing? What are his views? The poor fellow is surrounded by members of the National Party and the honourable member for Burrinjuck. I always confuse the honourable member for Burrinjuck with members of the National Party. I think he does sometimes as well. Undoubtedly the Minister for the Environment is responsible for the Wilderness Act 1987, the Act the honourable member for Oxley wants to fundamentally change. Honourable members do not know what the Minister for the Environment thinks.

It would be good to know the Minister's views because the proposed changes will have to be administered by the Minister and the Director of National Parks and Wildlife. The bill does not provide for any change to the way in which the Wilderness Act is administered. The Minister for the Environment patently does not want to listen to what I am saying. I think he is embarrassed. He has been looking green around the gills all morning. He has given no indication as to precisely what his department thinks about the proposals of the honourable member for Oxley. If honourable members believe the leaks coming from the National Parks and Wildlife Service, if they listen to the issues being raised by peak environmental groups and if they believe their own ears - having failed to hear the Minister place his views on record - they can only assume that the National Parks and Wildlife Service fundamentally disagrees with the proposition at hand.

Bearing in mind ministerial responsibility and accountability, I would have thought that the Minister for the Environment almost has an obligation to express the views of his department and the constituency he serves, and to tell the House what he thinks about the bill. At the end of the day - like the honourable member for Oxley, the honourable member for Burrinjuck, the honourable member for Lismore, myself and all other speakers in the debate - the Minister has a responsibility to express the views of his constituency. Whether or not he was dragged kicking and screaming into the portfolio, he now has a responsibility to the New South Wales conservation and environment movement to express the views of his constituency. So far he has not participated in the debate. I hope he will speak, but I suspect not.

Mr Hartcher: Wait and see.

Mr KNOWLES: In response to my request the Minister says honourable members will have to wait and

see. The Minister is good at little things like the Cootamundra Lions Club project, which was mentioned by the honourable member for Burrinjuck, and having barbecues to help save whales, but when it comes to fundamental issues of conserving wilderness areas, where is the Minister for the Environment? He is silent on those issues. That is rather strange. Although all other members of this House have had the courage to defend their positions and present the views of their constituencies, the Minister will not do so.

Mr Hazzard: On a point of order. The honourable member is addressing an issue which is not within the ambit of the bill. The bill has been introduced by a private member and the views of the Minister have nothing to do with it. The honourable member for Moorebank is merely postulating about whether the Minister might or might not speak. That is totally outside the ambit of the bill before the House. The honourable member should be directed to return to the scope of the bill.

Mr Knowles: On the point of order. The bill proposes amendments to the Wilderness Act which, as the Act explicitly states, will be administered by the Minister and the Director of National Parks and Wildlife. My references to the Minister's attitude to the bill are entirely in order. The points I seek to make relate to his administration of the bill, should it be passed by the House.

Mr SPEAKER: Order! I accept the point made by the honourable member for Moorebank. Reference to the views of the Minister who will administer the proposed changes are relevant, and he is certainly within his rights to question why the Minister has not spoken in the debate. However, I remind the honourable member of the rule regarding tedious repetition. For some time he has been talking about the Minister's failure to speak, without addressing the particular matters which he claimed, when speaking to the point of order, that he wanted to raise. If he refers to matters which are pertinent to the Minister's administration, the cause of the debate would probably be further advanced.

Mr KNOWLES: I can understand why the honourable member for Wakehurst might try to defend the Minister, who will not defend himself. He is trying to drag out the debate so that the Minister will not have to speak. That will not save the Minister. On 11th February, 1988, the incoming Greiner-Murray Government wrote to peak

environment groups. That letter was sponsored chiefly by the present Minister's predecessor. I am sure he would have had more courage in this debate. The letter sets out the Government's principal stance at that stage on wilderness area conservation. The then Premier, Mr Greiner, wrote:

> (1) On 23 December, 1987, we indicated unequivocally to the Wilderness Society that we will not repeal or water down the legislation. We also indicate our commitment to regular annual reviews of additional wilderness areas outside national parks and consideration of wilderness area nominations by the public with a view to taking protective action.
>
> Whilst the Shadow Cabinet has not considered the particular point, we would see no objection to legislation requiring an E.I.S. for developments likely to affect a wilderness area.

Until today that was the position of the Government. The bill seeks to step away from that and, in the words of former Premier Greiner, water down wilderness area nominations. He said the Government would not repeal or water down the legislation. They were his words on behalf of the Government. The changes proposed by the honourable member for Oxley certainly water down the legislation, if they do not in fact neuter it entirely. I have some respect for the concepts espoused by the honourable member for Tamworth and the points he made about the rights of the individual. I became a member of Parliament because I believed members came here to consider the public good as well as the rights of the individual. The broad community interests associated with this bill represent the philosophical differences inherent in the points made by the honourable member for Tamworth.

I accept that there is a philosophical difference in this debate about the argument between the rights precedent to the individual or an over-riding right dealing with the broader community or public good. On

balance, there must be times when the public benefit has to over-ride the inherent rights of the individual. This is one of those occasions. In his remarks to the House the honourable member for Coffs Harbour tried to draw the analogy - I do not think he really understood what he was saying - in relation to what would happen if a wilderness nomination was sought to be imposed over 2,116 hectares of urban land. He equated that with something like 20,000 housing blocks. The point he was trying to make was that the carrying forward of that nomination would happen without the knowledge or the rights of objection of those individuals living in that urban area. I must tell the honourable member for Coffs Harbour that is precisely what has happened since the introduction of the Environmental Planning and Assessment Act in 1979, and, before that, under the provisions of part 12 of the Local Government Act. [*Extension of time agreed to.*]

If a council wishes to rezone for urban purposes land in its municipality, it does so by resolution, without reference to the landowner other than by notification after a decision has been made. That is precisely the same assessment procedure that takes place under the Wilderness Act. A council resolves to prepare a rezoning, whether it be for residential land, open space, a road reservation, a sewerage farm or for any other public work, and commences the assessment process. Part of the assessment process involves notifying the landowner. The landowner has the right to object to the proposal if he wishes to do so. Someone has to commence the process.

It would be ludicrous - to use the example given by the honourable member for Coffs Harbour - to ask all landowners in the 2,016 hectares to which he referred whether they would object to a rezoning proposal over the land. Before making a decision the more rational landowners would obviously say, "First, tell me what you want to do and give me the details before I indicate my support". That is the way it should be and the way it has been in this State for the best part of 15 years. The Wilderness Act merely reinforces the concept of someone initiating a process.

It is always the same process, whether it be a local environmental planning process at a local government level, a regional environmental planning process, or a State planning process at State level. There is no difference. The inherent decision-making steps associated with the wilderness area nomination are no different to those steps carried out under a variety of Government legislative requirements. Heritage assessments are the same. In the case of a heritage building, the Government does not write to the owner and say, "We would like to put a permanent or an interim conservation order on your property". It imposes the interim or permanent conservation order, writes to the owner, and provides a period for objection whilst the assessment procedure takes place. Total catchment management studies, soil conservation regulations, Aboriginal land claims and health department nominations for unhealthy building land are all the same.

All those fundamental land assessment procedures incorporate the same rules and regulations that have been incorporated in the Wilderness Act since 1987. The honourable member for Oxley - on a point of fundamental difference, which I respect in terms of his views on the issue - disagrees with that process. If the honourable member succeeds in having his bill become legislation, it will then be out of step with every other legislative procedure that deals with assessment of land area and capability. I believe that is wrong. What happens now, as the honourable member for Lismore explained clearly, is that if someone nominates an area for wilderness, the Director of National Parks and Wildlife is required to write and advise the landowner of that nomination. The Director of National Parks and Wildlife has two years in which to conduct an assessment.

The honourable member for Lismore correctly said that if at the end of that two-year period it is found, on assessment, that the inherent environmental and wilderness values are such that the land would require declaration as a wilderness, the Director of National Parks and Wildlife, after reporting to the Minister, is required to write to the landowner and ask if the landowner wants to participate in the

declaration of the land as wilderness. If the answer is yes, if the owner wishes to proceed, the declaration takes place and a fund is set up under the Wilderness Act to pay out, by way of compensation, the lands thus sterilised from productive capability.

If the response from the landowner to the Government is, "No, I do not want to participate in the wilderness nomination and have my land declared" that is the end of the matter. In that section there are no inherent invasions of a democratic right. What we are really arguing about is the assessment period of up to two years. The honourable member for Oxley would have honourable members agree with him that a two-year assessment period is in itself a blight; it creates a blight on the land and is a detriment to the landowner because of loss of value and of interest by the community; there is almost a fear that, because an assessment procedure takes place in respect of it, land has suddenly become worthless.

The alternative proposed is that, in the first instance and before any assessment is made - in fact, before any nomination occurs - the Government should ask the landowner, "Can we investigate the wilderness values of your land?" If the owner says no, in accordance with the proposal of the honourable member for Oxley, the matter is at an end. I believe that is a little like sticking one's head in the sand, not having regard for issues that need determination for the broader public good. I return to that fundamental difference between the rights of the individual versus the public good. If there are wilderness values, if there are issues of high conservation that need investigation and resolution, is it not better to conduct the investigation, whether or not it becomes wilderness? At least the database would be completed and people would be aware of the value of the land.

The fact is that to create a structure by the proposed amendment and ignore the processes of proper investigation is to deny reality. To suggest that people will suddenly say that any land that is privately owned has a black hole around it and cannot be looked at any more, because the landowner at that time has said no; and to suggest that that will satisfy the broad range of community opinion which has a high regard for environmental values, is to be living in another era. The concept of the Wilderness Act is, and always has been since its enactment in 1987, to assess wilderness value. There is not and never has been any compulsion on private landowners to participate in having their land dedicated as wilderness. It is merely an assessment procedure.

To suggest, by way of a proposed amendment, that assessing land is inherently wrong, is foolish in the extreme. I have given examples of a variety of other assessment procedures inherent in other Government legislation. I merely emphasise that the Wilderness Act should be maintained in its present form and proper assessment procedures should not be ignored. I await with expectation any comment from the Minister for the Environment in respect of the matters I have raised.

Mr JEFFERY (Oxley) [12.37], in reply: I thank honourable members for their contributions to the debate on my bill. I would like to thank the honourable member for Coffs Harbour, the honourable member for Blacktown, the honourable member for Monaro, the honourable member for Northern Tablelands, the Minister for Agriculture and Rural Affairs, the honourable member for Lismore, the honourable member for Manly, the honourable member for Tamworth, the honourable member for Burrinjuck, and the honourable member for Moorebank.

I would like to recapitulate some of the issues raised by the honourable member for Moorebank and the honourable member for Blacktown - also those of the honourable member for South Coast - together with matters I canvassed in my second reading speech. Honourable members opposite suggested the proposed legislation could set a precedent for other government authorities by requiring the right of consent across a range of government activities. That right of consent exists in the current Wilderness Act. The current legislation sets the precedent by requiring the agreement of the owner, leaseholder or mortgagee before wilderness can be declared. Where is the evidence that the precedent has been developed since 1987?

Even if honourable members were to agree that the proposed amendments set a precedent, the precedent set would be minimal because the Wilderness Act is different - I repeat, different - from most other areas of government activity. In most other government activities, if an agency is interested in land it would have to have the land rezoned either by public exhibition, or local, regional or State environmental planning policy. The rezoning process is, therefore, very public. Owners and leaseholders are able to lodge

objections. That is also the case whether land is to be rezoned for roads, schools, or for environmental protection zoning, such as wetlands. Once land is rezoned for a school or a road, the agency can resume the land. The owner has no rights except the right to compensation. The right to just terms compensation is guaranteed by statute.

However, in respect of wilderness declarations there is no rezoning process. The land is blighted merely by the act of nomination without prior public consultation. It is possible for land to be identified as wilderness, an identification which persists indefinitely even if the land is not included in a detailed wilderness area. With all other government agencies there is uncertainty about the state of land contained in a local environmental plan. The difference between the Wilderness Act and other government activities is significant enough to ensure that this so-called precedent is contained. Another issue raised was that the bill should not cover leasehold land because it is not the same as freehold land. This would mean that leaseholders could demand similar rights of consent over other Crown lands. The 1987 Wilderness Act, which was Labor's legislation, clearly recognises the rights of leaseholders. In fact, on 12th November, 1987, the present Leader of the Opposition who was
Page 1488
then in office made a point of saying so in his second reading speech, when he said:

> During the long debate on wilderness, I gave certain undertakings. They were: no forced resumption of land; . . . Crown leasehold land considered as private property;

That appears at page 15936 of the *Hansard*. If it was good enough for Labor in 1987 it is good enough for Labor today. However, there is a flaw in the Act. As has been correctly stated, the National Parks and Wildlife Service must obtain the landowner's written permission to include any private land in a wilderness area so protected under the Wilderness Act. Further, private land cannot be forcibly acquired. It has been said that the amendment would prevent the orderly wilderness assessment of lands which often are virtually useless for economic production but more valuable to society as part of the national estate, and that just terms legislation ensures that landholders have nothing to fear and the public has much to gain by wilderness assessment of private lands. However, I reiterate, these amendments are upfront and are common sense. The 1987 Act will remain intact, and particularly I refer to section 10(1)(2) of that Act.

At present, from the time a nomination is made the rights of landholders are interfered with for the ensuing two years. The Wilderness Act protects the groups who make the claims, not those with existing interests. Therefore, the present Act is inequitable. There is no hidden agenda. Though the Wilderness Act provides that an existing interest is preserved when a wilderness area is declared, the provisions are vague, particularly in comparison with equivalent provisions in the National Parks and Wildlife Act. My amendment seeks to clarify the grey areas. Increasingly, public servants are being asked to implement legislation that has been passed in unusual circumstances and which is not workable. As has been said by many honourable members in this debate, the Act has allowed a blight to be put on good productive land despite the fact that farmers can reject the inclusion of their land in the wilderness proposal. Values of properties within and around nominated areas, according to local stock and station and real estate agents, have dropped.

At present landowners have no say in the assessment process until the statutory two years have almost passed. Why go to all the expense and time-consuming exercise of assessment evaluation before seeking permission from interested parties? The honourable member for Burrinjuck and the honourable member for Tamworth spoke of constituents who want to sell their lands to the National Parks and Wildlife Service. Many of my constituents also wish to sell their lands. At present, landholders cannot veto any nomination until after assessment has been made by the National Parks and Wildlife Service, and this assessment can take some years. It is ludicrous that scarce State resources should be wasted in assessing lands that will not be declared wilderness. Therefore there is a clear need to change the Act. All honourable members should support this commonsense legislation.

The major change to the Act would be to allow private landholders whose lands are nominated to

exercise their veto immediately, thereby erasing the perceived blight placed on nominated lands. My bill has widespread support in the community. It clarifies a nonsense whereby the National Parks and Wildlife Service is required to assess wilderness nominations, with freehold property owners having the right to reject the nominations only at the end of the process. This ridiculous process has cost the taxpayers of this State countless thousands of dollars, with no result. Such funds should be used by the National Parks and Wildlife Service to buy land to increase national parks.

The bill will, more importantly, remove the blight that a wilderness nomination can have on a property. It will remove some of the trauma that wilderness nominations have caused individuals. The National Parks and Wildlife Service has made no bones about its inability with its present resources to properly manage the land for which it is currently responsible. This can be overcome by amending the Act. It is plain that in the present economic climate the National Parks and Wildlife Service will not get the resources it needs to manage the land it now has, let alone the added resources it will require to effectively manage the additional hundreds of thousands of hectares it is assessing as wilderness.

Incredibly there appears to be the mistaken belief that wilderness will require less management than a traditional national park. The National Parks and Wildlife Service has acknowledged that assistance will be required to recover degraded lands yet no assessment has been made of the necessary resources to carry out that restoration. Consequent to restoration, the need to maintain wilderness in a natural state is surely even greater than in a national park. If that is not so then the whole philosophy is a nonsense. A backlash in land management could occur as a consequence of wilderness claims.

Because the majority of farmers in these areas have kept their lands in a state akin to wilderness, the proponents of wilderness now want to deprive them of their lands. Though I am aware that the Act does not force affected landowners to surrender their leases or sell their freeholds, it does have serious implications for the value and management of private lands. In the interim, the activities of landholders and the logging industry are being restricted while such nominations are being assessed. If a wilderness cannot be forcibly imposed on anyone without written consent, would it not make sense to approach landholders in the first instance and ask their views on the subject? This would save considerable taxpayers' money and work. The land can be identified, whether it be Crown land, private land, unregistered title, old systems title and the like. They are all listed in the bill.

Ms Allan: What does the Minister for the Environment think about it?

Mr JEFFERY: If the honourable member cannot follow this Act, how can she understand the National Parks and Wildlife Act? The honourable member for Blacktown knows that she is wrong. I

am a true conservationist. The first question I asked in this House when I became a member concerned the banning of heptachlor in this State. Honourable members are aware of my views on the gigas oyster. I am not against preservation of unmodified or unique areas of natural land. I have given my support for a nature reserve in my electorate. I am a true conservationist, as are most honourable members of this House. I believe land needs to be set aside for flora and fauna for future generations. This is commonsense legislation and I seek the support of all honourable members.

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

The House divided.

Ayes, 47

Mr Armstrong
Mr Baird
Mr Blackmore
Mr Causley

Mr Chappell
Mrs Chikarovski
Mr Cochran
Mrs Cohen
Mr Collins
Mr Cruickshank
Mr Fahey
Mr Fraser
Mr Glachan
Mr Griffiths
Mr Hazzard
Mr Humpherson

Mr Jeffery
Dr Kernohan
Mr Kerr
Mr Kinross
Mr Longley
Ms Machin
Mr Merton
Mr Morris
Mr W. T. J. Murray
Mr O'Doherty
Mr Packard
Mr D. L. Page
Mr Peacocke
Mr Petch
Mr Phillips
Mr Photios

Mr Rixon
Mr Schipp
Mr Schultz
Mr Small
Mr Smiles
Mr Smith
Mr Souris
Mr Tink
Mr Turner
Mr West
Mr Windsor
Mr Yabsley
Mr Zammit
Tellers,
Mr Beck
Mr Downy

Noes, 49

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 Gaudry
Mr Gibson
Mrs Grusovin
Mr Harrison
Mr Hatton
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 J. H. Murray
Mr Nagle
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 Whelan
Mr Yeadon
Mr Ziolkowski

Tellers,
Mr Beckroge
Mr Davoren

Pair

Mr Hartcher

Mr Carr

Question so resolved in the negative.

Motion negatived.

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OATHS AND CROWN REFERENCES BILL

Second Reading

Debate resumed from 1st April.

Mr ZIOLKOWSKI (Parramatta) [12.57]: At the outset, for the record and for the benefit of those opposite who I have heard it said are sometimes not too quick on the uptake -

Mr SPEAKER: Order! I ask members if they wish to leave the Chamber to do so quietly. The member for Parramatta is the member with the call.

Mr ZIOLKOWSKI: As my name might suggest I am not a Fenian. I come into this debate with none of the real tribal or historical baggage which is so much associated with it. It is unfortunate that monarchists on many occasions have attempted to taint or dismiss as Irish rebels, republicans, the movement or anyone who finds the monarchy repugnant or inappropriate to modern Australia or modern society. They do themselves a disservice in running that argument. It is obviously not the case. There is wider, growing appeal and enthusiasm throughout the community of modern Australia for the concept of a republic. An article that appeared in the *Sydney Morning Herald* on Thursday, 1st April, reported that a Herald-Saulwick survey poll showed that almost seven out of every 10 voters in New South Wales and Victoria supported the concept of Australia becoming a republic and fewer than three out of 10 people want to retain the Queen as the Head of State. On Monday, 19th April, another article - although the percentages were slightly different - indicated much the same trend amongst people in this country.

The general belief is that it is time for Australia, as a nation, to begin to display some element of maturity; time to cut our apron strings from Mother England, time to take total responsibility for our affairs and fate. The Oath and Crown References Bill is an essential step along this path and in this direction. Recently in a vote on 30th March this House recognised that Australia's progression towards a republic is inevitable. This proposition was central to the program which Paul Keating took to the people of Australia on 13th March, a program which saw the Labor Party elected with an increased majority, and a program which the Labor Party now has a mandate to pursue. It is a program which has been embraced by the Prime Minister, the former Premier of this State, the current Premier of this State and the Premiers of Queensland, Tasmania and South Australia. Even the Premier of Western Australia has said that it is an idea which should be further debated and investigated.

With this bill we are trying to commence that program, which has the overwhelming support of the community in general, with some support having been expressed in the media. As much as the royalists, or those whom we choose to call royalists, might want to bury their heads in the sand, the bill is an acknowledgment that Australians increasingly have come to reject many of the ideals that minority stands for. In modern Australia the ideals and tenets of constitutional monarchy, in particular under an overseas monarch, are offensive and repugnant.

Mr SPEAKER: Order! Pursuant to sessional orders, it being 1 o'clock debate is interrupted. I set down the resumption of this debate as an order of the day for a future day.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Reports - Evidence

Reports noted.

[*Mr Speaker left the chair at 1.1 p.m. The House resumed at 2.15 p.m.*]

QUESTIONS WITHOUT NOTICE

———

HOMEFUND BORROWERS ASSISTANCE

Mr CARR: My question without notice is directed to the Premier. Following the Premier's remarks yesterday about HomeFund borrowers being gamblers, did the Government suggest that it would abandon relief grants to borrowers? Did the Minister for Housing say that the Government had a moral obligation to assist them? And, by the way, will the Premier apologise for those remarks?

Mr FAHEY: It is interesting to note that on Tuesday the Leader of the Opposition was strutting around this Chamber like a peacock while his staff behind the bar were trying to calm him down and saying, "Look, behave yourself and try to act humble". The Leader of the Opposition has shown absolutely no concern for the people who are in difficulties. In this whole campaign the Labor Party has been seeking deliberately to misrepresent every part of the HomeFund scheme. That misrepresentation ranges from simply ignoring the fact that tens of thousands of borrowers under HomeFund have managed to get their own homes, down to trying to disrupt the State's economic stability. The Government has recognised - as the Opposition would if it were interested in telling the truth, which it is not, though if it were willing to take on board all those things I said both on Tuesday and yesterday in question time it should do so - that people out there have difficulties. That was the reason I met with the honourable member for Heffron last year and encouraged her to bring forward the complaints so that those matters could be dealt with.

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

Mr FAHEY: For the complaints which the honourable member had received, which I acknowledge were probably genuine, to be properly examined and to understand the reasons behind them, we needed to know exactly what they were. However, the Opposition was not interested in that but rather in taking any word, in whatever context, and isolating it and just trying to stir up this issue for fairly obvious reasons. The Opposition wants to destabilise the economy of this State. I repeat: the
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Government is concerned about individuals. The Government is concerned to see that if the HomeFund loan package, in whatever form and at whatever time, was responsible for any financial difficulties that people were in, those problems are addressed. That position has been canvassed widely in this House during the past week.

The reasons, of course, have to be attributed to the fact that the people involved had some difficulty or problem in obtaining a loan. If that is the reason for their current financial difficulties, the Government wants to help. There are many reasons for many people, with loans from building societies and banks, as well as those with loans from HomeFund, being in the difficulties they are now in. It cannot all be sheeted home to HomeFund, which is not the be-all and end-all for the financial difficulties of all those people out there who have encountered difficulty in meeting their mortgage repayments. It was in that context that I said there was a multiplicity of reasons why people are getting into financial difficulties, reasons covering a wide spectrum. In that regard, the Opposition is further trying to play gimmicks and attempting to hijack the debate away from where it ought to be, helping individuals in need.

HOMEFUND BORROWERS ASSISTANCE

Mr MORRIS: My question without notice is directed to the Premier and Treasurer. Has the Premier received advice about the impact of the Opposition's comments on HomeFund?

[*Interruption*]

Mr SPEAKER: Order!

Mr FAHEY: Well might members opposite laugh, because that is exactly how their comments have been received.

Mr SPEAKER: Order! I call the Minister for the Environment to order. There is far too much interjection from both sides of the House. The Premier will be heard in silence.

Mr FAHEY: The Opposition has absolutely no concern for the people who are in trouble. The Opposition should stand condemned by the community for its campaign against HomeFund, deliberately designed to undermine confidence in the New South Wales economy. That has been one of Labor's lowest acts yet. The Leader of the Opposition is running a campaign to destroy the economy, the bond market, the home building industry -

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

Mr FAHEY: - and to stall assistance programs for HomeFund borrowers. The whole point of having a strong relationship with the Independents in this Parliament and having a charter of reform and an agreement is to ensure economic stability in this State, but that does not concern the Opposition.

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

Mr FAHEY: The Opposition is seeking to do anything to undermine just to score political points. That is a high price for the people of New South Wales to have to pay. The Government will press ahead with its HomeFund assistance package. We are working and talking with the Independents with a view to ensuring that assistance to those who have genuine needs is not derailed by any witch hunts, distractions or lies that are constantly being put forward by the Opposition. In view of the Opposition's campaign, the Government has decided that one aspect of the assistance package must be suspended, and I shall explain the reasons for that in a moment. As from today the Department of Consumer Affairs will not accept any further applications for the $5,000 HomeFund refinancing grant that had previously been offered. This is as a result of the antics in this Parliament this week. Opposition members might laugh but they ought to go out and talk to the people in the community. The true position will become abundantly clear to them.

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

Mr FAHEY: For the past two weeks the Government has been in contact with those responsible for raising money for those -

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

Mr FAHEY: - who have raised finance on behalf of the bondholders. Only today a letter was received -

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

Mr FAHEY: This morning a letter was received from representatives of CS First Boston, Bain and Company, SBC Dominguez Barry Limited and Bankers Trust Australia Limited. I shall quote from the letter because it is relevant. I ask all members of the House to pay attention because this is something in which all members have a grave responsibility.

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

Mr FAHEY: The letter reads:

In light -

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

Mr FAHEY: - of the recent announcements and debate concerning the Home Fund Home Loan Scheme, and the steps taken by the New South Wales Parliament -

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

Mr FAHEY: - in respect of the Scheme, we feel it appropriate to briefly reiterate the position -

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Mr SPEAKER: Order! I call the honourable member for Kogarah to order. There is far too much interjection from both sides of the Chamber, particularly from the Opposition side. Question time should be conducted in an atmosphere of reasonable decorum so that questions may be asked and answered. I ask all members to co-operate in ensuring that those goals are met during this question time.

Mr FAHEY: Mr Speaker, I will start again. I shall read to the House on this matter of grave importance the comments that I received today in a letter from the companies I named:

> In light of the recent announcements and debate concerning the Home Fund Home Loan Scheme, and the steps taken by the NSW Parliament in respect of the Scheme, we feel it appropriate to briefly reiterate the position of the panel of FANMAC underwriters representing the interests of the Bondholders in this matter.
>
> As we have previously stated, we would like to emphasise that bondholders are sympathetic to the Government's wish to assist families struggling with the problems of financial commitments during this recession.
>
> However, it is also important to recognise that the investors in FANMAC Premier Trust Bonds are largely the institutions in Australia representing the savings of millions of Australians, and any assistance package proposed by Parliament which only focuses upon the interests of HomeFund borrowers may prejudice these savings.

I think that letter points out the seriousness of this affair. The Government has sought to direct its assistance to those in genuine need. It has sought to create mechanisms which will allow those people to explain their difficulties so that the Government can help them. The Minister for Housing and the Minister for Consumer Affairs announced that a special purpose HomeFund Ombudsman would be appointed to allow those people who have genuine complaints to be heard so that action can be taken - and to have that in place soon, not to have an ongoing inquiry. When that announcement was made it had an impact on the market in regard not only to FANMAC but also the Government's other investments, which are mainly

channelled through Treasury Corporation. If we now allow the period of uncertainty to continue with the committee that is about to start - I do not deny that the Parliament gave the committee the right to investigate various aspects of HomeFund - there will be uncertainty for a considerably longer time. This concerns me and it concerns the market.

The outcome is not known. If there is instability and uncertainty the value of FANMAC bonds and Treasury Corporation's other investments by which it raises money on behalf of the State from year to year - it turns over something like $1.5 billion a year; it did not do it this year because of the GIO money that was used to fund the capital works program - we will have to pay considerably more for the money raised. A move of five basis points - not a large amount - could mean that we have to pay $105 million more over the next 10 years for borrowings for the day-to-day operations of government. There is a period of uncertainty. I acknowledge that the $5,000 rescue assistance which the Minister for Planning and Minister for Housing announced on 29th March was of concern to the market-place because it would mean that a number of people could pay out their high interest home loans under HomeFund and refinance a little sooner. I might say that to date only eight applications have been received. Any applications received in the mail today will be processed and will be taken through. But, we cannot allow more.

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

Mr FAHEY: We cannot allow the uncertainty of the private member's bill by the honourable member for Heffron. We cannot allow the uncertainty of the HomeFund inquiry to continue. We have no idea what its outcome will be. I do not deny the right to have an inquiry into whatever aspects of HomeFund the committee deems are appropriate, but the committee inquiry will create uncertainty among investors in the market-place. Many investors are from offshore. Many are little people who, through brokers, have put money into various investments of the New South Wales Government. They will be uncertain as to the outcome of the inquiry.

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

Mr FAHEY: The problem spreads further than that. I note comments this morning from Mr Nogarotto of the Housing Industry Association.

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

Mr FAHEY: On 2GB Mr Nogarotto said:

> Indisputably, redundancies will not arise simply in our industry or be isolated to our industry -

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

Mr FAHEY: He continued:

- but in all those manufacturing industries that feed on the home building industry.

He went on further to say:

> The concept behind the HomeFund loan indeed hatched by a Labor Government back in the mid-80s was to get people off the public welfare bill and out of the rent trap they find themselves into home ownership -

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

Mr FAHEY: He continued:

- and I think what has been lost in the present debate is that that ought to be an unassailable objective. The whole debate has become distorted now. It is a political debate at the moment. It is not a debate about the merits of the home lending scheme.

So another industry has been set upon by the irresponsible approach taken by the Opposition on this whole process.

Mr Whelan: On a point of order. The Premier has quoted at length from two documents. I am not interested in the second document, which is from an arm of the Liberal Party, but I am interested in the

first document which related to a very important letter. I ask you, Mr Speaker, to request the Premier to table the further letter so that all members can be acquainted with the alleged seriousness of this matter.

Mr Fahey: On the point of order. I quoted briefly from a letter. Further, I used it in the context of the concern in the market, in the home building industry, of the borrowers and in the case that has clearly been made out of the Opposition's irresponsibility.

Mr SPEAKER: Order! At this stage I cannot remember whether the Premier identified the document from which he was quoting. He should do that. At this stage I am not in a position to direct the Premier to table the document, though he may do so if he wishes.

Mr Whelan: Is the Premier going to table it?

Mr FAHEY: I have no difficulties in tabling it. I will complete the rest of it, so it is clear to all members here. The letter is dated 22nd April and, as I indicated, it came from CS First Boston Australia Limited, Bain and Company, SBC Dominguez Barry Limited and Bankers Trust Australia Limited. I will paraphrase it for the benefit of the House. It goes on to say that the various people representing the bondholders that are referred to, who have sent this letter, indicated previously that they were concerned about the impact of the $5,000 package; they were also concerned about the consequences in the financial markets of the implementation of assistance measures which do not quarantine investors from the adverse effects of such measures. Finally they said they would be happy to brief the Opposition and the Independent members of Parliament to more fully explain their concerns. I table the document.

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

Mr FAHEY: Further, it reinforces the gravity of this particular matter, gravity based upon the fact that in terms of the reputation that this Government has developed over a large number of years of sound financial management in this State. It enforces the fact that the Opposition is not interested in what the New South Wales taxpayers pay for the money that they borrow to fund the capital works program. The Opposition is not the slightest bit interested in that; it is interested merely in scoring political points and destabilising the economy. The Opposition is not interested in the home building industry, in the borrowers, or in those who invest through the various people I referred to in the House today, in the investments of the New South Wales Government. That is a totally irresponsible act. This State does not need uncertainty, the Government needs to help those who deserve help and it has done its utmost to put in place that operation.

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

Mr FAHEY: At the moment the future is uncertain, based upon a course that clearly Labor has embarked upon that will leave this matter hanging for as long as possible, only of course to destabilise.

CITYRAIL AUTOMATIC FARE COLLECTION

Mr LANGTON: My question is directed to the Minister for Transport. Did the Minister announce that automatic fare collection would be introduced by CityRail, thereby leaving many railway stations unstaffed?

Will the Minister now acknowledge that Opposition criticism was valid, and reverse this decision?

Mr BAIRD: The honourable member for Kogarah is once more wrong. He jumps up on every issue. I know he has been running around all the suburban stations.

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

Mr BAIRD: If one goes anywhere around the world -

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order. There is far too much interjection in the Chamber.

Mr BAIRD: London, Paris, Washington and Tokyo have automatic fare collection. Honourable members should ask the member for Kogarah; he has seen them there.

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

Mr BAIRD: The Opposition simply does not want to talk about it or know about it.

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

Mr BAIRD: When the Labor Party was in government it was happy to preside over large revenue losses.

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

Mr BAIRD: When the Labor Party was in government, the extent of tickets that were checked regularly was between 10 and 20 per cent.

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

Mr BAIRD: That has risen to somewhere between 50 per cent and 60 per cent. With automatic fare collection 85 per cent of all tickets will be checked regularly. It is estimated that somewhere in the range of $20 million to $30 million each year will be collected by way of revenue that should have been paid for travel on State Rail. I presume that the Opposition is opposed to collecting revenue effectively on the railways.

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

Mr BAIRD: The Opposition had 12 years to put in automatic fare collection -

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

Mr BAIRD: - despite the fact that every rail system around the world had instituted automatic fare collection.

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

Mr BAIRD: As normal, the Opposition lives in the past, the grand old days of the 1950s, the grand days of the raj, when David Hill took his train to Central Australia. The Leader of the Opposition went on one of those grand trips.

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

Mr BAIRD: I do not know whether he went to Perth but he went on one of the $40,000 grand trips. The Leader of the Opposition went on one of those old David Hill gravy trains. There he was, into it. They had a train trip over to Perth that cost $100,000.

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

Mr BAIRD: The trip to Central Australia cost $100,000 for the train trip. That is how the Opposition ran rail services. It was not interested in reform - just the gravy train. State Rail meant: keep the gravy train going. The Government is about improving revenue collection. If the honourable member for Kogarah would read the press releases -

Mr Langton: I will learn nothing from you.

Mr BAIRD: The honourable member normally gets it wrong.

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

Mr BAIRD: A review of the questions asked by the honourable member for Kogarah shows that 85 per cent of them have been totally wrong. That is not the least of it, because the honourable member knows the Government has said that all stations that currently have staff will continue to be staffed after the introduction of automatic revenue collection.

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

Mr BAIRD: If the honourable member for Kogarah kept on the ball and up to date, he would find out that that is the Government's position. Honourable members know that the Leader of the Opposition is travelling to the Blue Mountains on the weekend to bag automatic fare collection. He can save his time because if he had listened to the announcement -

Mr Carr: Backdown!

Mr BAIRD: It is not a backdown. The Government is reforming revenue collection. I am sure all honourable members would want $30 million additional revenue so that the Government can continue its reforms. Honourable members should see the stations in the electorate of the honourable member for Blue Mountains. They have never looked better. Look at Katoomba station.

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

Mr BAIRD: Honourable members should have a look at Leura station.

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

Mr BAIRD: Honourable members should ask Blue Mountains commuters about on-time running. It has never been better. The on-time running figure is 92 per cent. When Labor was in government the figure was bumping around the 70 per cent level and down to the 60s. The Leader of the Opposition does not need to go up there because the honourable member for Blue Mountains, an excellent member -

Mr SPEAKER: Order! There is too much interjection from both sides of the House. I have a substantial list of calls to order. A number of members are already on three calls to order. If those members continue to interrupt, they will leave the Chamber forthwith. All members have had ample and fair

warning.

Mr BAIRD: If the Leader of the Opposition wants advice about what is happening with railways in the Blue Mountains, he should talk to the honourable member for Blue Mountains. He will tell him about the great reforms and how much rail services in the Blue Mountains have improved. The Leader of the Opposition does not need to go to the Blue Mountains to talk about automatic fare collection. I can assure the House that all the stations that are now staffed will continue to be manned after the introduction of automatic fare collection.

GOVERNMENT TRADING ENTERPRISES DIVIDEND PAYMENTS

Mr RIXON: I address my question without notice to the Minister for Finance. Is the Minister aware of the Federal finance Minister's demand that Commonwealth government businesses increase their dividend and profit payments? If so, will he explain the benefits of such a move?

Mr SOURIS: The Federal Government finds itself -

Mr Knight: On a point of order. The Minister was asked a question specifically about a directive of a Federal Government Minister and what the implications of that are for the Federal Government's Budget.

Mr SPEAKER: Order! If the member for Campbelltown reads the valuable volume *Decisions from the Chair* he will find that his point of order is out of order.

Mr SOURIS: What a dope! The Federal Government finds itself in a most diabolical budgetary position.

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

Mr SOURIS: The main causes of this have been, first of all, the failure of the One Nation statement and, secondly, the unbelievable promises that have been made and the unbelievable increase in expenditure during the past year to fund impossible election promises and to fund pork-barrelling in the lead-up to the Federal election.

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

Mr SOURIS: The Federal budget has gone from a virtually balanced position to a $16 billion deficit. The honourable member for Campbelltown, idiot that he is, wants to know how this impacts on this State. I will tell him. Commonwealth-State financial relations -

Mr SPEAKER: Order! I have given members ample warning. I have issued more than three general calls to order. A number of members have been called -

[*Interruption*]

The Leader of the Opposition has been in this House long enough to know that what he just did was grossly disorderly. I ask him to stand and apologise to the Chair.

Mr Carr: I apologise unreservedly. I was not aware -

Mr SPEAKER: Order! There is no qualification. The Chair accepts the apology. However, I advise the Leader of the Opposition to be aware of what is happening in the Chamber.

Mr Whelan: He was not in the Chamber.

Mr SPEAKER: Order! If the Leader of the Opposition was outside the Chamber, he would not have attracted the attention of the Chair. I do not appreciate frivolous remarks from the Opposition. Members who have been called to order one, two or three times are now deemed to be on three calls. If any of them on either side of the House attract my attention, they will leave the Chamber forthwith.

Mr SOURIS: What I have said is relevant to Commonwealth-State financial relations, Commonwealth grants to the States, taxation rates which impact on the States, and the dividends and productivity of government trading enterprises - the subject of the question. The Federal Government has only just discovered the new imperative for government trading enterprise performance and dividends. In the past the Federal Government has given absolutely no credence whatsoever to the imperative of efficiency in government trading enterprises in the Federal sector. There has not been a strong enough emphasis on the efficiency and productivity of government trading enterprises. As a consequence, profits and the rate of return have been low. The New South Wales Government has a responsible financial distribution policy which could be said to underpin its Budget.

Federally, there has been a haphazard approach. For instance, Australia Post pays approximately 37 per cent of its profits in dividends; the Federal Airports Corporation pays 15 per cent of its profits as dividends. There are other examples - Australian Property Group, Australian Government Publishing Service. Telecom, which pays 50 per cent of its profits as dividends, is to become the benchmark for Federal Government trading enterprise performance. Mr Willis announced in the Federal Parliament that a benchmark of 50 per cent will be applicable to Federal government trading enterprise profits and performance in raising revenue.

The concept of GTE dividends is one which flows from a concept of efficiency. The dividends come from efficiency; they do not come from an abuse of monopoly pricing. The underpinning of the budget and the support for the State's triple-A rating can be attributed directly to the gains in productivity and efficiency undertaken by the Government during the past five years. It is the imperative which the Federal Government will now employ to rescue and underpin its Budget and the imperative that will lead Victoria and other Australian States into a more responsible financial position.

Dividends represent a rate of return on assets. The shareholders of the GTEs are the taxpayers of New South Wales - not necessarily a segment of the population or of a geographical area, but all taxpayers in New South Wales who undertake the risk of the GTE and guarantee its financial and operational performance. As I said, profits come from efficiency, not from monopoly pricing. The average of government charges over the years has been below the consumer price index during a five-year period and now pricing is a question for the independence of the Pricing Tribunal.

The point to be made about dividends is that they support the Budget and thereby fund the social responsibilities of the New South Wales Government, for all of New South Wales and not specifically for any particular geographical area. Health, education, law and order, and so on, are the responsibilities of the Government and of the taxpayers of New South Wales, generally. The worst form of public finance would be the geographical hypothecation advocated by the Labor-controlled Prospect County Council, for example, and other areas in western Sydney, and the councils of western Sydney, who see Prospect County Council as their milking cow for specific geographic pork-barrelling.

The Prospect dividend of $75 million belongs to all New South Wales taxpayers to fund the social priorities for all citizens of New South Wales. I can assure the people of western Sydney and the customers of Prospect County Council that a great deal more than $75 million is spent in western Sydney on health, education and law and order. The suggestion that an extra $75 million would be hypothecated for the specific agenda of the county council or local government councils is an abomination.

If honourable members want to talk about geographic hypothecation, many of my colleagues represent some of the areas mentioned today, including the Central West economic zone - some members of that zone are in the gallery as I speak - the Hunter; the area that I represent, the North Coast; the irrigation areas; all the productive areas of New South Wales. If the Opposition wants to play the game that the taxes, dividends and revenue raised from particular geographic areas should stay in those areas, the areas I have just referred to would be the net gainers in respect of this dividend policy. It is an absolute fallacy that Labor local government representatives in western Sydney are promoting. They would be net deficient if this concept were to be applied.

Finally, in support of the general principle, which it appears is now to be adopted by the Federal Government, I wonder what an Anderson government - God forbid - would do in regard to this area of efficiency. I suggest that the Labor ideology and the union domination that would emerge would hold out on reform and efficiency in the GTE sector. There would be a debt binge, a budget blowout, and certainly a triple-Z rating for New South Wales. I hope Mr Keating and Mr Willis have the strength and conviction to apply the dividends they will receive from the GTE sector to reduce the budget deficit and use the proceeds to reduce Australia's foreign debt, which is now of the order of $170 billion, instead of what they are presently considering, which is - in addition to other taxes - a goods and services tax on electricity, gas and fuel.

HOMEFUND BORROWERS ASSISTANCE

Mr CARR: My question is directed to the Premier. On whose advice was the Government's $5,000 rescue plan originally formulated? Was Treasury consulted? If not, why did he proceed without Treasury's advice?

Mr FAHEY: The rescue package resulted from a number a meetings that involved a number of Ministers and officers from various agencies relevant to HomeFund. Yes, Treasury was involved in those discussions. Again I emphasise that the package announced by the Minister for Housing and the effort being made constantly by the Government is directed towards helping people in difficulties. The Government is concerned about people in difficulties.

[*Interruption*]

The Opposition is not. The Opposition is not interested in people in difficulties.

[*Interruption*]

The Leader of the Opposition interjects that the Government suspended the package. He knows very well why the Government has suspended it. If the honourable member wants to address it, it has been suspended because of the impact, because of what is going on in this Parliament with various inquiries and suggestions about what may or may not occur in respect of HomeFund, the uncertainty that all of that is creating and the impact it has.

[*Interruption*]

Go away. The Opposition is not interested in the genuine people in the community, and it has demonstrated that for so long.

HOMEFUND BORROWERS ASSISTANCE

Mr CARR: I direct a supplementary question to the Premier. Was the package abandoned after

threats of legal action by bondholders?

Mr FAHEY: I am not aware of any threats of legal action by bondholders.

Mr Carr: You lie.

Mr SPEAKER: Order! The Leader of the Opposition, together with other members, is on three calls to order. Traditionally the Chair has given a certain amount of conditional indulgence to the Leader of the Opposition because of his position, but he used a phrase which I think, in the context of current debate and the fact that he has asked three questions today, was unparliamentary. I ask him to withdraw the words he used to the Premier, that he is a liar, and apologise.

Mr Carr: The words I used, Mr Speaker, were -

Mr SPEAKER: Order! The Leader of the Opposition will withdraw.

Mr Carr: I withdraw.

Mr SPEAKER: Order! And apologise.

Mr Carr: I withdraw and I apologise to you, Mr Speaker.

Mr O'Doherty: On a point of order. Mr Speaker, it was my understanding, although my hearing might be slightly imperfect from this distance, that you asked the Leader of the Opposition to apologise to the Premier. His words, as I understood them, were, "I apologise to you".

Mr SPEAKER: Order! The apology and withdrawal may well have been directed to the Chair. However, as the Chair was not involved, I do not think anyone could have conceived that it would be other than an apology and a withdrawal to the Premier, which was the direction I gave.

SYDNEY HARBOUR BRIDGE BUS LANE

Mr SMILES: My question is directed to the Deputy Premier, Minister for Public Works and Minister for Roads. Has a review been undertaken of the bus only lane on the Sydney Harbour Bridge, and if so what is the result of that review?

Mr W. T. J. MURRAY: The honourable member for North Shore shows a keen interest in the management of North Shore-city traffic. It was due,

in part, to his representations that I asked the Roads and Traffic Authority to undertake a review of the operation of the Sydney Harbour Bridge bus lane. The bus lane has been in operation since 31st August last year when the tunnel opened. The lane operates 24 hours a day, seven days a week, for buses, taxis, hire cars, motor cycles and emergency vehicles on the Warringah Freeway and over lane seven of the bridge, primarily to expedite the journey of public transport commuters.

It integrates with other bus lanes on Mount Street, Clarence Street and Falcon Street as well as the Military Road transport lane to form an extensive public transport priority network. The Government realised that, with the opening of the Sydney Harbour Tunnel, a unique opportunity was provided to use part of the additional traffic capacity as an exclusive corridor for public transport. The bus lane now carries 33 per cent of harbour bridge commuters in the morning peak period. The review undertaken by the RTA has revealed that service times for State Transit buses and private coach lines have improved by as much as 20 minutes during peak periods and services are much more reliable. However, the bus lane has also added to the travel distance of lower North Shore residents, in particular Kirribilli and Milsons Point residents.

The bus lane has been perceived as unfair by some motorists due to the relatively small amount of traffic on the bus lane compared with other lanes, especially in offpeak periods. A survey conducted by the honourable member for North Shore found that only 7 per cent of Kirribilli residents supported the bus lane on a 24-hour-a-day basis. Prior to the introduction of the bus lane, traffic using lanes seven and eight of the bridge was able to access the Western Distributor, York Street and Grosvenor Street in offpeak periods. After careful consideration, and with the concurrence of the Minister for Transport, I have decided to permit motorists to use the southern end of the bus lane on the Cahill Expressway during non-peak periods. That change will come into effect on 3rd May.

I believe that the operation of the bus lane will not be significantly affected. However, as a safeguard the changes will be introduced on a six-month trial basis and will be reassessed at the end of that time. The review of the operation of the bus lane has also highlighted the need for increased surveillance to stop people using it illegally. A campaign to advertise the merits of the bus lane is in hand, with increased enforcements planned for the coming weeks. Additional traffic signposting has recently been installed to highlight that the bus lane is a 24-hour operation. In addition, a long-term option is being investigated - video camera surveillance in offpeak periods. The bus lane provides significant benefit to public transport commuters through more efficient travel times. It is also a declaration of the Government's commitment to public transport as part of the co-ordinated strategy to control future traffic congestion and air pollution.

VISITING MEDICAL OFFICER RESIGNATIONS

Dr MACDONALD: My question without notice is addressed to the Minister for Health. What action is the Minister taking to ensure that there are no mass resignations of visiting medical officers? Is he aware that staff specialists will join any walkout? How will the public hospital system continue to function efficiently?

Mr PHILLIPS: I appreciate the assistance of the honourable member for Manly on this important health issue. This morning, following the headlines in the *Sydney Morning Herald*, which appeared to overstate the attitude of the medical profession, the Australian Medical Association, or representatives of the visiting medical officers' negotiating party, indicated on radio that the undated resignations will not be presented until 1st July at the earliest, if then. The feedback that I have received from an enormous cross-section of the medical profession indicates that a walkout or mass resignations are the last thing they want. It is not the same environment as existed in 1985 under a very provocative Labor Government that was hellbent on a major war with visiting medical officers.

This Government is not in that position. This issue has been ongoing for three years, and for the past 18 months the matter has been before the Industrial Commission. The commissioner has made a decision and we are bound by that decision. If the AMA or the VMOs do not like that decision, they should appeal. However, I should be happy to work with them on the interpretation of the thick and complex document, to ensure the responsible implementation of the arbitration decision, to ensure that doctor-patient relationships are not interfered with, and that there is a proper working relationship within the hospital system. I have written to them, again indicating my willingness to meet, clearly stating my position. They have also indicated to me that they are happy to meet. We look forward to meeting each other again next week to talk through the issues.

It appears that the heart of the problem - -something which we need to resolve; and this is coming from a person coming into the health portfolio who has now been Minister for a couple of years - is that the adversarial system that we have between the health system and the VMOs has deteriorated the relationship dramatically over the past 10 to 20 years. It is the lack of trust and lack of understanding between the two parties, brought about through an adversarial system - just like we have in the Parliament - that is making it very hard to have a proper working relationship. I am determined to work with the medical profession to have a much better working relationship. I think this gives us an opportunity to do that, and to do it in line with the decisions and recommendations made by Justice Hungerford. I think we can resolve it during the

next few weeks. I do not believe there will be a mass walkout. I think that we can resolve this problem.

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SYDNEY OLYMPIC BID

Mr PETCH: My question without notice is directed to the Minister for Transport and Minister for Tourism, the Minister responsible for Sydney's Olympic bid. What action is proposed by Sydney's Olympic bid committee to promote sport among the youth of the world if the bid for the 2000 Olympic Games is successful?

Mr BAIRD: I thank the honourable member for Gladesville for his question. He is the chairman of the Government's tourism committee and is doing an outstanding job in that role. I thank various members of the House for their contributions to Sydney's Olympic bid. Today I want to emphasise the fact that it is not about elitist games, but games that will be for everybody. As we have announced before, tickets will be priced as low as $10. We are planning a major cultural program for the games. Today I am pleased to announce that Sydney will also host a major international youth camp in conjunction with the Olympic Games. Each national Olympic committee will be invited to send two participants to the camp, which will be held at St Joseph's College at Hunters Hill, in the electorate of the Minister for Consumer Affairs and Assistant Minister for Education.

This school has displayed a strong tradition of sport for more than a century. It can offer 980 people full board and, with six dining rooms, it can provide about 3,000 meals daily. Participants will have access to the school's 12 playing fields, swimming pool, rowing club, tennis and basketball courts, cricket nets, gymnasium and fitness centre. These young people, drawn from all over the world, will be aged between 18 and 22. They will participate in the Olympic torch relay and attend the opening and closing ceremonies and various events. In addition, they will visit the Olympic village and attend workshops on Australian history, arts, sport, politics and economics. Selected Sydneysiders will act as hosts at the sports camp. The young visitors will spend a weekend with the families involved to gain firsthand experience of Sydney life.

The camp will run for at least three weeks, with the national Olympic committees of the various countries being asked to provide a small daily fee to help meet expenses. As part of the Olympic visits, participants will also be given a chance to visit the Australian Institute of Sport in Canberra and tour other parts of Australia. In other words, we will be giving people from all over the world the chance to experience life in Sydney and Australia firsthand. We have five months to go before the announcement is made in Monte Carlo. It is important that we keep up strong support for these games. The planned youth camp is a part of the program of announcements leading up to 23rd September.

DARTBROOK COALMINE DEVELOPMENT

Mr BLACKMORE: My question without notice is directed to the Minister for Natural Resources. Is the Minister aware of a decision by Shell Australia Limited to construct the Dartbrook coalmine in the upper Hunter? What effects will this project have on construction and employment in New South Wales ?

Mr CAUSLEY: I thank the honourable member for Maitland for his question, a question which is obviously of importance to the Hunter Valley and employment and production in that area. I acknowledge that the mayor, the town clerk and city engineer of Maitland are in the gallery. I am sure that they will be delighted with yet another example of the Government showing that it is concerned about employment and is endeavouring to encourage development in this important industry. The announcement by Shell that it will proceed with the Dartbrook development between Aberdeen and Muswellbrook is certainly good news for the New South Wales coal industry. It is also very good news for the Muswellbrook district.

About 250 people will be employed during the 30-month construction period, which will start shortly.

The mine will provide up to 180 permanent jobs when it is in production. In addition, many more jobs will be created in industries which will provide services to the mine. The mine will produce up to 3.5 million tonnes of premium quality steaming coal per year, which will be worth about $175 million at today's prices. There are also a dozen other coal projects proceeding towards development, such as Bengalla and Mount Owen in the Hunter Valley and Airly Mountain in the Lithgow district. The commitment by the large number of local and overseas companies involved in these projects is indicative of the confidence in the medium to long-term future of the New South Wales coal industry.

I am absolutely certain that if the Labor Party were in Government, particularly if the honourable member for Blacktown were the environment Minister, none of these projects would have proceeded to this stage because of the impediments which would have been put in their way. The Prime Minister has stated: "We'll never get pride from a truckload of coal. We might get dollars but we'll never get pride". New South Wales can have justifiable pride in the past achievements of the coal industry and in the way in which the industry is striving to compete in very tough export markets through new developments like Dartbrook.

I warn this House once again that the Australian coal industry must come to terms with work practices. Only recently the Australian Labor Party in this House opposed the changing of the time that may be worked underground in mines. That type of attitude will ensure that the industry will fail in Australia unless we come to terms with modern work practices which exist throughout the world. In Indonesia coal is produced much cheaper than in Australia; and Indonesia is competing on our markets. In the United States of America equipment is used up to 90 per cent of the time - or 7,884 hours a year. Under the conditions that the Australian Labor Party voted for the other day, equipment in Australia can be used

only 2,080 hours a year - less than one-third of the time that the equipment can be used in the United States. We cannot survive in an environment such as that unless we come to terms with work practices that are becoming the norm throughout the world.

The coal industry has received negative press through the emphasis placed on mine closures and retrenchments. The image of a backward industry is reinforced when pictures of grimy-faced mineworkers are the standard accompaniment to stories on the industry. The huge capital investment in state-of-the-art technology is ignored. The New South Wales coal industry has to compete in an unrelenting competitive export market in which inefficient or uneconomic mines will unfortunately go under, as has been the case. This situation is not unique to the coal industry. As well as being at the forefront of technology and innovation, the industry requires flexibility in negotiation of work practices to achieve high productivity. This has been the case at Dartbrook, which is to the credit of the unions and management. The Dartbrook announcement is an indication that the New South Wales coal industry can be competitive and achieve its share of the expanding steaming coal markets throughout the 1990s.

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BUSINESS OF THE HOUSE

Tabled Paper: Suspension of Standing and Sessional Orders

Mr WHELAN (Ashfield) [3.10]: I seek the leave of the House to move that so much of the standing and sessional orders be suspended as would preclude the House considering all the implications of the letter from CS First Boston Australia Limited, Bain and Company and others, dated 22nd April, 1993, tabled by the Premier this day in question time. The reason I do that is that I did not interrupt the Premier on a point of order. The Premier's remarks to the House are vital and essential for consideration by this Parliament by way of ministerial statement -

Mr SPEAKER: Order! The honourable member for Ashfield has sought leave to suspend standing orders. I cannot allow him to debate the matter.

Leave not granted

PETITIONS

Capital Punishment

Petition praying that the Government will hold a referendum on the reintroduction of capital punishment in extreme cases of murder where there is absolutely no doubt that the offender committed the crime, received from **Mr Windsor**.

Guildford Railway Station Footbridge

Petition praying that the footbridge at Guildford railway station be reinstated, received from **Mr Yeadon**.

Our Lady Help of Christians School Transport

Petition praying that at risk children attending Our Lady Help of Christians School at South Lismore be allowed to travel on school buses free of charge, received from **Mr Rixon**.

F6 Freeway Emergency Telephones

Petition praying that the House will consider the installation of emergency telephones on the F6 Freeway from Yallah to the north of Wollongong, received from **Mr Rumble**.

Serious Traffic Offence Penalties

Petition praying that the House review the laws relating to road accident fatality or grievous bodily harm and institute severe penalties, received from **Mr Newman**.

Brothels

Petition praying that the Government will not take steps to legalise brothels but will close all existing brothels by enforcing the Disorderly Houses Act, received from **Mr Tink**.

Public Housing Tenant Water Charge Liability

Petition praying that the House reject the proposed amendment to the Residential Tenancies Act to charge public housing tenants for water consumption, received from **Mr Sullivan**.

Lake Macquarie Fish Reserves

Petition praying that the House ban professional fishing in Lake Macquarie for a five-year period and commission a feasibility study on methods to prevent further deterioration of the lake's marine life, received from **Mr Hunter**.

Lidcombe Hospital and Auburn District Hospital

Petition praying that the House reject any proposals to cut back services or staffing at Lidcombe Hospital and Auburn District Hospital but instead support an increase in services and staffing at the hospitals, received from **Mr Nagle**.

Public Hospital Privatisation

Petition praying that the House will reverse the Government's decision to privatise public hospitals, received from **Mr Davoren**.

Canterbury and Western Suburbs Hospitals

Petition praying that the promised 240-bed hospital be fully operational prior to any closure of Canterbury and Western Suburbs hospitals, received from **Mr Davoren**.

Cabramatta Police

Petition praying that the House support an immediate substantial increase in the number of police and patrols in the Cabramatta district, received from **Mr Newman**.

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Caroline Bay Multi Arts Centre

Petition praying that the House order the establishment of a commission of inquiry under the Environmental Protection Act to consider the environmental and fiscal effects of the Multi Arts Centre proposed for Caroline Bay, East Gosford, order a half-term election for the ten aldermen of Gosford City Council on 18th September, 1993, and order the council to cease expenditure on the centre until the results of the election become known, received from **Mr McBride**.

Mr SPEAKER: Order! The honourable member for Murrumbidgee will conduct his conversation outside the Chamber.

BUSINESS OF THE HOUSE

Printing of Reports

Motion by Mr West agreed to:

That the following reports be printed:

Report of the New South Wales Grants Commission, for the year ended 30th June, 1992.

Report of the special investigation under section 212 of the Local Government Act 1919 into Bega Valley Shire Council, dated April 1993.

Reports under the Trade Union Act 1881 for 1990 and 1991.

NEW SOUTH WALES-QUEENSLAND BORDER RIVERS (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr CAUSLEY (Clarence - Minister for Natural Resources) [3.15]: I move:

That this bill be now read a second time.

The purpose of the New South Wales - Queensland Border Rivers (Amendment) Bill is to ratify amendments to a 1946 interstate agreement. Primarily it extends the role of the Dumaresq-Barwon Border Rivers Commission to co-ordination of the use of groundwater in the border rivers areas. The parties to the 1946 agreement were the New South Wales and Queensland governments. The agreement currently governs the sharing of river water between the States in the Dumaresq, Macintyre and upper Barwon rivers, the primary source of supply being the jointly funded Glenlyon Dam in Queensland.

The original agreement set up the Dumaresq-Barwon Border Rivers Commission, known as the Border Rivers Commission, to monitor the river flows and co-ordinate the water sharing. The Border Rivers Commission has three members, one from each State, and a chairman appointed for a fixed term on a rotation basis. It is jointly funded on an annual basis by the States and is staffed by members of the Queensland Water Resources Commission and the New South Wales Department of Water Resources. It provides an excellent example of what can be achieved by co-operation between States.

I now turn to the background of the main proposal to extend the role of the Border Rivers Commission to co-ordination of groundwater use. In recent years groundwater reserves have been located in the valleys of the border rivers and the respective State departments have been carrying out studies regarding the location, extent and quality of the reserves. These studies have been given momentum by the fact that river supplies to both States from the border rivers have been fully committed. Irrigators are now looking to groundwater either as a source of supplementary supply or of primary supply. By arrangement, in 1987 the departments set an interim limit of 15,000 megalitres for each State. They have not allowed groundwater allocations to individual users to exceed that total amount until the extent of the reserves has been fully explored. Assessment of groundwater reserves is complex because they vary from locality to locality, and their rate of replenishment varies according to geological conditions, river flows, rainfall and flooding.

Further, the effects of excessive usage on nearby users and even nearby rivers can be significant. The relevance of the rivers is that in some locations there is significant leakage from the rivers into the groundwater aquifers which increases as the groundwater level drops. Although the Border Rivers Commission has been acting as co-ordinator on an informal basis, it is necessary that the arrangements be formalised. With this in mind the bill will enable the Border Rivers Commission to co-ordinate future studies, monitor future groundwater use and from time to time recommend to each State the total volume of water each State should allow its groundwater users to take. The recommendations may cover the whole of the border rivers area or selected zones in that area. It will then be the responsibility of each State to use the powers in its own legislation to implement the recommendations with appropriate sharing among its individual groundwater users.

In summary, the benefit of the main proposal to New South Wales is that it will provide a firmer guarantee that the Queensland Government will limit the extraction of groundwater within its territory to agreed volumes in those areas where extraction could affect groundwater reserves across the border in New South Wales. The main proposal also includes powers for the Border Rivers Commission to monitor the quality of the groundwater. The quality can be affected by local geological conditions or by pollution from the surface. The sharing arrangements could be affected by the groundwater quality, which therefore needs to be addressed as part of the monitoring program.

The minor amendments in the bill to the original agreement clarify the Border Rivers Commission's role in respect of co-ordinating stream clearing on the border rivers, alter the "water year" from the year commencing 1st July to the year commencing 1st October, with the capability to alter this by administrative decision, and alter the time frame for periodic preparation of budgets by the Border Rivers Commission. The forward thinking of the

Department of Resources in promoting the inclusion of groundwater sharing in the role of the Border Rivers Commission is to be commended. It took the initiative before problems could arise. The border rivers area is a high income earner for the State, particularly from irrigated cotton, making it particularly important that security of supply should be safeguarded. This is a clear demonstration of the importance of the role of the

department in managing the water resources of the State. I commend the bill to the House.

Debate adjourned on motion by Mr Amery.

LOCAL GOVERNMENT BILL

IMPOUNDING BILL

LOCAL GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL

ROADS BILL

TRAFFIC (PARKING REGULATION) AMENDMENT BILL

Second Reading

Debate resumed from 21st April.

Mr NEILLY (Cessnock) [3.20]: I support the Local Government Bill and cognate bills and compliment all those involved in the process of putting the legislation together. It has been a long, drawn out affair. I recall its instigation under a former Minister in this House, Mrs Crosio. She, the present Minister and the department should be congratulated on the consultation that occurred. I would not like to be paying for the paper bill after all the draft proposals and draft bills were prepared. The department committed time and resources to explaining the intention of the bill around New South Wales and formulating a suitable package for the operation of local government. I know that everything that is desirable is not contained within the bill. The Minister probably intends to test the waters with a view to making any amendments found to be necessary in future.

The reduction in the number of regulations and ordinances is a significant achievement. It is hoped that respect will be paid to the legislation in the administration of councils. If that is not the case, I presume the Minister will introduce regulations to ensure that the intent of the legislation is put into effect. I have three areas of concern with the legislation. They are fairly simple. The proposal for the establishment of a corporatised executive structure within six months, if one is not already in place, is somewhat foolish. There is only a limited market of suitable personnel to undertake the duties involved in such executive positions. If this requirement is rushed, incumbents at councils will take up the positions under a new structure at a higher rate of pay. I would prefer that the process be extended to two years to ensure that the best people the market can offer are appointed. Ratepayers should get their money's worth for the higher salaries that are paid.

I have concerns about the contracting out provisions of the bill. Other mechanisms could be put in place to ensure that councils operate in a smooth and effective fashion in regard to tendering out for goods and services. Many of the services currently offered by councils have been in place for many years and the number of prospective tenderers to undertake such services would be limited. Garbage services are an example. A firm might tender for a council's garbage services at a price which is low enough to ensure the gaining of the tender. After the council has disposed of its vehicles and associated plant it would not be in a position to tender for garbage services. In the future it will not have the gear or staff required. Trucks, compacters and plant at garbage tips are specialised and it would be unusual for a council to maintain that equipment for 12 months or two years, whatever the term of the tender, and then be in a position to tender for the next contract. Once a council has lost the tender it has virtually lost it for ever.

As a consequence of the contracting out provisions, in future councils probably will not carry the level of permanent staff they have in the past. A degree of flexibility in the day labour force at local councils will be needed. The council will not be able to employ a large permanent force because there will be no guarantee

that the council will be the successful tenderer. The ceiling of $100,000 above which projects must be put out to tender is very low in view of present local government expenditures. Some of the works done by local councils are virtually on a grant basis. Many local councils do work on behalf of the Roads and Traffic Authority. Perhaps it is the intent that councils will operate in a similar fashion to the RTA, which has trimmed down and relied more on contractors instead of having a large day labour force. I do not know what will be the outcome but initially I presume that tendering will be fierce for services to local government. Specialised organisations will enter the arena. Initially we may get a good deal but I question whether acceptance of some of the tenders will be in the best interests of local government after the councils have lost specialised areas of expertise such as in bridge building. Tender prices might then rise. At that time it might be difficult to gather an experienced work force capable of undertaking first-class work.

The rating section of the bill is probably my most serious concern. I do not pretend to know all the answers. I do not think the Minister pretends to know all the answers. The matter has been a perpetual dilemma for a number of people and a number of committees. I think that back in about 1958 a royal commission delved into this matter. It stated that the land valuation structure of rating is the best available. Perhaps it is not perfect but it was the best that the commission could come up with and it endorsed that system. I think the rating structure proposed in the bill is too confined and narrow with the categorising of essentially three groups of ratings: residential, farm land and business. My electorate has a great deal of mining activity. Under the present

legislation mining can be rated on extraction. Usually it is on the basis of three years' average of extraction. A non-operative mine is levied on land value or the surface holding of the proprietor. Under the bill the capacity to rate on extraction goes out the door. These events have been examined with regard to the question of whether rating on extraction is an excise. That claim has been made by the New South Wales Coal Association. The examination has been partly done. Potentially, a claim by the Local Government and Shires Association, could be successful. The claim is that it is ultra vires for a State government to legislate for an excise because only the Federal Government has that power.

A council like Singleton generates approximately 40 per cent of its rating income from coal mining. For Cobar council, approximately 20 per cent of its income is associated with the metalliferous mining industry. Perhaps not so much the councils but the ratepayers in the business category will be rudely shocked should there not be a differential format of rating within the mining sector. Singleton council conducted an exercise - of which I have copies available - where rating options were examined and the mining rating was mixed in with the ordinary business rating structure that currently exists. Singleton council is painting scenarios where businesses would be confronted with rate increases of between 120 and 330 per cent in one, and 160 and 400 per cent in another. This is just not good enough.

I prefer to see the status quo remain to some extent, by at least preserving the status quo within legislation, until something better can be put together. The department has indicated to the councils holding those concerns that they should wait to see what happens and it will be fixed up. It is too late to fix matters if a businessman has been hit with an increase of 300 to 400 per cent increase in his rates. It is too hard and too late to go back and try to remedy the problem. As an illustration of what some of the mines are paying in the Singleton area, one mine is paying $281,000, another mine is paying $288,000, and another is paying $327,000. Converting those back to rateable land under the land value system and, mixed in with ordinary rates, one finds a diminution of the rates they pay by up to 80 to 90 per cent.

The Government must recognise that there is a problem in the mining industry which needs to be addressed over the long term. This problem cannot be solved in a shock attack, implemented overnight. There is a just case and just cause for the mining industry to pay its way. There have been questions raised inquiring into the difference between a mine and the corner grocery store - they are both businesses, why should one pay a higher rate than the other? Coalmining is an extractive industry which is there only for a certain period; once the resource has been extracted that is the end of it. The resource has to be rehabilitated and the land used in another format, whereas the corner store is a perpetual business. Save for flaws within the national economy, the recession and the like, the corner store should continue to operate.

In my area mines were developed without requirement for section 94 contributions in conjunction with their development. Infrastructure needed to be installed. The only way to obtain a contribution towards that infrastructure has been through the rating process. Many mining developments have occurred within the past decade. When matters were dealt with by the Department of Planning or another approval mechanism was utilised, it was always recognised that the capacity of local government to rate a mine does enable local government to achieve a level of income as a contribution towards infrastructure. With this legislation that potential has gone out the door. It could be amended in the future by section 94 contributions; however, this is not retrospective. I commend the Minister and department on the preparation of this bill and I support it.

Mr COCHRAN (Monaro) [3.35]: I am pleased to have the opportunity to speak, albeit briefly, on this bill. It has been widely recognised on both sides of the House, in fact unilaterally in New South Wales, that the Local Government Act which has been operating for quite some time is now outdated. The Act is ineffective in its operation. It evolved over a number of years on an ad hoc basis in a series of amendments and in legislation which is now almost irrelevant to the present need in New South Wales. It is a necessary obligation on my behalf, and certainly on behalf of the local government councils in my electorate, to congratulate the Minister for having persisted with the drafting of this legislation and having taken into account, through an arduous process of consultation, a more extensive and consultative process than I have seen in almost any piece of legislation before this Parliament in the past five years. The Minister's efforts have been greatly appreciated by the local government councils in my electorate.

The process of consultation extended between the industry, the councils or the local members, the green paper in phase one, the white paper, the draft, the functions bill and the phase two proposals, the discussion paper and reforms, the exposure draft bill - all of which had an open airing at the purported two levels of government, all of which had the opportunity to be presented to officers of councils and to the councillors themselves. Local members, certainly on both sides of the House, had ample opportunity to air their views right up to this point where the bill is before the Chamber for debate. It is a wonder that there is so little controversy, given the expanse of the bill, but that is a direct result of the process of consultation.

I extend my commendation to the Minister and his department and to all those officers who had anything to do with the preparation of this bill. During the consultation period I had the opportunity to visit all the councils - Tallaganda, Cooma-Monaro, Snowy River Shire, Bombala and Bega Shire - and discuss these matters with them. In each instance where I raised an issue, through correspondence or verbally, I had active participation from the

ministerial staff and the department. I had access to departmental officers who gave guidance at all times. As a result of that liaison, local government councils are well informed about what the bill contains.

The fact that some 2,000 submissions were received and dealt with by the department, analysed, collated, and the information placed on electronic database, indicates the lengths to which the Minister for Local Government has gone to ensure that all the matters raised by the councils were dealt with properly. One of the most prominent features of this bill so far as the councils were concerned, contained in comment to me from them, was their insistence that the legislation bind the Crown. The bill in fact is written in that way; generally it is written in order to bind the Crown, and only in exceptional circumstances is that not the case. The circumstances where the Crown has different status are clear and logical. The reasons for such circumstances are clearly spelt out in the legislation.

The first instance where the Crown will not be bound relates to the requirement for prior approval for the erection or demolition of a building, which is taken into account under clause 68. Local government has the opportunity to assess the vast majority of Crown developments under the Environmental Planning and Assessment Act at development consent stage. Binding the Crown to also submit a building application clearly has the potential for serious delay, and projects of importance to an area beyond that administered by the council - perhaps even of State or national importance, such as Olympic sports facilities - could be put at serious risk. I believe that clause has the approval of both sides of the House. It is an exceptionally

important aspect of the bill. Another circumstance in which the Crown is not bound relates to the normal need for compliance with building standards. The use of facilities for public entertainment is also of great importance to local government councils.

Other issues which have been raised with me and which I have taken up with the Minister during the process of consultation to which I have referred relate to contracting out. Clause 54 requires councils to give consideration to alternative suppliers of goods, services, facilities or works costing in excess of $100,000. This issue has been canvassed extensively by members from both sides of the House, the Local Government Association and the Shires Association. I understand that both sides of the House are satisfied with the outcome. As I have said, this bill is the result of an extensive consultation process entered into by the Minister.

The provisions in the bill regarding water, sewerage and drainage works have attracted comment from some rural councils. That is so in my electorate, where I have received representations in relation to those provisions from Cooma-Monaro Shire Council and Tallaganda Shire Council. I have raised those matters with the Minister, and he has accommodated the views of the councils wherever possible. Although the powers the Minister for Public Works holds under the bill are to be a continuation of his existing powers, there has been a modest expansion to reflect certain matters. They include concern for community safety and protection. Clean water and proper waste water arrangements are the cornerstones of our public health system. In addition, the modest expansion of the Minister's powers reflects the multimillion dollar investment the State has made in water supply and sewerage facilities around the State in partnership with councils and, of course, the Federal Government, under the country water supply improvement scheme.

The country water supply improvement scheme in New South Wales is one of the largest systems in the world and also one of the most expensive. During the five years I have represented the electorate of Monaro, water services have been extended to small country towns. I have promoted that extension systematically throughout the electorate. By the end of this term, most of the villages in the electorate will be connected to the water supply. The bill makes provision for water, sewerage and drainage works. The lack of conflict over that aspect again is a result of the long process of consultation to which I have referred. After this bill becomes an Act, the subsequent few years in which its provisions will be implemented will be busy ones for local councils. Decisions will be made by council staff and councillors that will affect the future of the local government system. Close consultation will be needed with the Department of Local Government and Co-operatives.

I have little doubt that the department will provide every assistance with the implementation of the provisions of the new Act. I have no delusions that the process of change will be easy. All change is dramatic, whether for local government councils or for any other body in the State involved with the administration of the law. In some areas there will be winners and in others losers, and the Government must take account of that. Council resources will be stretched to implement the provisions of the new Act. Everyone will have to acknowledge that and be patient, considerate and understanding. The changes are long overdue and local councils will greatly benefit from the reforms. The ratepayers, who are most important, will derive the most benefit from the new Act. The Government should be commended for recognising in the first instance that the Act required change and for entering into the process of consultation and indepth legal studies to put in place an Act that will benefit local government councils, ratepayers and taxpayers of New South Wales for many years to come.

Mr SHEDDEN (Bankstown) [3.45]: I am delighted to speak in the debate on the Local Government Bill, the first major revision of the Local Government Act in the past 90 years. The Minister is to be congratulated on bringing this major reform before the Parliament. It has taken a number of years to prepare. The Minister must also be congratulated for having established a parliamentary committee to deal with the bill during its draft stages. The

recommendations of that committee no doubt played a big part in the preparation of the final draft of the bill. The committee assessed the views and concerns of many organisations and associations, community

groups, local government representatives and members of the community.

Local government, as the third tier of government in Australia and that which is closest to the people, comprises about 177 councils and about 2,000 elected representatives. It plays a major role in the lives of the people of this State. Like many members of this Parliament I had the pleasure of serving in local government for 10 years and found that being part of the decision-making process bringing benefits to the community was most rewarding personally. Although local government has been effective, we are now living in an era of change. Australia is undergoing tremendous structural change that will require greater efficiency and productivity. That change will determine our standards of living in the future. Hopefully, the restructuring now taking place in local government and the benefits of this legislation will lead to local government being able to provide more effective and efficient services to the community in general throughout the State.

As I have already said, the bill is an overdue revision of the 1919 legislation. The Opposition naturally supports the main thrust of the bill. One of the strong features of the bill is that it distinguishes the regulatory function and legislative role of local government, gives it greater autonomy and makes it more accountable. It simplifies and clarifies local government laws. Naturally, some provisions of the bill concern the Opposition. One could speak at great length regarding those provisions, but I am sure, having regard to the probable number of speakers from this side of the House, all will be covered in great detail. I propose to concentrate on an issue of considerable concern to all councils throughout the State. I refer to clause 54 which relates to the contracting out of services. Under the provisions of the bill a council must, with no discretion, tender out. I am referring particularly to materials, services, facilities or works - in short, everything.

The bill does not provide how often this exercise has to be carried out - once a year, every two years or every 10 years. One can imagine the task of drawing up tender documents and assessing the tenders and, finally, convincing a council not to dispose of its day labour staff. As has been mentioned, in the long term there is no limit to what service may be available in the commercial market. Companies and individuals set up for competition immediately with services such as garbage collection and building and road maintenance. It is conceivable that in the future specialised groups will set themselves up to provide competitive services to council's day labour in library, town planning, engineering and health and building services. A number of important issues arise out of this premise. To test the market, as required by the section, councils must call tenders. This process, in its own right, is both time consuming and expensive. The individual services, and the tasks within those services, have to be documented and detailed in absolute terms. This is necessary to ensure that the contractor provides the minimum service, and to ensure that a council can legally hold a contractor to it.

Having gone through the exhaustive process of preparation of tender documents, tenders are called and need to be examined. As an illustration, if tenders are called for the supply of a Holden motor car, it is a simple matter of comparing the price of one supplier against the price of another. In assessing tenders for the provision of complex services, the assessment process becomes very difficult. Recently, as the Minister will be aware, Blacktown council found it so difficult that they engaged consultants, Cooper and Lybrand, to report on tenders for a garbage collection service. That is an example of one item for one council. The big consultancies are gearing up for the rich harvest they see coming down the track, in both the preparation of contractual documents and the assessment process.

To summarise this point, quite significant costs are associated with compliance with the mandatory requirement that councils must call tenders for all services. What are the consequences of councils abandoning their day labour staff? In some areas it is relatively simple to move in and out of contracts. For example, swimming pool management and building cleaning services would not be a big problem. On the other hand, many larger services would present practical impediments against councils ever re-employing day labour, once those services had gone to contract. I refer particularly to garbage, street cleaning and road maintenance services. Once the capital equipment is disposed of and the management expertise is lost, the council would find it almost impossible to gather the funds for both the capital and staff required to get

back to day labour.

As an indication of such costs, the replacement of Bankstown City Council's garbage fleet would be in the order of $4 million, and the 240-litre bins would be in the order of $3.5 million. The theory of contracting out is fine, but it assumes perfect market conditions. The Minister would know that the real world is less than perfect. I draw his attention to the recent inquiry into the building industry by Roger Giles QC. Mr Giles found collusion between the few big builders in Sydney, to the point where, eventually, they were operating as a monopoly. So far as the big specialist contractors for services such as garbage collection are concerned, very few would have the capacity to provide the capital expenditure of $7 million to $8 million that would be required at Bankstown. In other words, any examination of tenders would be limited to possibly six. In light of what happened in the building industry, it is clear that there are no guarantees that collusion would not happen here, as well.

Once all the big councils have gone over to contract, who will keep them honest? While some councils operate with day labour for garbage collection, cost comparisons can be made, for there is

an automatic brake on the collusive tendering process. But once the big councils have all gone on to contract for garbage collection, the check and balance has been lost. Another issue well-known to the industry is promotional discounting in order to secure a contract. Bigger companies are prepared to submit initial tenders at a loss, in order to secure the first round of the contract. There were examples of that when OTTO first entered the market in Victoria for the 240 litre garbage collection services. That type of practice has the effect of making existing day labour service look expensive, when in fact, the next time tenders are called the price reverts probably to what it should have been in the first place. On the surface, the series of outs in section 52(2) seem to give councils justification for staying with day labour services. I might add, this series of outs has been included because practical concern has drawn the department's attention to the real hazards in its approach to having contracts for all major services.

Although the outs might look adequate, closer examination of how councils would be justified in retaining day labour against lower cost contractors indicates that justification would be difficult to provide in practice, for two reasons: the Department of Local Government, and the Minister, could be reluctant to accept the justification given; and, opposition members within the council, or aspiring political contenders in the local area, would hammer the council and embarrass it into accepting a contractor merely on the basis of lower costs. Bearing in mind that the philosophy of this bill is to make the council decisions well known to the public, councils will be required to report all those decisions.

The series of outs in section 52(2) do not provide a practical hedge against the philosophy of contracts for all major services. What about service for the public? Whatever is written into the tender documents becomes the absolute maximum that can be required of a contractor. No flexibility, no Mr Nice Guy who goes out of his way to provide a bit extra to the public. Even though it is a bit old fashioned, I believe that the majority of staff give more than the minimum level of service. Not so the contractors. The community will get the bare service. Bare service may be the way councils are heading.

The implementation of proposed section 53 will have the capacity of transforming local government if it is pushed to its limit by the State Government. I have always believed that there are some services which are better provided by contract - for example, swimming pools, building and cleaning services, tennis courts and the like - but there are many services which councils provide, which need to be driven by the service motive rather than the profit motive. The legislation in its present form does not provide a middle of the road approach.

I want to comment on the effects that tendering will have on country councils. Contracting out no doubt consolidates problems in country towns, relating to employment and community economic viability. Councils are usually the largest or second largest employers in a town. Once they adopt the contract system, councils will not be able to afford to go back to day labour. The money that contractors earn does not stay in the town. The contractors come into town with a low priced tender simply to get the work. Once a

contractor takes over, councils lose equipment and staff. In these circumstances, councils cannot revert to using day labour. That effect in country towns has a rippling effect through the community. Overall, I believe the Minister should be congratulated for bringing this bill before the Parliament. As I said earlier, it is largely overdue. However, the Opposition proposes to introduce a number of amendments.

Mr DOWNY (Sutherland) [4.0]: The Local Government Bill, like its predecessor when it was debated 75 years ago, has aroused considerable discussion and agreement, and some disagreement. I took the opportunity to read the debate that occurred when the current Act was introduced 75 years ago. It was interesting to note that as many speakers contributed to that debate as will speak in this debate. Nothing much has changed so far as local government is concerned. Certainly the central question of how much autonomy should be given to local government was of great importance then, as it certainly is today.

Also, I was interested to learn that the question of what role the Minister for Local Government should play was of as much interest then as it is today. It must be borne in mind - and many Opposition members have conveniently forgotten this point - that local government is a system of government created by this Parliament. It may be the third tier of government, but it is a creature of this Parliament. Consequently, it is only proper that the Minister retain some control over the system of local government in New South Wales. I suggest also that probably the only difference between community feeling 75 years ago and today is the question of whether there is a need for local government in its present form.

Many people in the community would prefer to see local government as an administrative arm of the State Government. I will talk about that later, because I think it has something to do with the perceptions that the community has about local government. However I am sure that most members in this Chamber would not like be to see local government as an arm of the State Government; certainly I would not. I believe that our democratic system of local government is adequate. The bill recognises that our system of local government should continue in its present form. It also reflects the changing nature of the community that local government serves.

The style and format of the bill reflect our times, and though the bill recognises the need for an autonomous system of local government, more importantly it recognises that local Government must be more accountable. Therefore, if the bill appears to be overly prescriptive in parts, so be it; I think it should be. All too often councils, though professing to

be accountable to the ratepayers they are supposed to serve, have been seen as secretive organisations that are not prepared to be open and accountable in their dealings. That has led to a certain cynicism in the community towards local government. The bill goes a long way towards addressing that issue and forcing councils to face up to the fact that they, like all other government bodies, must account for their decisions.

In the time available to me this afternoon I wish to deal with a few issues that have arisen as a result of this bill. Chapter 9 of the bill prescribes how councils will be established. It also includes a statement on the role of mayor and councillor. A progressive step has been taken in the bill, in that the distinction between shires and municipalities, presidents and mayors, aldermen and councillors and ridings and wards has been abolished, and there is one system. Not many people would disagree with that part of the bill.

For the most part chapter 9 will allow councils some autonomy. It will allow them to establish or disestablish wards after a referendum and determine the number of councillors, so long as there are between five and 13, after a referendum, and determine the role of the mayor. I know some concern has been expressed about the role of mayor, but I believe local decision-making is important and the bill recognises that the council should determine the mayor's role. I bring to the attention of the House and to the Minister the concerns of many residents in the Sutherland shire about clause 219 - "What is a council's corporate name?" - which reads:

> The corporate name of a council of an area other than a city is the "Council of X" or the "X Council", X being the name of the council's area.

Certainly the Minister for Health, the honourable member for Cronulla and I have made our concerns known to the Minister. I know that Sutherland Shire Council has made its concerns known. Though I may disagree with Sutherland Shire Council, I am in accord with it on this aspect. Sutherland shire is a unique geographic area. Without wanting to denigrate other urban areas that have retained the name shire, when we speak about "the shire", most people recognise that as being the Sutherland shire. At a function held in Parliament House one evening, the lady who organised the function asked people from "the shire" to put up their hands. Everyone immediately knew what she meant; she meant the Sutherland shire.

Under that provision of the bill Sutherland shire would be no more. It would be Sutherland council or the council of Sutherland. That raises certain difficulties for residents, not only from an historical point of view but also from the point of view that Sutherland is a suburb of the local government area known as Sutherland shire. The council has written to all local members and has suggested a course of action that could be taken with regard to the council retaining, as its corporate name, Sutherland shire. I suggest that the Minister take on board the council's suggestion that clause 195 provide that the council may rename an area and that when the bill is enacted and the Minister advises the Governor what names are applicable to certain local government areas, he also advises the Governor that the corporate name for the local government area now known as the council of the Sutherland shire, will be Sutherland shire council.

It is not a great political issue, but it is an issue about which many people are concerned. It is a name that people hold dear, in particular those people who have lived in the shire for a long time. I have lived all my life in the Sutherland shire, and I would be disappointed if we could not retain that name as the corporate name for the Sutherland council area. I know that my two colleagues also share those views.

Chapter 6, which concerns the contracting out of council services, is probably the most controversial part of the bill, and this afternoon we have already heard the concerns of the honourable member for Cessnock and the honourable member for Bankstown about this particular part of the bill. The honourable member for Cessnock was most concerned about the contracting out provisions. We heard from the honourable member for Bankstown his concerns in regard to certain aspects of council services that would have to be contracted out.

Though the chapter requires councils to invite tenders for the provision of goods, materials, services, facilities or works that are estimated to cost not less than $100,000, and though councils have to prepare tenders for their provisions and then compare their own tender with other tenders, it also provides a list of provisions that can be taken into consideration when a council determines whether or not it will accept its own tender or accept the tender of another tenderer. Frankly, I think the time has come for all councils to be forced into that situation. It goes to the heart of local government. Local government is there to provide services to its community on a value-for-dollar basis and also on a basis of efficiency - the services it provides should be provided in the most efficient manner. All too often in the past councils have made decisions that, I believe, have not been made on that basis. If councils are forced to think seriously about the costs involved in providing a service, and if that means that councils not only have to tender themselves but invite outside tenders for certain services, the ratepayer will be far better off in the end.

I can speak with some authority on that matter. Honourable members have already heard from the honourable member for Coogee earlier in the debate about the great Linfox case in Sutherland Shire Council. I am not going to go into all the details about the Linfox matter, but I should like to put on record the latest developments. The latest events surrounding the garbage contract at Sutherland council are a good example why the provisions in chapter 6 are long overdue. Last year Linfox decided that it wanted to assign the garbage contract to another firm - Cleanaway. [*Extension of time agreed to*.]

Sutherland Shire Council then decided, after a long period of time - four to five months - that it would buy back the garbage contract that it had let to

Linfox two years earlier. The council decided that it would buy back that contract for $7.2 million, even

though Linfox had virtually already done the deal with Cleanaway. The council raised $7.2 million through loans to buy back that contract - which I find incredible. In the submission to the council, the council's staff quoted a figure of $440,000 to maintain the truck fleet that it would purchase from Linfox; Cleanaway quoted a figure of $1 million in its tender documents. It is interesting that a private company involved in waste management quoted $1 million to maintain the truck fleet, but the council staff maintained that it would cost the council only $440,000. Linfox decided to sell out its contract because, according to the figures that were provided to me, it was suffering a yearly operating loss of $457,704. Sutherland council decided that it had better take the service back, which raises questions about the efficacy of the council's decisions.

The council took over the contract and started running the fleet again. Earlier this year half the garbage truck fleet was out of action and pick-ups were one week behind schedule. Then, lo and behold, in February of this year a column in the *Sydney Morning Herald* showed that Sutherland Shire Council had decided to call tenders for - you guessed it - garbage trucks. Upon making inquiries certain councillor colleagues of mine found that the council was looking to place an order for four garbage trucks at a cost of $1 million.

We talk about accountability and the need for councils to make their decisions public. One of the other great things about this bill in that tendering out decisions must be made in a public meeting of the council. Sutherland Shire Council made its decisions behind closed doors. I have a document in front of me which at the top of the page in big capital letters has the word "confidential". It fell off the back of a garbage truck. I have the CWH20 garbage services contract. The council did not even have the guts to make its decision in a public meeting; it did not have the guts to put the documents on the table for public perusal.

One of the other interesting aspects of this charade that took place late last year and earlier this year was that the president of the council, in the minute of November that was produced setting out the decision to purchase the garbage contract back from Linfox, indicated that it would set up a waste services business unit to run the garbage service. Six months down the track that business unit has not been set up. Today, the *St George and Sutherland Shire Leader* published a letter from one of the more responsible councillors on the council, Councillor Stone. She has raised a number of issues that the council has not addressed.

She talked about the fact that six months after the decision was made this business unit has not been set up. She also asked a number of questions, one of which was, "Is the shire president suggesting that full accountability for costs associated with the garbage operations is not important?" Councillor Swords was asked at a recent council meeting why the unit had not been set up. His reply was, "The council has more problems, like picking up garbage, than concentrating on setting up this unit". I suggest, based on the evidence I have given today, that the council has a great number of problems to deal with in regard to picking up garbage.

Councillor Stone also asked the shire president when he is going to set up this unit. She also made the point - I will read this into *Hansard* because I think it is important - "At the time of buying back the garbage contract, the setting up of this unit and accountability were important aspects of the debate". That is what this issue is about - accountability. As Councillor Stone makes clear in her letter to the editor of the *St George and Sutherland Shire Leader*, that was an important aspect of the whole debate about whether or not Sutherland shire should buy back the garbage contract.

We are talking about contracting out and the need for accountability. The bill is spot on. I take this opportunity to congratulate the Minister for Local Government and Minister for Cooperatives and the employees of the Department of Local Government and Co-operatives for including those provisions in the bill. This House should strongly support those provisions. I am aware that the Opposition will seek, by way of amendments it intends to move, to delete those provisions from the bill. I will strongly oppose any move to remove those provisions from the bill.

It is incumbent upon all members of this House to ensure that councils are made accountable for their actions and that councils must be able to justify the financial decisions that they have to make. Ultimately, councils are not there to serve themselves; they are there to serve the ratepayers and the residents of the

local community - the emphasis is on the word "serve". Their property is not the property of the council; it is the property of the ratepayer who pays his or her rates every year so that the council can provide the services. I support wholeheartedly this bill. I congratulate the Minister on his initiative.

Mr J. J. AQUILINA (Riverstone) [4.20]: I echo the sentiments of congratulation expressed by members on both sides of the House to the Minister on the introduction of the bill. I also pay compliments to the department, various committees, government and council associations and other bodies that have had an impact on the development of bill, as no doubt they will continue to do for many years. The bill has a long history. The Minister, being the gentleman that he is, especially to the ladies, will not mind me paying a compliment to one of his predecessors, the Hon. Janice Crosio, who did great work earlier in this area. Janice Crosio has now moved to Federal Parliament and is performing an equally distinguished role as parliamentary secretary to Senator Bob McMullan, the Minister for Administrative Services and Minister for Arts. When she was Minister for Local Government in this State she played a crucial part in making sure that the gears were turned up in the drafting of this long overdue bill.

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Appropriate work was also done by people such as Kevin Stewart and Harry Jensen in their ministerial terms. The Local Government Act 1919 was said to be well and truly overdue for rewriting - some would say probably 50 years overdue. The Act ceased to be relevant decades ago and should have been rewritten probably half a century ago. In fact, the proposed amendments are more voluminous than the Act itself. Even now I have visions of working at night prior to, during and after council meetings, with many people in local government, examining various amendments to try to fit them to the Act to make sure no legal foul-up would occur. Like many other members in this Chamber, I cut my teeth on local government. In 1977 I was elected as an alderman and as mayor of the city of Blacktown. I had the unique experience of being elected as mayor of a very large city straight off without having served any preliminary term as an alderman. That was a very daunting task.

Looking back on that period, I can well understand that at that time a number of senior council officers may have thought their mayor was something of a young upstart. Probably I am now an older upstart. At that time I knew nothing about local government. I was elected mayor, I knew I had a job to do, and I sought advice on the Act from appropriate circles. In many cases I found the legal mumbo jumbo of the Local Government Act to be utterly frustrating to elected representatives and senior council officers who were trying to do the right thing by the ratepayers but who felt so inhibited by what they were trying to do. The bill is long overdue and will assist tremendously in overcoming much of that frustration. I hope also that the bill will serve the people of this State far better than the 1919 Act has in recent times.

The bill has been described as very prescriptive. The bill needs to be prescriptive in dealing with day-to-day issues, and that is good. However, I suggest that the bill still suffers slightly by being more than a little vague in certain areas. I expect that the bill, which will be passed in the next day or so, will be reviewed for many years to come and will be subject to amendments, many of which the Government may wish to initiate. I shall refer only to some points, for no doubt many of them will be canvassed later in committee when many amendments will be considered and dealt with by both Government and Opposition.

Anomalies exist in relation to council elections. At a time when we are trying to help ratepayers become used to the local government system by making it as simple as possible for them, the community still suffers from local government elections being made much tougher and more complicated than they need to be. The Minister would be aware that one of the amendments to be moved by the Opposition in committee seeks to enable groups of candidates to be elected by single group vote rather than by individual vote for each member. That system is widely accepted and is used in Senate elections. Voters may elect a group of candidates by voting for the group rather than for a multitude of candidates in strict preferential order.

We do not need to continue with a system that has thwarted many voters in past elections to their great detriment, often denying them their democratic rights owing to the large number of informal votes cast at

local government elections. Many voters think they are doing the right thing but later find that their vote has been discounted because they have committed an error under the voting system. In the interests of maintaining the democratic process and simplifying it, the Minister brought back on board the proposal of block voting for groups of candidates. Such a proposal would be of no consequence to those contesting an election because they are all treated similarly, but it would be a great boon to voting ratepayers.

I am concerned also about the provision in the bill for a limitation on the number of aldermen to 13. Given the overwhelming multiplicity of elected representatives, one might think that proposal is attractive. However, 13 aldermen on one council could represent a population of 8,000 to 10,000 people, whereas elsewhere another 13 aldermen could represent a ward equivalent to the size of a State electorate, with a population of up to 230,000 people. The bill suffers in that respect and it may need to be more prescriptive. Perhaps the number of aldermen could be related in some way to the overall size of the council and the number of people to be represented in the council area. Given the size of the Blacktown area, I strongly urge the Minister to consider the amendment to be moved by the Opposition which seeks to increase the number of aldermen from 13 to 15, that is, the number of aldermen on Fairfield and other councils in western Sydney.

That measure will enable the breaking up of councils into various wards with equal numbers of aldermen. At the moment Blacktown has five wards, each with three aldermen, and that system works very satisfactorily. The other problem with the reduction of the maximum number of aldermen to 13 is that clause 278 would be brought into play. Under that clause, councils would need to divide wards so that they can be represented by an equal number of aldermen. Blacktown would be faced with the option of having not 13 aldermen but possibly only 12 or 10, which would require wards in that council area to be divided into four wards with three aldermen each or five wards with two aldermen each. It would be very difficult for those aldermen - on a part-time basis, with a remuneration of about $3,000 per year - to adequately serve 130,000 constituents in the same way that a similar number of councillors could serve constituents in smaller council areas.

I raise that matter with the Minister and hope that my suggestions will be taken on board. I strongly urge that the maximum number of aldermen be increased from 13 to 15. Consideration should be given to relating the number of elected aldermen to the size of the council. Clause 278 should be amended so that the number of aldermen in each ward does not have to be equal. Many members have raised the compulsory contracting out for all goods, materials, services, facilities or works in excess of

$100,000. I do not share the concerns of the honourable member for Sutherland. Frankly, I think he was mixing his arguments in relation to that matter. No one doubts the need for councils to be accountable.

As a former chairman of the Public Accounts Committee I would be the first one to advocate strongly that in all matters of public life accountability has to be No. 1. But the compulsory tendering out process and the pleas for accountability do not necessarily go hand in hand. Councils can be held accountable without being made to tender out. Compulsory tendering out will mean an enormous headache for a council the size of Blacktown City Council. It will mean the building of a separate bureaucracy which will use a large proportion of ratepayers' funds in just overseeing the tendering process. It would be an administrative arm which probably would rival the largest existing administration within the council. [*Extension of time agreed to*.]

This provision suffers from vagueness. There is no prescription as to what constitutes a service provided by council. Councils will have enormous difficulty determining which of the activities they undertake will require contracting. For example, many councils are involved in providing child care facilities. Blacktown City Council is one. The amount of $100,000 is very small for a council the size of Blacktown. Other community services might be involved. Blacktown council has its own printing service. Will this have to come under the tendering process as well? What about the computing services that the council provides? Will those be regarded as a service? Will council also need to put those services out to tender? What about the drafting services of the large town planning department within a council with an expanding area such as Blacktown? How will these be handled? What about library services? Many areas are vague and

no doubt many senior officers of council and aldermen will be debating in the wee hours of the night at successive council meetings trying to come to terms with the strict provisions of this legislation.

It does not necessarily follow that just because services are contracted out the ratepayers will get more efficient services and a better deal. It does not work that way at all. I recall during my days as mayor when a number of services were contracted out and the council had to bail out the ratepayers by taking over the contract with council finishing off the work. One example was the building of a bridge on Richmond Road over Eastern Creek. The contractor went broke and the work was left for seven to eight weeks because we were legally bound not to undertake the work. Finally I said, "Hang the expense. Hang the litigation. We will go in with the council staff and finish off that bridge and worry about the legal consequences later". That is precisely what happened. Other massive tasks were taken over successfully by council staff at Blacktown. The building of the railway overpasses at Rooty Hill and Doonside was done by council staff efficiently and much cheaper than could have been done under contracting arrangements.

Blacktown council at the moment is contracting out a number of things. It has had nothing but headaches. Waste recycling, when it was introduced on a large scale, was contracted out. It was such a shambles and there were so many public complaints that council had to take over the work. It is now doing its own recycling very well. A similar situation arose with grass cutting in a very large area at Blacktown. That has been done to some degree by a contractor, but not very satisfactorily. So it does not always follow that just because something has been contracted out to private contractors the ratepayers will be given value and efficiency in the work done.

Another factor is that to award the contracts and to supervise their administration councils will need to establish a massive administrative arm and to employ consultants. Council after council will be spending hundreds of thousands of dollars of taxpayers' money on consultants to draw up the tenders, assess the tenders and oversee the work being done by the public contractors. That is the way things will go. It will be beyond the organisation of individual councils, particularly large councils, to do that. Therefore we will soon have a growth area for consultants. They will pocket the ratepayers' funds. Money which should be going into providing more services and facilities will go to consultants.

Having mentioned consultants, I now turn to lawyers. This legislation will be a lawyers' dream and a ratepayers' nightmare. Mr Speaker, I see you smile. I give you due respect, as I give the Minister respect, because I know he is a good lawyer too and had a wonderful practice before coming to Parliament. There is so much potential for litigation in relation to contracting arrangements and the awarding of compensation. The Minister would be aware of the submission of the Western Sydney Regional Organisation of Councils concerning the awarding of compensation. That will keep the pockets of lawyers lined. Pecuniary interest will also keep lawyers busy. The Minister has suggested the establishment of a tribunal to deal with pecuniary interest. How much of ratepayers' money will be used on legal opinions to determine whether an alderman or a councillor has a pecuniary interest in a matter?

At the moment there is a ridiculous situation in Blacktown council. An alderman had to get a legal opinion as to whether he had a pecuniary interest because his house was some kilometre away from an area of land that council officers have suggested be rezoned from urban space to residential. By voting on the matter the alderman may be seen to be benefiting in some way. We all shake our heads and say that is ridiculous or stupid. But these matters are of grave concern to aldermen. Some time ago the Blacktown Workers Club applied for an extension. The council could not deal with the matter because a majority of aldermen were members of the club and there was not a quorum left to consider the proposal. Let us have a bit more prescription. I suggest that we resolve the issue of conflict of interest that Mr Temby raised in his discussion paper of July 1991. We should prescribe what constitutes pecuniary interest

and conflict of interest and what does not. Finally, I should like to support the amendment to be moved by the Opposition in relation to the preparation of local ethnic affairs policy statements. I have a deep and strong personal concern about that matter and I fully endorse it. I support the bills.

Mr TURNER (Myall Lakes) [4.40]: I support the Local Government Bill and the consequential bills arising therefrom. First, I should like to pay tribute to the Minister for Local Government and Minister for Cooperatives, his staff and his department for the immense work carried out in the preparation and presentation of this bill. I had the privilege of chairing the Minister's advisory committee on local government and enjoyed being involved in a small way in bringing forward this legislation. There had previously been many years of vacillation with preparation and presentation of this bill. In 1988, when I was canvassing to enter this Parliament, I exhorted a rewrite of the Local Government Act then. Some five years on - in the past 12 to 18 months the Hon. Gerry Peacocke has been the Minister for Local Government - the bill has been brought before the Parliament. I know that it will be a living memory for the Minister for many, many years after he has left this House, and a tribute to him and his department.

This bill involved a considerable amount of public participation and consideration, which is a new aspect that has been explored by this Minister and his department. That participation has produced a bill which has been very well received within both the general community and the local government community. I do not believe that any other bill has ever been debated in the public arena as much as this one has. The number of submissions generated has been well documented and I will not place that on record, as it has been placed on record at other times. Obviously, a bill of such size cannot satisfy every person, but it is one that brings local government into the twenty-first century and provides a working document for the betterment of local government community and those within our society who are so dependent on local government, that is, the ratepayer. This bill will touch the average person more than any other bill and will affect their day-to-day lives more than any other bill.

I should also like to thank the Minister for his assistance while I chaired the Legislation Committee upon the draft Local Government Bill. That broke new ground in the sense that the legislation committee looked at an actual draft bill rather than the legislation that was to come before the House. The interrelationship between the department and the committee was such that a document that has been reasonably well accepted in the local government community has been brought forward. The committee comprised members of the Liberal, Labor and National parties and an Independent member, who all put in a great deal of work and made many compromises to steer this bill to the Parliament today. Unfortunately, the Independent member chose to work outside the committee, even though it was part of the charter of understanding with the Government that legislation committees be set up - I quote from the memorandum of understanding - "to have both the power and the facility to draft amendments to legislation".

It is regrettable that the honourable member for Manly did not spend more time and give more assistance to the committee rather than now delay the passage of this bill by bringing forward substantial amendments, which could have been discussed at the legislation committee level. Notwithstanding that, I do thank the members of the committee who spent many hours considering the bill, the evidence given at public hearings and the deliberative sessions that brought down the first legislation report tabled in this Parliament. I am also very pleased, on behalf of the committee, that, on my rather selective mathematics, approximately 72 per cent of the legislation committee's recommendations were put into this bill.

Arising out of the public participation segment of this bill were matters obviously of concern to the public at large. These included: the voting system, voter veto, the role of the mayor, the role of council, the role of general manager, private works, contract employment of senior staff, power of delegation, cost of change, councillors' fees, damages against council and contracting out. These concerns formed a nucleus for the review of the exposure draft, together with many other mechanical and technical matters. They also formed the basis for significant input by way of submissions which were fully considered in all aspects.

It was initially proposed that the system of voting be of equal value. One of the great dilemmas in a democratic society is: what is the best voting method? Many people vary on what is the fairest system of voting, but all systems have their strengths and weaknesses. Equal value voting was thought by the Minister to be the most fair and equitable manner in which to elect representatives at a local level to sit on councils. Perhaps because of the recommendations of the legislation committee, the Minister and Cabinet decided that the citizens of the particular council area should have the right to determine the manner in which

they vote. Therefore, this bill proposes that after the 1995 election there be a choice, determined at referendum, as to whether councils wish to use proportional, optional preferential or equal value voting. I believe this is a fair and equitable way to decide the issue of voting. What more democratic way than to have the electors of council determine the manner in which they wish to elect their representatives?

As I moved around New South Wales in my parliamentary duties, I took the opportunity to discuss with the communities I visited the proposed voting system. It was interesting to note that in most of the rural areas I visited there was great enthusiasm for equal value voting and after 1995 equal value voting may well come to fruition in many councils. I am sure that there will continue to be much debate in relation to voting methods but it is right and correct,

in my view, that the community that is to be affected by the vote has the right to determine the manner in which the vote is carried out.

A further matter that was obviously of great concern to the community was the role of the general manager vis-a-vis the role of the mayor. At present, the mayor or shire president acts as chief executive officer and perhaps, with all due respect to the mayor, he or she is not properly equipped to carry out the duties normally associated with a chief executive officer. It is felt by the Government that the mayor should head the council and be responsible for the policy direction and policy implementation of the council and that a general manager be employed as a chief executive officer for the day-to-day running of the council. I cannot see how any reasonable person cannot but agree with this idea.

In this modern day and age of sophisticated councils with substantial budgets, providing services for the community on a user-pays basis, it is necessary to ensure that there are economies of scale and quality service. While this is not to take anything away from the role of the mayor, there are people who are more equipped through training and education and tertiary training activities for the role of providing expert financial and management input to councils. The general managers of the future will be put onto contracts which are performance based. The contracts will have a minimum of one year and a maximum of five years' service provided in them.

In a compromise to the original proposal, that the general manager appoint all staff, it was thought that the appointment of senior officers by the general manager should be done in consultation with the council. I am inclined to think that this is a right and proper policy as, although I have said that general managers would possess management and financial skills, it does not hurt, I think, for the employment of senior staff to be viewed on a wide spectrum, and thus a concurrence of council together with the general manager on the appointment of staff is to be applauded. I do, however, confirm that other than the matter of senior staff appointments, the general manager should be responsible for the day-to-day running of council, including general employment of staff. The days of the shire president or mayor hiring and firing the plant operators will have to pass into history.

For those who feel that the general manager may usurp the authority of the mayor, can I say that a reading of the Act will show that the general manager will only obtain and take those powers that are delegated to him by the full council. This is right and proper in the sense that the council is the policymaker and the one to determine how that policy is to be carried out. Hence, any delegation of authority will fall within that policy delineation of council. Many councils, of course, have already adopted a general manager role and moved into a corporate context in their day-to-day activities. A continuation of that is all that is asked of those who have done it, and a bringing into line of those who have not.

Last year I had the privilege of visiting America to view local government organisations. I visited some 14 Californian cities. They are all called cities, even if there are only a few people in the area - in New South Wales they would be called councils. I also visited Los Angeles county and met with Senator Marion Berreson, the head of the Governor of California's local government committee, in the Californian capital of Sacramento. I paid particular attention to the general manager role as carried out in the American system. I could find nothing that would otherwise disturb me in the manner in which the general managers conduct

their day-to-day activities or that would give me concern about the introduction of such a position in New South Wales.

Indeed, the general manager does not even have the luxury of a contract in America and can be removed very quickly if he or she does not perform. In my view, the system was well accepted by the local government practitioners in America - and we met many while there - and one that appeared to work with a great deal of success, with very professional personnel. While everything that comes out of America is not necessarily to be applauded, this was one area where, I believe, there was significant scope for acceptance by New South Wales.

When we told the members of the various councils we visited what the Minister had done to enable this legislation to be introduced many thought that their local government system could be improved if the Minister spent a few years over there. While in America I also examined the situation in that country relating to contracting out. Some councils have absolutely no services themselves; everything is contracted out. For example, for one council, which had a population of 20,000 and a total staff of 20, everything was contracted out - lawnmowing, as was mentioned by the honourable member for Riverstone, street cleaning, planning approvals - everything was contracted out. They had no great difficulties with that system. It seemed to work extremely well. Having said that, however, I had some concerns about the contracting out of tender operations as proposed in the draft exposure bill.

Those concerns are spelt out in the legislation committee report, and I am pleased that the Government has addressed those concerns. Given the sparseness of New South Wales and the remoteness of many council areas, I believe it is not feasible to have a mandatory tendering and contracting out provision. Nevertheless it must be remembered that at the moment the New South Wales Government is obliged to go to tender in relation to amounts of $50,000. This bill provides a tendering process for projects of more than $100,000.

The honourable member for Riverstone referred at some length to the cost to his council of the contracting out provisions. I suggest to the member for Riverstone that he look closely at the administration of his council. With so many contractors falling off the rails, the contractors would not be at fault. I suggest his council would be at fault

for not selecting a competent contractor to carry out the work. There are exceptions in the bill with regard to contracting. Proposed section 53(3) provides that a council does not need to tender before entering into any contract if the contract is one where because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenders, a council by resolution decides that a satisfactory result will not be achieved by inviting tenders.

That is a significant clause in the bill. I am pleased that this provision has been placed in the bill together with the provision for a non-necessity of tendering in cases of emergency. The provision is vital to the accountability philosophy of this bill. Councils must show to the ratepayers that they are getting value for their rate dollar. Likewise in contracting out provisions under proposed section 54 of the bill, there has been some softening in that regard. [*Extension of time agreed to.*]

Critics of the contracting out and tendering clauses of the bill have said that because there are so many exclusions the matters should not be included in the bill. I cannot agree with those critics, as I believe that the tendering and contracting provisions will assist councils to streamline their operations to ensure that there is visibility of costs to the ratepayer and value for the dollar for the shareholders of the council - that is, the ratepayers. Should the ALP's wish materialise and this accountability aspect be removed, the true costs of council activities may be hidden from ratepayers. It must also be stated that in remote areas, country areas particularly, there must be provision made for the safeguarding and safekeeping of council work forces.

The conditions in clauses 53 and 54 provide an even footing for both the contracting out and tendering arrangements so that the maximisation of benefits to councils can occur. The provisions also enable them,

in circumstances that might be peculiar to their area, to maintain their day force so as to ensure that the economy of the council area is maintained. Another matter that will be the source of continuing discussion is the rating system. As with voting systems, everyone is an expert on what is the best rating system. There is no doubt that people will always feel aggrieved when paying rates to councils. People have a narrow view of exactly what rates are used for. People feel that the rates they pay must repair the road in front of their place. People do not understand that rates, of course, are a significant part of the finances of councils and are used to fund many council activities and projects.

I believe that ancillary to this bill there should be an ongoing process to educate ratepayers about what rates are for. That concept is set out in the annual report provisions of this bill. Such a process would forestall a great deal of the antagonism that exists between councils and ratepayers. This significant educative process should be undertaken to ensure that people in council areas know that the council is there working for them and not just taking rates from them. I urge the public and councils to give this provision a fair go. There will never be a perfect rating system, as nobody wishes to pay rates, and there will always be an argument about what rates should be levied on. The proposal for ordinary and special rate provisions is the first step, with the ordinary rate generally to be applicable to all rateable land in the area. A special rate is designed to meet the cost of specific works, services, facilities or activities.

Councils, in determining the ordinary rate, would have to declare each parcel of rateable land in the area to be within one of three categories - farmland, residential or business. The legislation committee was most vexed in relation to the rating issue but believed that a mixture of minimum and ad valorem rating was the most fair and equitable way in which to proceed with the matter. This proposal basically reflects a submission presented by the Local Government Shires Association. The Australian Labor Party has changed its position in this regard.

The legislation committee proposed that the minimum base rate would be an amount or component of the rate or a subcategory of the rate which is in the nature of an administrative charge in respect to each separate parcel of rateable land. It was the view of the legislation committee that this would be a fair and equitable manner of rating. It is proposed that councils levy a base amount to provide an amount that would not exceed 50 per cent of the revenue to be derived from rates and that the remainder of the revenue would come from a rate in the dollar of land value. Councils do not have to accept the minimum rate and ad valorem rate system, they can go on to a straight 100 per cent ad valorem assessment if they wish. Most councils in New South Wales currently use the minimum rating system, and this proposal is nothing more than an extension of that system.

I regard the proposed Opposition amendments as trendy or appeasing the minority amendments. More specifically, they are vote-buying amendments. The nude bathing amendment is one such proposal that seeks to pander to a minority. I note that nude bathing is proposed at National Parks and Wildlife beaches. I am sure that families who use the National Parks and Wildlife Service beaches in my electorate, which includes a fully patrolled and listed beach - and I suppose that means the lifesavers would not have to robe - would be aghast at such a proposal. The environmental amendments are simply abject pandering to the minority elements for base political gain with a to hell with the cost to the majority of the ratepayers mentality.

The cost to councils and ratepayers will be crippling under the Opposition's amendment that councils' annual reports must include an annual state of the environment report which must include areas of environmental sensitivity, important wildlife and habitat corridors, unique landscape and vegetation, proposals likely to affect community land or environmentally sensitive land, polluted areas, storage and disposal sites of toxic and hazardous chemical, waste management policies, threatened species register and recovery plans, environmental restoration

projects, vegetation cover and operation of tree preservation or like instruments. Just think of the cost involved!

The area of the council upon which I served was 753 square miles. The councils I represent in the

Myall Lakes electorate consist of large tracts of Crown land, national parks, farmlands, urban lands, coasts and rivers and lakes, et cetera. It would take an army of people to prepare such a report and maintain it. The honourable member for Riverstone talked about the costs of solicitors and so on in relation to council activities. This would cost a fortune; it would be a full-time job for many people. I cannot believe councils would embrace such a proposal. Why was such a proposal not brought forward at the time of the exposure draft, at the time of the legislation committee, at the time of the public submissions, or at some time prior to the start of this debate? This is a blatant political stunt to get the greens and minority groups on side.

Likewise the proposed amendment for the plan of management for community land is farcical in relation to the classification of natural areas. Who will determine whether a wetland is a watercourse or not? What role will the Department of Planning play in this situation? Will we see developing councils classifying areas as water courses when they are in fact wetlands? Or will we see the Department of Planning classifying as wetlands areas that are water courses? It is farcical, transparent and vote buying. During this section of my speech I have referred to the mayor or shire president. This Act will bring a uniform title to the head of the council. The title of shire president will pass into history and mayor will become the title of the elected head of the council. Likewise the title alderman will disappear. Having been accorded that title once, I am a little sorry at its passing, but so be it.

There are many other aspects of the Local Government Bill that are new, exciting and forward thinking. It is the first bill to be written in plain English. For this, the Parliamentary Counsel should be complimented, as should the departmental officers who worked hand in hand with him. The people of the local community and those of the local government community will need to pull together to make this bill work. There are many knockers in the local government community - the political grandstanders. I call on those people to stop their whining and whingeing, to stop their politically motivated knocking of this bill and pull together towards a new era of local government in New South Wales. They do no possess all wisdom. Many people in New South Wales have put this bill together, and many will be affected by it.

Many people in the local community appeared before the legislation committee. They made significant submissions to the Government, to the legislation committee and to other bodies. Many people listened to those submissions. This bill cannot be all things to all people. It must have direction and purpose. I believe it has that. It will give autonomy to local government. It is a non-descriptive bill so councils can work with some feeling of fulfilment and accountability within their own communities. I call on all those people who will be affected by the bill - the practitioners of local government - to work within the framework of the bill. [*Time expired*.]

Mr PRICE (Waratah) [5.0]: I support the Local Government Bill although, as has been mentioned, the Labor Party will be moving a number of amendments which it believes will enhance and strengthen the bill - not detract from it, as the honourable member for Myall Lakes suggested they will. I congratulate the Minister for Local Government on his perseverance. He is the third Minister to have responsibility for this legislation over the past six years - the others being Ministers Crosio and Hay. The legislation has been rewritten a number of times and has had public exposure. There have been genuine attempts to amend it. This bill will certainly address a number of the anomalies that have arisen over the years. The bill is now portable; it is possible for a person to carry it in one hand.

Some ordinances have been deleted or replaced by regulations. This process of amending the Act or altering regulations from time to time will speed up its application and enable it to be more easily understood not only by those who work with it but also, more importantly, by those in the community who are governed by it. I would like to speak briefly about the election provisions in the bill, and specifically the system of election. The City of Newcastle Act 1986 was overlooked when this clause was inserted in the legislation, in particular that clause of the bill which deals with the filling of casual vacancies. Enshrined in the City of Newcastle Act is a list system for elections. Newcastle has experienced two elections under this list system. Newcastle council has had to replace two aldermen - one as a result of a resignation and the other, sadly, because of his death. In both cases those aldermen were replaced by the next person on the list.

The community had an opportunity at election time to judge the capacity and ability of those two people and vote for them accordingly, either on a group basis or an individual candidate basis. At present, Newcastle council has 12 aldermen, but this legislation has provision for 13. Having been an alderman on Newcastle City Council when there were 21 aldermen, I believe 12 aldermen is not a sufficient number. It could be a nerve-racking experience if every alderman took his or her full speaking time. I certainly subscribe to the view that 15 aldermen would be nearer the mark. Returning to the benefits of the list system, two new aldermen have been appointed to Newcastle council without the cost of advertisements in local newspapers. Council had only to write a few letters inviting those people on the list to stand as aldermen and asking them whether they were eligible under the conditions and terms set out in the Local Government Act. Council numbers were maintained at no cost. As I understand it, not one meeting was missed. Revenue raised through rates was spent in a way that would have received the approval of

ratepayers. Revenue was not used for an unnecessary by-election, which at that time would have been a citywide franchise. Council saved in excess of $300,000, which is not an insignificant amount in any one year.

The Minister should seriously consider making provision for this obviously economical list system - a system that is no less democratic than any other, and one which I believe has found favour with the general population. People in an industrial centre such as the lower Hunter are fairly discerning. They let council know if they do not believe it is doing the right thing. In Newcastle no objections have been raised and I am sure no one believes that his or her democratic rights have been withheld because someone has been elected from the list. For many years the list system was used for the upper House. It has certainly stood the test of time. I am concerned about the provisions in the bill that suggest that all power should reside with the general manager. I will be supporting an amendment that will be moved to give the mayor a share of power between council meetings. That sort of flexibility and guidance are required.

Mr Peacocke: It is in the legislation.

Mr PRICE: I am pleased to hear that. There is definitely a need for the mayor to be involved. He must be able to ensure that the views of the people are heard. I have spoken about the size of councils. I applaud the Government for not making provision in the legislation for more than 20 aldermen. It is not a nice experience when this House sits until 3 a.m. It should not have such an exclusive right, even if some urgent matter has to be debated. I believe that 15 aldermen on a council would allow some flexibility. I hope the Minister will rethink that provision in the legislation. I am concerned about the tight provisions in the legislation relating to senior staff. The contracting proposals also need a little more flexibility. If a city manager or clerk is to retire within 18 months and the job is readvertised within 12 months, council should be able to assume that that person is eligible for reappointment on a brief contract. That sort of situation will arise on a number of occasions. I hope the Government reviews those provisions and looks seriously at implementing an appropriate mechanism to allow this flexibility.

Other speakers in the debate referred briefly to pecuniary interest. I recall an incident that involved me and another alderman who worked in different capacities in the same organisation. That organisation leased an adjacent block of land for a car park. At that time the clerk requested me and the other alderman to declare our pecuniary interests. I was not sure how the acquisition of a car parking lot would affect my capacity to earn money, discharge my duty or influence the flow of money to a subcontractor. But I did not argue. I hope those demarcation lines are freed up to allow more room for interpretation. I agree absolutely that pecuniary interests must be declared. However, if such provisions are carried to the nth degree, they become counterproductive and defeat the purpose. In many cases local government bodies could be made to look foolish in the eyes of the public by doing nothing more than enforcing to the letter the requirements of the Act. I hope some thought will be given to that problem and that it may be possible to relax the enforcement of the provisions. That would avoid embarrassment, difficulty and, indeed, any peculiar legal situations which may develop later.

I would like to address the provisions of the bill relating to stormwater drainage. Though I have read the

provisions of the bill which relate to drainage offences, I have not seen any reference to offences committed in certain situations by local government authorities. In my electorate three authorities are responsible for the management of stormwater. They are the Hunter Water Corporation, Newcastle City Council and the Hunter total catchment management group. It is difficult to determine who has the final responsibility for the removal of stormwater. Crazy things such as the definition of a flood must be dealt with. If stormwater results from a rainstorm and floods a river, that is defined as a flood. However, if a river has a high tide, that is not necessarily defined as a flood; it is defined as a high tide. The results are the same: property is destroyed, residents are inconvenienced and in most cases ratepayers have to foot the bill. If they do not, the authorities argue amongst themselves about who has the final responsibility.

That is deplorable. I am not sure whether it would be appropriate for the bill to address the problem, but if the issue could be addressed the requirements for adequate stormwater drainage could be ascertained. The legal responsibility for stormwater drainage could be redefined or narrowed so that uninsured people affected by inundation are not thrown from one authority to another, with the result that not only do they become frustrated but also they have their properties destroyed or devalued without any authority being prepared to take responsibility. [*Extension of time agreed to*.]

Ironbark Creek, which runs through the Hexham wetlands, is tidal and is governed by floodgates. It is the main repository for a significant number of stormwater channels owned by Newcastle City Council and the Hunter Water Corporation. A committee has been formed under the auspices of the total catchment management trust to try to resolve problems with the three existing Acts. After 18 months, the committee continues to meet without a suggested resolution. I am told a report will be forthcoming in June of this year. To date the committee has consulted about 14 public authorities to try to determine how to deal with the disposal of floodwater. That is an appalling indictment of the authorities who deal with floodwater and drainage. I hope that in some way the bill will assist in the resolution of the problem.

The matter of rates is always ticklish, if I can use that term, but it should be addressed. In my electorate rates are based upon the unimproved capital value of land. I would like to have that system of

rating maintained. In most cases it relates to the ability of people to pay. The Act and regulations, which require payment by a set date at the risk of a penalty with a high interest rate, can be interpreted in such a way as to disadvantage those in the community who are already disadvantaged and unable to pay on time. The flexibility that is required to collect rates from people in those circumstances should be written into the regulations in an identifiable way, so that at least those people are aware of it and are able to appeal on the basis of the regulation. At present they must rely entirely on the whim or the interpretation of a council officer - although the council officer may be acting within the ambit of the existing Act, ordinance and or regulations - which may or may not be sympathetic to his cause.

Mr SPEAKER: Order! It being 5.15 p.m., pursuant to sessional orders the debate is interrupted.

PRIVATE MEMBERS' STATEMENTS

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PROSPECT ELECTRICITY OVERHEAD TRANSMISSION LINES

Mr PACKARD (The Hills) [5.15]: I speak on behalf of Mrs McCammont of 3 Jones Road, Kenthurst, and Karen Baker-Johansson of 118 Kenthurst Road, Kenthurst. At one stage Karen worked for my company and I know her well. These people have been significantly disadvantaged by Prospect Electricity. In 1990 Prospect Electricity decided to replace normal small electricity lines with a 132kV line which crosses the houses of the people to whom I have referred. It is absolutely dreadful. Prospect Electricity effectively decided to take the law into its own hands and do what it liked. If it were a private concern, there is no possibility that such a monstrosity would have been allowed to cross private properties. Prospect Electricity

applied to Baulkham Hills Shire Council, in whose jurisdiction the properties are located, for permission to erect this monstrous electricity line. The council rejected the application, but Prospect Electricity went ahead anyway.

The story thickens. Unfortunately, Mrs McCammont has been ill, and she entered hospital. It is not commonly understood that these lines emit a very loud noise. Over the years the noise has grown louder. For two years the McCammont family has had sleepless nights. From December 1990 to December 1991 Mrs McCammont was constantly in touch with Prospect Electricity. While she was in hospital undergoing open heart surgery, a Mr Silvers, her next door neighbour, agreed to keep her briefed on the progress of options. In December 1991 Mrs McCammont discovered that Mr Silvers, who formerly lived at 1 Jones Road, had sold his property to Prospect Electricity; Prospect Electricity had bought the house next door to Mrs McCammont. Mr Silvers maintained that he had a buyer and that the buyer wanted to cancel the contract because of the blight - a word that has become well known in this area - over his private property. Prospect Electricity, a public utility, persuaded Mr Silvers to sign a secrecy document to the effect that he would not tell anyone that Prospect Electricity had bought his property.

Three or four properties are involved. I ask the Minister for the Environment to ask the Minister for Conservation and Land Management and Minister for Energy, Garry West, to try to sort out this problem with Prospect Electricity. Two things can happen. The powerline can be relocated underground, which is the proper thing to do. If this area was a new development, the powerlines would be located underground. If the powerline is to remain across the properties of these people, they must be compensated. Mrs McCammont wants to sell her house. She wants to get out of the area because of the noise. She will have to sell her house to Prospect Electricity. Prospect Electricity is intransigent. The stories one hears about Mrs McCammont's dealings with it are absolutely awful.

In March 1993 Mrs McCammont had a meeting with Mr Smiles and John Pearce from Prospect Electricity regarding all the issues. Mr Pearce said that Prospect Electricity bought the Silvers' property because when the poles and lines were set up, Mr Silvers lost the sale of his property. Mrs McCammont disputes that and says she has found out from the sole agent that there was not a buyer. In April Mrs McCammont telephone Prospect Electricity and again asked for a meeting and for any outcome to be put in writing, but she has still received no reply. This has been going on since 1990. For three years this lady has been fighting for equity and justice. It is high time that the group of people at Prospect Electricity decided to compensate the residents or to put this monstrosity underground. These people moved to Kenthurst to take advantage of its natural amenities. When they purchased their five-acre properties, they were serviced by ordinary local powerlines. An absolutely awful 132kV powerline has now been constructed. The problem must be resolved. Prospect Electricity must be told that it cannot ride roughshod over local residents and local councils. [*Time expired*.]

Mr HARTCHER (Gosford - Minister for the Environment) [5.20]: The honourable member for The Hills is well known for his strong defence of private property rights. He continues that fine record tonight in championing the cause of these people, who are concerned about the electricity powerline situated over their property. I congratulate him on raising the matter. I will ensure that the matter is raised with the Minister for Conservation and Land Management and Minister for Energy. I am concerned about the blight that has been placed on these people's land. Clearly, these matters must be addressed by governments and councils. It is not appropriate that individuals who bear the cost of community services which are enjoyed by everyone should not be compensated. The problem cannot be easily resolved. Finance is not always available to compensate, to reroute or go underground, but I am sure the Minister will ask

Prospect Electricity to consider the alternatives in an effort to assist these people in their difficult situation. I again congratulate the honourable member for The Hills on his strong commitment to his constituents and to private property rights in this State.

PARKING FINES OF Mrs JUNE KELLY

Ms NORI (Port Jackson) [5.21]: I speak on behalf of Mrs June Kelly of 19 Mitchell Street, Glebe. Mrs Kelly has received a considerable number of parking fines which were not incurred by her but by her son. She first heard about these fines when she attempted to register a vehicle which she purchased on 29th January, 1993. She was told this could not be done until the outstanding fines had been paid, and that her licence had been cancelled. The fines amount to $1,200. A chamber magistrate told Mrs Kelly that she was still liable for the fines. I do not think he gave her correct advice, although I am unable to pursue that matter. It was not made clear to her that her son could provide statutory declarations stating that he had incurred the fines. The story is complicated because her son is now in gaol. The car that incurred the fines was her son's car. He had asked her to take over the registration because he felt sure he was about to go to gaol on another matter. He received a bond for that matter but has subsequently been imprisoned. It is a mixed up and tragic situation.

The paperwork was not changed back into the son's name when he went to gaol, so his mother was landed with all the fines. The son is clearly unreliable. He was not easy to track down; he is a drug addict; he is serving a gaol sentence for armed robbery in relation to his drug problems; and he kept telling his mother it was all right and that she should not worry about it. Mrs Kelly needs a car. She visits her 83-year-old mother in Erskineville every day from 9 a.m. to 3 p.m. She looks after her every day of her life. She has custody of her two grandchildren, Amber who is nine years old and Todd who is four years old. The children's mother, Mrs Kelly's daughter, died last year from septicaemia. She had been a drug user.

Mrs Kelly has reared four children on her own in Erskineville. Her eldest daughter died years ago in a car accident. Mrs Kelly is 56 years old. She has reared her children on a barmaid's salary and is a real battler. She has had a lot of pain and tragedy in her life. She is now in public housing. Despite all her efforts, there is no way she can find $1,200. She could not keep up with what her son was doing. All honourable members are aware of the behaviour of drug addicts and how irresponsible they can be. The Minister for Police has written to me saying there is not a lot he can do. The Roads and Traffic Authority claims that a number of fines are outstanding in relation to a series of vehicles of which Mrs Kelly is not aware. She accepts that one had been her own vehicle previously, but a number of vehicles are mentioned of which she is unaware. Perhaps a computer error occurred.

Had her son provided a statutory declaration within 21 days of the offences stating that he had incurred the fines, she would have been all right, but he has been in gaol. He has provided statutory declarations. Perhaps there was a holdup within the prison system in sending out the statutory declarations. This woman, who is raising her grandchildren as her own and who has an elderly mother, cannot afford the fine. I cannot see the value of putting her in gaol. It is a mess. She is doing a great job of rearing two children. I spoke to her this morning and she burst out crying. I told her she was a real battler. She said, "Yes, I am a real battler from the inner city. I might be down but I am never out". She is a real stoic.

I would like the Minister for Justice to endeavour to find a compassionate, creative solution to the problem because no purpose will be served by sending her to gaol. No purpose will be served in forcing her to find $1,200. It would mean her having to obtain vouchers from the St Vincent de Paul Society, she would be a burden on the Department of Community Services in obtaining children's clothes, and so on. I think the Government should cut its losses. Mum should not always end up with all the debts. Let us give this lady a break, as well as the children she is trying to rear.

Mr HARTCHER (Gosford - Minister for the Environment) [5.26]: The matter raised by the honourable member for Port Jackson will be referred to the Minister for Justice. I understood that parking fines were not the liability of the owner of the vehicle if the owner was able to supply a statutory declaration stating that on the date in question he or she was not driving the car, and identifying the person believed to have been driving the car. That was the case when I practised as a lawyer. If it is the case, I believe Mrs Kelly may have a satisfactory remedy to her problem apart from intervention by the Minister. She probably does not have the resources or the background to check out regulations or to prepare statutory declarations. I hope assistance will be forthcoming, possibly through the local legal centre or through some other process about

which the honourable member for Port Jackson may be able to advise her. It is unfortunate when sons undertake activities that place a burden on parents, especially a mother such as Mrs Kelly, who has raised a number of children. I hope the situation can be rectified by the advice of the Minister for Justice to the honourable member for Port Jackson.

POLICE HIGHWAY PATROL

Mr PRICE (Waratah) [5.28]: I raise a matter of importance in my electorate in relation to the actions of certain members of the police highway patrol. For some time I have drawn attention to the concern of the general community about radar traps and certain sneaky activities undertaken by some highway patrolmen. I do not believe these actions are carried out under instruction. I think a great deal of camaraderie is involved, and a belief that by

maintaining a high booking rate an officer will rise to great heights. I do not apply that statement to all members of the Police Service. I believe them to be honourable upholders of the law and people with a dedication to their task, including the highway patrol. I have also been booked, but I have recently discovered a couple of instances of ingenuity way beyond my wildest dreams. I feel I must raise at least one of those instances in the Parliament. I have not been in contact with the Minister for Police about this matter, but I am sure he will appreciate the problem when he reads my remarks in *Hansard*.

I was advised by a constituent two days ago that on a section of the Morisset-Freemans Waterhole county road, which is used by a significant amount of through traffic as one of the bypasses for the F3 national highway, a vehicle with a Cleanaway sign was by the side of the road and, later, another vehicle with a Pirelli sign was by the side of the road. The two vehicles proved to be unmarked police cars, the occupants of which apprehended motorists at some point further down the road. My caller indicated that he then called the Cleanaway company, which sent one of its managers to check. Sure enough, he found an unmarked police vehicle with a Cleanaway sign on it.

I can cope with ingenuity, but that is going too far in the prosecution of traffic offenders. I believe that the highway patrol was from the Wyong police district. I hope that that practice will cease. I have no difficulty with the concept that unmarked police vehicles are necessary, and I am glad that the highway patrol is doing its job, but there are limits. Even I would not have thought of that. It concerns me that such occurrences go unchecked. Motorists feel intimidated and reluctant to report them and they become common practice. That type of practice gives the police a bad name, and it gives the Government a bad name. It lends weight to the public perception that all infringements are nothing more than revenue raisers and there is not a central commitment to ensuring a safer driving public.

I hope the Minister for Police will investigate the incident and, if the messages I have received are correct, that definite and clear steps will be taken to stop this practice. I also request an overhaul of the location of radar traps and the way they are notified to the public. Honourable members know about that well-known stretch of the F3 national highway between Peats Ridge and Ourimbah, where sometimes three patrol cars, 12 police officers and a radar trap wait to catch offending motorists in an area where I am not sure that there have even been any really serious accidents. Is it for safety's sake or for revenue raising? I would like an assurance from the Minister for Police that he will investigate the matter and take the necessary action to ensure that the safety of the motoring public and pedestrians is the key concern of the highway patrol, and not the collection of revenue to satisfy a budgetary requirement.

Mr HARTCHER (Gosford - Minister for the Environment) [5.33]: The Minister for Police will undoubtedly give attention to the remarks of the honourable member for Waratah. It has to be acknowledged that the State now has the lowest road toll in its history. That has been brought about by the vigorous action of the New South Wales police. Of course, the honourable member was not critical of the police road safety operations; he praised them. He was merely drawing to the attention of honourable members and the Government the fact that certain activities in the very vigorous enforcement of the road

laws may not comply with commonly accepted standards.

The public is well aware, from television advertisements and roadside billboards, that unmarked cars are used extensively to detect speeding motorists and infringements of the traffic laws, and would naturally expect there to be a high degree of activity on the part of the police using unmarked vehicles. Nonetheless, the honourable member has raised the issue of the Cleanaway sign, which did not have the endorsement of the company in question and would not be seen in a favourable light by that company. Accordingly, it should be investigated by the Minister and brought to the attention of the Wyong police patrol. I have had considerable involvement with that particular patrol - not in the sense of having been apprehended, but as a lawyer when I regularly attended Wyong court. The Wyong police patrol should be advised of the standards that the community expects, and honourable members would hope that the police comply with that request.

SOUTHEAST FOREST LOGGING

Mr COCHRAN (Monaro) [5.35]: Once again, I raise the matter of a logging contractor in the Badja State Forest. I have made a series of representations to the Minister for Conservation and Land Management. This is at least the tenth occasion on which I have raised in this Chamber the subject of the southeast forests and the plight of the forest workers in that area. I do so this afternoon on behalf of Don and Katheryne O'Reilly, timber contractors from Cooma. At this very moment - as he has done for the past five weeks - Don O'Reilly is camping with his equipment in the Badja State Forest in order to protect it from saboteurs, the green element from the Australian National University and others from Canberra, who seek to sabotage his equipment.

This situation has arisen on a number of occasions in the past and at this moment 13 demonstrators, academic deserts, people who seek to frustrate production in this country, are in the forest. They have spread themselves around the forest floor in the area where the contractor is operating and are denying him the right to earn a living. Don O'Reilly is a very average Australian. He would probably be a Labor supporter. He is a working-class man. He has battled for everything he has. I appeal to those on the Opposition benches to assist me and other members on this side of the House to overcome this problem that is constantly faced by the forest workers in New South Wales.

These are working people. I do not give a damn who they vote for. All I am concerned about is that what is happening in the forest tonight is a microcosm of what is happening in Australia. The honest, true,

working people of this country are consistently frustrated, while others prefer to sit on their butts - the academics, who have never produced a thing in this country. Don O'Reilly is representative of the working people of Australia, who want to work but are being obstructed from so doing while these indolent fools who come out of the universities, who have learned nothing, who are professional students and have done nothing to produce anything for Australia, believe they have some God given right to prevent an honest Australian from earning a living.

It is not enough that they want to stop Don O'Reilly from earning a living. The man will go into debt and will eventually go broke. He will go on to the dole queue and we will pay him to sit at home and do nothing. No honourable member can tell me that there is any common sense in that. The area that Don O'Reilly is logging - compartment 23 - has been approved by the Forestry Commission and by the National Parks and Wildlife Service. It has met all the requirements of the ratbag legislation that has passed through this House in the past five years, mainly at the behest of the Labor Party, yet he still cannot go to work.

How much patience should the timber workers in the southeast forests show towards such people? How much tolerance should they exhibit when they go there and cannot work? I tell honourable members here and now, their patience has expired - and so has mine. Tomorrow, I intend to join the workers and we will take whatever action is necessary to remove the protesters from the forest so that the workers can go to work. I ask members on the Opposition benches to come down and give me a hand, if there is any guts

amongst the lot of them, because I do not believe there is. I do not believe the Opposition has any intention of supporting the working people of New South Wales - as was clearly demonstrated here on 5th March.

On 5th March I made a claim that the National Party had taken over representation of working-class people in New South Wales. The National Party has done that and will do it again tomorrow, because Labor Party members do not have the guts. They are controlled by the greens and left-wing loonies. The honourable member for Coogee, the arch left-wing loony, has just entered the Chamber. I raise this issue once again in the hope that the Labor Party will assist National Party members and that the endangered fauna legislation will be abandoned so that the Forestry Commission can get on with its work and produce export income for Australia. [*Time expired*.]

Mr HARTCHER (Gosford - Minister for the Environment) [5.40]: The interest of the honourable member for Monaro in forest issues, national parks and national parks and wildlife matters in the southeastern area of the State and his electorate is well known. He has spoken frequently on those issues. The Government acknowledges his keen interest. I was unaware of the problems being experienced in the Badja State Forest by timber contractors. Those who have lawful licences to carry on their activities should be allowed to do so without hindrance, threat or difficulty being put in their way. Citizens who engage in illegal conduct put themselves outside the law and should be dealt with according to law. The honourable member is right in bringing to the attention of the House the activities of people who are violating the law. One can sympathise with Mr and Mrs O'Reilly in their difficult predicament.

I hope that the Minister for Conservation and Land Management, who has responsibility for the Forestry Commission, will be able to assist and that the police also will be able to ensure that lawful activities can be carried on. At the end of the day the only way to resolve these issues is to have a rational system of planning land allocation in the State. That is what the natural resource package will achieve. So that we will know the areas that are worthy of conservation will be conserved and those that are suitable for further development. Until that day arrives and the Government's legislation is passed, these difficult problems will continue to occur. One thing about which I agree with the honourable member is that Liberal Party and National Party members represent the working community in Australia; they represent the Australian workers.

CREDIT REFERENCE ASSOCIATION OF AUSTRALIA LIMITED AND Mr J. P. EYCK

Mr CHAPPELL (Northern Tablelands) [5.42]: I bring to the attention of the House, and particularly the Minister for Consumer Affairs, an issue that is causing considerable unfairness to at least one of my constituents and, I am sure, to many other people who have been in the unfortunate position of having come under the notice of the Credit Reference Association of Australia Limited. I know that essentially this matter comes under the Federal Privacy Act, but for a number of reasons that will become obvious, it is of concern also to the New South Wales Minister for Consumer Affairs. I am sure she will raise the matter again with the Federal authorities and, hopefully, with the Credit Reference Association.

I refer to a situation that confronts Mr Joe Eyck of Armidale. The matter has been brought to my attention, with Mr Eyck's authority, by his solicitor, Mr Adrian Mallam of Armidale. Mr Mallam has brought to the attention of the Credit Reference Association on a couple of occasions the plight of Mr Eyck and has sought to have the records of the Credit Reference Association amended in order to stop continuing embarrassment and restrictions on credit facilities being made available to Mr Eyck because of incidents that occurred well in the past.

Two requests have been made for the Credit Reference Association to correct its files. So far those approaches have been futile. I hope that when the Minister for Consumer Affairs reviews the matter she will take it up on Mr Eyck's behalf and will endeavour to achieve through her good offices a correction of this grossly unfair situation. An incident led to the voluntary bankruptcy of Mr Eyck some time

ago. That bankruptcy has now been satisfied. When a person who is bankrupt clears his bankruptcy status by fully paying the outstanding debts, which is known as annulment, or by waiting for the three-year period and applying for automatic discharge - as happened in this instance - that person's records should be appropriately annotated so that in future anyone making a search of the Credit Reference Association files will know that the person is in the clear.

All honourable members will be aware that people get into financial trouble for many and varied reasons. At this time of economic hardship more people are either in bankruptcy or facing bankruptcy and suffering from economic stress because of unemployment and so forth than at any other time in the memory of most honourable members. That being so, it is important to ensure that the processes available for people to clear their names and restore their good credit rating are in place, to enable people to reactivate their normal credit rating as quickly and effectively as possible. People whose names have managed, for whatever reason, to get on to a file as a credit risk should be able to have their names cleared from the file or have the records appropriately annotated as soon as the debt has been satisfied.

On behalf of Mr Eyck and at the request of Mr Mallam I bring the matter to the attention of the House. Any debt that is more than 60 days' overdue and valued at more than $100 can result in a person's name being put on the files of the Credit Reference Association. I do not argue with that. Obviously people in business are entitled to protection from bad debts. That has always been the case. However, there should be a way in which a person whose name appears on the list can have his or her name removed from the list in less than five years. The name may have been placed on the list for a short-term cause or a cause that was beyond the control of the debtor; one can imagine all sorts of situations - people being overseas or falling into arrears without even knowing it, because of a breakdown in the mail system. I am sure many creative explanations have been given for that sort of thing happening. [*Time expired*.]

Mr HARTCHER (Gosford - Minister for the Environment) [5.47]: The honourable member for Northern Tablelands has raised an issue that the Federal Legislature and State Legislature have sought to address: individuals being able to correct entries on credit reference files. People have statutory rights in respect of this issue. I understand the concern of the honourable member about the specific case he mentioned. I assure him that it will be brought to the attention of the Minister for Consumer Affairs, who will, if possible, seek to assist.

EX GRATIA PAYMENT TO ZIGGY POHL

Mr THOMPSON (Rockdale) [5.48]: Since my election as a member of this Parliament in May 1991 I have come across many different types of injustices - as, I am sure, have most honourable members - and have done my best to put them right. Today I raise a matter of unparalleled injustice, in my experience, being suffered by one of my constituents, Johann Ernst Siegfried Pohl of West Botany Street, Rockdale. Mr Pohl is popularly known as Ziggy. The case of Ziggy Pohl has attracted a lot of attention in recent years. In 1973 Mr Pohl was convicted of murdering his wife. He was sentenced to penal servitude for life. He had pleaded not guilty and continued to maintain his innocence during his incarceration. After 10 years in gaol Mr Pohl was released on licence in 1983. On 8th September, 1990, Roger Graham Bawden went to Queanbeyan police station and confessed to having murdered Mrs Pohl in March 1973.

Despite the pleas and urgings of Ziggy Pohl and his legal representatives, it was not until July 1991 - some 10 months after Bawden's confession - that the Governor, acting on the advice of the Executive Council, directed that a judge of the Supreme Court conduct an inquiry into the conviction of Ziggy Pohl. This judicial investigation was held under section 475 of the Crimes Act but the due processes of the law ground on at a snail's pace. It was not until 27th May, 1992 - some 20 months after the Bawden confession - that the Governor, having received the Attorney General's advice on the result of the inquiry, granted Mr Pohl an unconditional pardon.

But the matter does not end there. The fact that Mr Pohl has been pardoned by the Governor does not

adequately vindicate his name or reputation. Indeed, an unconditional pardon does not put Mr Pohl in the same position as a person whose conviction has been quashed by the Court of Criminal Appeal. In effect, Ziggy Pohl has been cleared of the crime but has not, in the fullest legal sense, been exonerated from the fact and effect of the conviction.

Section 475 of the Crimes Act should be amended to provide that where a pardon is granted following a report that there is a reasonable doubt as to the conviction, the legal effect of the pardon should be the same as if the conviction had been quashed by the Court of Criminal Appeal. At present, if a person opts for a post-conviction inquiry under section 475 of the Crimes Act, the proceedings are conducted by one judge. If the alternative route of a hearing in the Court of Criminal Appeal is followed, the matter would ultimately proceed before three judges.

In Mr Pohl's case this would have entailed at least 25 sitting days of the court. Inevitably there would have been a longer delay and the costs would have been staggering. Given the facts of this case, where the evidence was so clear-cut, the section 475 option was chosen because it would deliver a measure of justice to Mr Pohl quickly and would save much time and expense. It is probable that the costs involved in a Court of Criminal Appeal action would be more than any settlement granted. The cost to the community would also have been substantial and even further delay would have been factored into the court system.

It is extraordinary that Mr Pohl has been cleared after serving a full sentence for the murder of his wife. Ziggy Pohl is now 56 years old. For the past

20 years he has been tormented by his unjust conviction. He has endured massive pain and suffering. Some 10 of the most potentially productive years of his life were wasted behind bars. Not only has he endured great pain and suffering, but he has also lost income which he would have earned during his main working years as a carpenter, builder and designer. Even now, job opportunities are lost because of his history.

The injustice continues. He has lost whatever opportunity he may have had during the central period of his life to have a family. His financial position is desperate. Continual pleas to the Government, through the Attorney General and the Premier, have fallen on deaf ears. The quashing of this innocent man's conviction and an award of compensation must be decided without further delay. In the name of justice, nothing less will suffice. The basis for this demand was set out in a letter dated 30th March, 1992, to the then Attorney General from Mr Pohl's legal representatives, Teakle Ormsby and Associates, which in part reads:

> . . . Like Mr Pohl, Mr Blackburn was the victim of circumstances which wrongly created suspicion against him. Mr Blackburn, of course, was not in custody for any significant period of his life. Mr Pohl, like McDermott, actually served more than a decade in prison.
>
> We appreciate that you may be faced with pressure from Treasury advisers urging that an ex gratia payment to Mr Pohl would be an expensive precedent, and should not be made.
>
> On the contrary, we submit, justice cries out for compensation in this case. Such a situation as this arises rarely - indeed, there are few such cases in the legal history of New South Wales. Public confidence in the administration of justice will be weakened unless Mr Pohl is provided with a proper and adequate ex gratia payment.

[*Time expired*.]

Mr HARTCHER (Gosford - Minister for the Environment) [5.53]: I understand the concern of the honourable member for Rockdale in bringing this serious matter to the attention of the House. As he said, it is a case which has grave implications. All honourable members would join with me in expressing deep regret for the unfortunate circumstances that Mr Pohl was subjected to in serving 10 years in prison for an offence for which he has now received an unconditional pardon and to which another person has confessed.

Most Australians are aware of this case because it featured prominently on the television program "60 Minutes" some time ago. As a result of the Pohl case, the criminal law division of the Attorney General's department is reviewing section 475 of the Crimes Act. Mr Pohl has made an application for an ex gratia payment and that application is being considered.

SYDNEY HELIPORT

Mr SMILES (North Shore) [5.54]: This evening I bring to the attention of the House the issue of the proposed central business district heliport to be located at Pyrmont. The proposed location is almost directly opposite my important electorate of North Shore, and the effect of the heliport may well extend to the adjacent areas of Lavender Bay, Wollstonecraft and Waverton. The issues associated with the proposed heliport location are many and varied. My constituents have expressed concern that the heliport might be better located at Kingsford Smith Airport in view of the Government's announcement of a proposed light rail system from the city to the airport. If the heliport is to be located at Pyrmont, my constituents wish to know whether it will operate seven days a week, what will be the frequency of services, the size and type of helicopters that will use the facility, and the issue of the proposed 500 feet limitation from residential areas. Obviously the noise factor in terms of distance and weather conditions is another concern.

On 20th April I wrote to the commission of inquiry into the proposed central business district heliport asking that the concerns of my constituents be noted and considered during the commission's activities. I requested that the commissioner and his professional support staff attend a public meeting to discuss the ramifications upon their lives of the proposed Pyrmont heliport. I requested also that at that meeting the commission arrange that appropriate helicopters be made available to demonstrate the likely impact on my constituents. Thousands of residents live in the areas I have nominated. Should the noise levels be inappropriate, some 10,000 residents would be significantly affected. In mentioning this issue I am not in any way prejudging the reality of the situation. As a member of Parliament who prides himself on his sensitivity to his constituents' concerns and wishes, I hope the commission accepts my invitation to attend such a public meeting.

Mr HARTCHER (Gosford - Minister for the Environment) [5.59]: There are few members of Parliament who are as dedicated to serving the interests of their constituents as the honourable member for North Shore. He always expresses strong interest in any matter affecting his constituents' welfare and is a classic example of a community-based representative. It is to his credit that once again he has raised an issue of concern: the noise level of the proposed heliport. Sydney is the only major city in the world without a heliport. Clearly, it deserves one and must have one.

The issue is the finding of an appropriate location for a heliport and that is why the commission of inquiry has been set up to investigate the proposed helicopter facility at Pyrmont. The environment, ambience, impact of noise and of the proposed service will be fully investigated by the commission of inquiry to which the honourable member for North Shore has already made representations, determined as he is to look after the interests of his constituents. I assure him that the matters he has raised will be fully taken into account. If the honourable member for North Shore seeks a public meeting to discuss the noise issue, the Environment Protection Authority will arrange a meeting in his electorate where the concerns of his constituents will be satisfactorily addressed.

MOTOR VEHICLE THIRD PARTY INSURANCE AND Ms E. KARAS

Mr IRWIN (Fairfield) [6.0]: I wish to present to the House a matter of grave concern involving the compromising of the professional integrity of the dental profession by the actions of a motor vehicle third party insurance company. This matter was brought to my attention by Ms Ellen Karas of Fairfield. In August 1991 Ms Karas was involved in a motor vehicle accident and suffered injuries to her jaw, neck and

back. As the driver of the other vehicle involved admitted liability, Ms Karas filed a claim against the third party insurer of the vehicle, FAI Insurance Group. Ms Karas states that since filing the claim she has had some difficulty in dealing with matters associated with her claim and is far from satisfied about the manner in which her claim has been handled. Her complaints have included incidents in which documentation has been misplaced and medical and out-of-pocket expenses have not been paid.

In the course of having her claim assessed, Ms Karas has attended medical examinations by medical practitioners appointed by FAI Insurance. In September 1992, Ms Karas was requested to attend an appointment with Dr Telford at Suite 902, 135 Macquarie Street, Sydney. Ms Karas duly attended at the appointed time and discovered that Dr Telford was a dental practitioner. Ms Karas was then admitted to Dr Telford's surgery and seated in his dental examination chair. After greeting Ms Karas, Dr Telford began to question her regarding details of the accident and her injuries and, to her surprise, questioned her about difficulties she was having in getting her claim processed through FAI Insurance. After some time Ms Karas heard a beeping noise and Dr Telford remarked, "We have been talking for 45 minutes". Ms Karas responded, "Oh, have we been talking that long?".

At this point Dr Telford leant over his instrument tray and picked up a small tape recorder. On asking if the preceding conversation was taped, Dr Telford replied, "Yes, I needed it for my notes". Ms Karas said, "Other people do not do that", to which he replied, "Would you like a copy?". Dr Telford then proceeded to carry out the examination, at which time staff assisting Dr Telford took written notes dictated by Dr Telford. Ms Karas was then referred for X-ray examination. Before leaving the surgery, Ms Karas said to Dr Telford, "Now what about that tape? Will you give me your word that you will destroy it?". He replied, "Yes". Ms Karas claims that at no stage did she give her permission for the conversation to be taped and that she was not aware of the taping until she heard the sound of the tape recorder. Further, she was not aware if Dr Telford had continued to taperecord the conversation after that point.

Having considered the incident and discussed the experience with her solicitor, Ms Karas wrote to the Attorney General setting out the details which I have just described. In his reply of 5th April, the Attorney General advised that he had referred the matter to the Motor Accidents Authority, which had presented the issue to FAI Insurance. The Attorney further advised that FAI was to inform its assessors involved with third party claims that the actions described are not acceptable. The Attorney also advised that he had referred the matter to the complaints council of the Insurance Council of Australia Limited.

This disgraceful incident demonstrates that the insurance industry has sunk to a new low in its dealings with the victims of motor vehicle accidents. By engaging the service of a member of the dentistry profession to gather information outside the area of his professional interest, the insurance company has compromised the dentistry profession. In light of this case it must be open to question whether other branches of the medical profession may be taking part in illegally recording conversations with persons referred to them for examination. I commend the action of the Attorney General in referring Ms Karas' complaint to the Motor Accidents Authority. As it is fair to assume that this is not an isolated incident, I ask that this issue be further examined by the Motor Accidents Authority and taken up in a broader sense by the Insurance Council of Australia Limited.

In view of the complicity of medical professionals, I suggest that the matter is worthy of consideration by the ethics committees of the various professional bodies if members are involved in these activities. Also, I suggest that the Listening Devices Act be amended to ensure that the taping of a private conversation may only take place with the prior express approval of all parties. Until that time, all members of the public should be on notice that the confidential and seemingly innocent conversations with medical professionals may be taped and provided to insurers.

Mr HARTCHER (Gosford - Minister for the Environment) [6.5]: The concerns of the honourable member for Fairfield have been referred already by the Attorney General to the Motor Accidents Authority and it would not be appropriate for me to comment on a matter which is now pending. Clearly, the taping of conversations by any person without the consent or knowledge of the party being taped is repugnant and is,

in most circumstances, an offence under the Listening Devices Act.

The honourable member may wish to refer the particular incident to the Dentists Registration Board as well. One can only express deep regret that his constituent has been placed in this extremely embarrassing and difficult circumstance, arising out of a motor vehicle accident which obviously created sufficient problems for her without her being forced to undergo further trauma. One can only hope that the Motor Accidents Authority ensures that this particular practice will not be tolerated in third party insurance claims.

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FORMER STATE TRANSIT AUTHORITY EMPLOYEES TRAVEL BENEFITS

Mr DOWNY (Sutherland) [6.6]: I raise a matter on behalf of a constituent from Alfords Point. Recently we have read in newspapers of the amazing amount of taxpayers' money necessary to fund travel perks of former members of the Federal Parliament. I wish to speak about a constituent who recently was retrenched from the State Transit Authority. For 29 years this man was a hard-working employee of the authority. Recently he found out that he was not entitled to the travel benefits that retirees from that authority and the State Rail Authority are entitled to after lengthy employment. When he was retrenched earlier this year, Mr Borg was just over 60 years of age.

Last year he came to see me and asked me to ascertain his position. I duly wrote to the Minister for Transport advising him that Mr Borg had been retrenched from the State Transit Authority after 29 years of service. I also provided his age. In the efficient way that the office of the Minister for Transport operates, I received a reply indicating that Mr Borg would be eligible for a free pass when the current passes in his possession expired. They were passes to which he was entitled as an employee of the State Transit Authority. The Minister indicated that the State Transit Authority had informed him that Mr Borg was 60 years old when he left the authority on 11th January, 1992. His term of employment with the authority was 28 years, 10 months and 10 days and that after 28 years service an employee is entitled to a gold pass.

Armed with that information Mr Borg wrote to the State Rail Authority passes and concessions section, and applied for his gold pass. On 18th March he received a reply from the State Rail Authority saying that he was not entitled to a gold pass because he did not meet the necessary conditions. Those conditions were detailed to him in the letter he received from the State Rail Authority. Mr Borg is unhappy with the situation he now finds himself in; I must say that I cannot blame him for feeling that way. Mr Borg was given certain information - which we received from the Minister for Transport, who was obviously advised by his advisers - which we now find appears to be correct.

I ask the Minister for the Environment to intercede with the Minister for Transport on behalf of Mr Borg. As I have said, he was a hard-working employee and is entitled to at least this one concession because of the years of service he gave to the State Transit Authority. I hope that the Minister for Transport will see fit to investigate Mr Borg's circumstances and instruct his officers in the State Rail Authority to make the right decision and enable Mr Borg to obtain the gold pass that he believes he is entitled to. Based on the information that we received last year, we were under the impression that he was entitled to it.

Mr HARTCHER (Gosford - Minister for the Environment) [6.11]: I commend the honourable member for Sutherland for bringing this matter before the House and for his zeal in ensuring that the interests of his constituents are properly represented and raised appropriately. I know, in my own experience as the member for Gosford, of the difficulties that can be experienced in obtaining this concession for those who are entitled to it. I had a similar experience which took an extremely long time to resolve. In the end it was resolved satisfactorily for the person who was entitled to the gold pass after many years of faithful service in the transport section of the State Rail Authority. I will certainly bring this matter to the attention of the Minister for Transport, and every effort will be made to facilitate a proper investigation of the concerns of the constituent of the honourable member for Sutherland. Hopefully, that situation will be resolved in a way which is satisfactory both to the honourable member and his constituent.

LEGAL AID FOR Mr K. CURTIS

Mr HUNTER (Lake Macquarie) [6.12]: I rise to speak on a legal aid matter which is of great concern to two of my constituents, Mr and Mrs Kenneth Curtis of Muswellbrook Crescent, Booragul. I wrote a letter to the Attorney General and Minister for Industrial Relations on 8th February, 1993, which stated:

Dear Minister

re: Legal Aid Matter - Mr K Curtis

In November last year I made representations to the Legal Aid Commission on behalf of Mr K Curtis of 37 Muswellbrook Crescent Booragul 2284 concerning his application for Legal Aid.

Mr Curtis applied for Legal Aid on 9 October 1992 in relation to a motor vehicle accident on 14 October 1991. A stolen car being pursued by police entered an intersection against the red light and struck Mr Curtis' vehicle which was proceeding with the green signal.

As he has been unable to work since the accident Mr Curtis found himself unable to meet the financial cost of fighting a case in which he was the innocent victim.

The response received from the Legal Aid Commission on 25 November 1992 stated the matter had been referred to a legal officer for expedited consideration.

A telephone call was received from Mr E Powell Legal Aid Commission Sydney on 14 December 1992 by Mr & Mrs Curtis' solicitors Whitelaw McDonald and Associates. Mr Powell indicated a letter would be sent from Legal Aid authorising the provision of a medical report and a Police Accident Report. To date that letter has not been received but Mr Curtis has been now informed by his solicitor that Legal Aid is not to be granted.

. . . Both she and her husband are very upset at the advice received from their solicitors and state they feel they are being treated like the guilty party.

This matter is a very unfortunate one. Not only has Mr Curtis not been able to work since the accident (in which he was the innocent victim), but also Mrs Curtis has cancer. As a consequence of all the recent stress Mrs Curtis states they have been forced to place their children in foster care and she has even sold her wedding rings to help finance Mr Curtis' legal representation in this matter.

As this application was acknowledged as being received by the Legal Aid Commission on 13 October 1992 and the response dated 25 November said it would receive an expedited consideration, I feel that Mr Curtis has been very harshly dealt with in this matter. Your investigation into the delay in receiving written advice is sought.

Legal Aid should be granted in this case therefore I seek

your urgent and sympathetic consideration of the points raised in this correspondence.

To clarify the situation, the insurer of the stolen vehicle which collided with Mr Curtis - FAI Insurance - has admitted liability, but there is a dispute over the amount of the settlement. Legal aid was sought to proceed along those lines. The Attorney General replied in writing to me, attaching a letter from the Legal Aid Commission dated 10th March, 1993, addressed to the Secretary of the Attorney General's Department regarding the case of Mr Curtis. That letter referred to my earlier representations to the Legal Aid Commission. It then states:

Then, by letter 1 December 1992, a letter was sent by the Commission to Whitelaw McDonald seeking further information in order to properly assess the application for legal aid.

Whitelaw McDonald responded by letter 9 December 1992. In the light of the solicitors' response Mr Powell, the Commission's legal officer handling the file, telephoned Whitelaw McDonald on 14 December 1992 and advised Mr McDonald's secretary (in Mr McDonald's absence) that the Commission would fund a medical report from a Dr. Searle and the Police Traffic Accident Report.

Mr Powell further advised that the solicitors could obtain those documents forthwith without waiting for the formal letter of authorisation which might not be immediately forthcoming in view of the impending Christmas-New Year holidays.

The formal authorisation letter was engrossed dated 5 January 1993.

However, the letter was not forwarded because of changes to the Commission's policies in respect of civil law matters.

The Legal Aid Commission called Mr Curtis's solicitors saying, "Go ahead, tell your clients to go out and incur a debt" - which they have done, gaining medical reports and police reports. It is ludicrous that, because the office was closed over Christmas and the Government changed its policy, Mr and Mrs Curtis were then advised that they would no longer be getting legal aid. I believe that the driver of the stolen vehicle was granted legal aid to fight his criminal charges, on which he was convicted. Yet Mr and Mrs Curtis, the innocent victims, are not being granted legal aid. I do not think it is fair. Mr and Mrs Curtis have suffered enough; their children have been placed in foster care; they have sold their furniture. I urge the Minister to investigate the situation. [*Time expired.*]

Mr HARTCHER (Gosford - Minister for the Environment) [6.17]: The honourable member for Lake Macquarie has brought to the attention of the House a matter which is obviously causing great stress to Mr and Mrs Curtis, not only the accident in which they were involved but also the cancer suffered by Mrs Curtis and the fact that the children have been placed in foster care. Clearly, Mr Curtis is the innocent victim of a stolen motor vehicle accident and is entitled to compensation for his injuries. I can only say that the Attorney General has very limited authority to interfere in the operation of the Legal Aid Commission - it is essentially an independent body under his statutory responsibility. Nonetheless, as the honourable member indicated, the way this matter has been handled is worthy of investigation.

Secondly, in my experience as a solicitor - I have to say that I have not practised for some years - most lawyers in this sort of a case do not require any money from the party up-front; they know that the party will eventually be successful. I would hope that Mr Curtis is not being asked to foot legal bills. He is certainly entitled to have fighting his case a lawyer who will be paid at the end of the day, as many lawyers are. Finally, Mr and Mrs Curtis have under the Act certain rights of appeal that they may pursue. I hope they have been fully advised of those rights. I will, on behalf of the honourable member, ask the Attorney General to investigate the way this matter has been handled at a bureaucratic level. I hope that Mr and Mrs Curtis are granted the legal assistance that they require to pursue their case.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Tink) left the chair at 6.19 p.m. The House resumed at 7.30 p.m.*]

LOCAL GOVERNMENT BILL

IMPOUNDING BILL

LOCAL GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL

ROADS BILL

TRAFFIC (PARKING REGULATION) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr PRICE (Waratah) [7.30]: Part 4 chapter 16 of the main bill deals with street drinking. Though I understand the reasoning and I am quite happy to concur with the proposals put forward in this section of the bill, I have personal concern about the interface with the police force. Though other sections of the bill involve other enforcement authorities, I wonder what the implication is. If covered by regulation that ordinance officers, or regulation officers as they are to be renamed, will the enforcement officers be sworn as special constables to act in similar capacities to those described in this section, particularly in the area of confiscation. If that is not so, the Minister might explain just how it is intended that this part of the bill will work.

Based on past experience, I envisage problems where ordinance or regulations officers faced with an enforcement situation may be unable to obtain the services of a police officer. If that be the case, it lends itself to the possibility of diminution of the ability of councils in a legal situation to enforce this section of the bill. Indeed, it could place unreasonable pressure on police officers in certain circumstances, particularly on the night shift with the present reduced availability in the community of police after hours.

I turn now to the cognate bill relating to roads. The problems in the provincial and country areas, as you would certainly be aware, Mr Speaker, leave a lot

to be desired again in terms of interface between the responsibility of the Roads and Traffic Authority and in some instances with that of the Commonwealth Department of Transport and Communications. To a large degree traffic committees are effective within local government, but members of those committees are not being given the full story of the requirements of the RTA. That assumes that in all cases RTA officers would be acting on behalf of the Commonwealth for the provision of major highways, funding for upgrading State highways, maintenance of county roads and those types of matters.

The classic example is the current end of the national freeway F3 at Minmi in my electorate where there is a four-lane super highway of world-class standard with speed zones of 110 kilometres per hour. By November this freeway will be ready to empty on to an upgraded two-lane county line with speed limits of either 100 kilometres per hour or 80 kilometres per hour still to be determined. Council is rarely informed of the proposals of the RTA and the Commonwealth authority to upgrade the local roads system. Such information would enable a simple transition from one speed zone to another and full volume of traffic to be able to flow freely and uninhibited.

The national freeway has been a part of this county for a number of years, but only now the State and Commonwealth governments are moving towards resolving the problem. While the Commonwealth has provided a great deal of funding, that contribution, unfortunately, has not been matched by the State authority. Though the Minister may have his reasons, I do not believe any reason put forward at State level can compensate for dangerous traffic situations, particularly in an area where deaths already occur. A recent death occurred on Monday night when a 73-year-old woman was killed at the intersection of Anderson Drive and the New England Highway, Beresfield. Fatalities have not previously occurred in that area but there have been many mechanical accidents.

At Anderson Drive, Tarro, a graded separated intersection is proposed. This is supported by the council, the RTA and the Commonwealth, but funding refusals have prevented the commencement of

construction. That particular intersection at Tarro is recognised as the worst black spot in the lower Hunter. Over the past 30 years more than 30 people have been killed either at that intersection or within a kilometre either side of it. Councils must have greater capacity to be informed of major roadworks; they must be allowed to have better input; and local members must be better informed to ensure that community input is at the highest possible level. Assuming everyone will accept secret proposals or that bureaucrats in Sydney or Canberra are aware of what is happening in the particular area is of no use. These problems must be resolved; I hope they will be addressed by the regulations and that the Minister will take these comments on board in his consideration of future recommendations. Indeed, the Minister should move to improve the communication system and network between the traffic committees, particularly the RTA through to the Commonwealth authority.

Mr ZAMMIT (Strathfield) [7.38]: It gives me pleasure to support the Local Government Bill. I am pleased to have been a member of the local government committee at a time when important changes were foreshadowed. All members in the Parliament have an ongoing contact - I would suspect almost daily contact - with local councils and constituents experiencing various difficulties with councils. Members of Parliament may be reluctant to become involved, but it is almost impossible not to. As members of Parliament, we have become acutely aware of the problems of councils and constituents dealing with councils. It was a pleasant experience to go through each chapter and clause in the bill systematically identifying the problems and arriving at solutions one after the other. In the limited time available to me, I intend to deal with three chapters I believe are of importance. I shall make a few preliminary remarks and will then go to the details of those chapters. I shall follow that course because it is almost impossible in the short period of time available to address and mention the 18 chapters and seven schedules contained in a bill of more than 360 pages.

I pay tribute to my friend and colleague Gerry Peacocke, the Minister for Local Government, for his herculean efforts in sifting through all the 11,500 comments and submissions he and his department received, including about 25,000 pages of written and typed material. The Minister and his staff conducted interviews with about 10,000 people throughout New South Wales, and they have brought all the matters together into one bill to bring local government up to date with modern practices and procedures. That huge amount of work must come close to qualifying for a mention in the *Guinness Book of Records*. I pay tribute also to Garry Payne, the head of the department, and his staff, and to Ian Manning, the Minister's policy adviser. The local government reforms have been aimed at improving the efficiency of local government and its responsiveness to the needs of its citizens. The reforms seek to avoid unnecessary State Government intervention while encouraging and ensuring proper accountability to the local community.

This approach to local accountability in the bill is threefold. The first approach is by ensuring that the legislation is clearly written in plain English and laid out in a helpful way. Anyone interested in a local issue is able to readily understand the law without the need for complex legal interpretation and explanation. The bill sets new standards in New South Wales and probably Australia in accessible user-friendly language, layout and style. As the Minister remarked in his second reading speech on 11th March, the Parliamentary Counsel has done a remarkable job of clarifying the language, including the use of charts, diagrams, and helpful information note boxes throughout the bill to explain and expand, with references to other related parts of the bill and other legislation. This bill is not a piece of legislation written solely for town clerks or other local

government practitioners.

Second, the bill has been written with the role of the community as a key factor in it. The first substantive chapter after the introductory part is entitled "How Can A Community Influence What A Council Does", in chapter 4. This important chapter addresses open meetings and the entitlement of anyone in the community to access information in documents. It also discusses the range of mechanisms available to councils to sound opinions in the local area. Nothing could be more important for councils than to be able to reach out to the community to seek opinions before decisions are made.

Third, the bill encourages members of the public to influence council decisions on matters such as the level of rates and charges, the terms of management plans by which the direction of the council is set, and the granting of development and building approvals. This involvement, so critical to the effective decision making of councils, is the making of submissions and comments on, or objections to, proposals relating to those matters. This symbolises the importance the community will play in council decision making and obligations on councils to ensure that the community has access to meetings and key correspondence, reports and other information. In regard to access to documents, most councils have always acknowledged the right of the public to know what is going on in council. The old 1919 Act gives access to some documentation, though I emphasise the word "some". It has always been very difficult for ratepayers to see what is before a council, especially on matters of a controversial nature.

The bill clarifies which documents must be available for inspection free of charge, and the list is quite extensive. I urge anyone who is interested in the bill to obtain a copy of it to ensure that what a council does is in keeping with the wishes of ratepayers. The list includes: the council's code of conduct concerning councillors, members of staff and delegates of the council; the council's code of meeting practice, setting out the procedures followed in council and committee meetings, including the rights of the community to participate in aspects of those meetings; the council's annual report; annual financial reports; equal employment opportunity management plan; business papers for council and committee meetings; minutes of council and committee meetings; annual reports of bodies exercising delegated council functions; records of building certificates; and plans of management for community land. The actual list in the bill is much longer and is itself a minimum requirement. A note box in chapter 4 explains that a council may have other information available free of charge, for example, the rate record, the valuation list and the register of dog registrations.

With regard to open meetings, the public can only play a role in council affairs if it is able to attend meetings. A major shortcoming of the old 1919 Act was that there was no obligation on councils to inform the community as to where meetings were to be held. Clause 9 of chapter 4 of the new bill requires councils to give notice to the public of the times and places of its meetings, and the meetings of those of its committees of which all the members are councillors. The new bill also provides a general entitlement for anyone to attend meetings of council and committees - a right not provided for in the present Act. The old Act, however, did provide a right to the public to access correspondence and reports following a meeting.

This limited access has been expanded and refined in chapter 4, so that councils must give what is referred to as reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting, unless that meeting was closed to the public. It is noteworthy that the circumstances under which a meeting may be closed to the public are now quite limited. Essentially, a council will be unable to exclude the public from meetings of council or a committee unless personnel matters concerning particular individuals, personal hardship of a resident or ratepayer, or commercial contractual or legal matters requiring confidence are being discussed.

Under the heading "Expressions of Community Opinion" the bill provides two separate mechanisms to allow the council to be absolutely clear about the views of the community on issues. First, clause 14 allows that a poll may be taken of the electors in a council area on any matter at all for the information and guidance of council. In other words, these polls are not binding. I am sure councils will take great care in exercising that opportunity and will not take a poll on every minor matter. That provision exists in section 81 of the 1919 Act and has been used extensively across the State by councils, generally in conjunction with a general election.

Second, the 1919 Act also provides for a very limited range of what have been termed compulsory polls, the decisions of which are binding on council. The old Act limited the application of these to the application of the Library Act 1939 to the council area - pretty much a dead letter issue for all but a handful of councils - and the means by which a mayor is elected, either at large or from within the council. The reform bill expands the range of what are now termed constitutional referenda. The questions which may now be put are: creation or abolition of all wards; change in the way in which the mayor is chosen; change in the number

of councillors; change in the way councillors are elected for an area divided into wards; and change in voting systems used in council elections. As the name implies, the change must proceed if the question is carried at such a referendum.

I turn to chapter 9, the key constitutional chapter setting out how local government areas are constituted, named, altered and dissolved. It also sets out the role of the mayor and the mechanisms by which he or she is elected. Similarly, the role of councillors is covered, as are a number of major changes to the 1919 Act. As to the end of the titles shire and municipality, clause 219 states that the

corporate name of a council of an area other than of a city is "council X" or "X Council", with X being the name of the council's area. Generally this simplification has been welcomed, except by some shires. When the current Local Government Act was introduced in 1919 the titles of municipality and shire had a practical meaning. Municipalities were largely urban centres while shires were essentially rural areas. [*Extension of time agreed to*.]

However, these titles have now largely lost their meanings. For example, the metropolitan shires of Warringah and Sutherland, with populations of more than 183,000 each, are overwhelmingly urban environments which could hardly be regarded as rural. Polling by the department in the course of the reforms has shown widespread confusion in the community about the different parts of our system of government - the names, the functions and how it all fits together. The terms of shire and of municipality have been replaced in the bill by the single term of council to remove the anachronism and to make it easier for the community to understand the three different levels of government. Other key changes relate to the name and number of elected members. For ease of understanding of the system of government, elected persons will all be termed councillors in line with the abolition of the distinction between municipalities and shires. Virtually no opposition to this proposal has been expressed through the department's consultation program.

The provision in the bill to limit the number of elected members to a maximum of 13 is more controversial. There are 19 councils of the 177 councils in New South Wales which have councillors in excess of 13, and that includes such diverse councils as Wagga Wagga and Parramatta. It is fair to say that the limit on numbers arises from the perception that larger numbers confer little advantage in efficiency. Everyone has had the experience of how a small group encourages more focused and effective decision-making. Though recognising that in an extraordinarily large council such as Blacktown the representational balance is marginally altered, the benefits to effective and efficient decision-making must hold the balance in favour of the upper limit of 13.

With regard to remuneration a totally new initiative in this chapter is the proposal to establish the Local Government Remuneration Tribunal. It is clear that there are many anomalies between similar councils as to allowances paid to mayors and presidents for expenses in connection with their offices. It is also the case that disputes arise about the nature of particular activities and whether meeting fees and travelling expenses for councillors may be paid. The Local Government and Shires Associations have strongly supported the establishment of an arm's-length system to remove allowance and fee-setting from the all too present temptation to make political capital of such issues. This proposal parallels the mechanism available at both State and Federal levels of government for a parliamentary remuneration tribunal.

The methodology of the tribunal is simple. It must, at least once in every three years, do the following: determine categories for councils and mayoral offices; place each council and mayoral office into one of the categories; and determine the maximum and minimum amount of fees to be paid to mayors and councillors in each of the categories so determined. The working out of categories takes into account not only obvious things such as size and population of areas, but also the diversity of the communities served. In this way a council serving an area with a range of ethnic communities may have the often strenuous representational workload in such areas recognised in the level of fees paid to the elected councillors. The tribunal as proposed will tap into the expertise and resources of the New South Wales Parliamentary Remuneration Tribunal and Statutory and Other Offices Tribunal.

I now turn to chapter 10. The electoral system set out in this chapter has many worthwhile aspects carried over from the 1919 Act, including four-year terms, compulsory voting, non-resident ratepayer voting, filling of casual vacancies by by-election, and preferential and proportional representation voting systems. There is no evident reason to tamper with the four-year term which has now been in place for some years. As part of the system of government in Australia, local government obviously should share as many common features in the electoral system as practicable, and compulsory voting is the norm at all levels. When local government voting was not compulsory the low turnout - in the region of 25 per cent in some instances, if not less - made it difficult to make claims about the democratic process.

The longstanding provision of non-resident ratepayer voting which is not compulsory has been joined by a new provision modelled on that applying in the city of Sydney for an occupier or ratepaying lessee vote, again on a non-compulsory basis. In this way those who have a significant stake in the commercial viability of the area but who do not live in the area are able to exercise their democratic right and have a say in the nature of the council which may affect their business. The filling of casual vacancies by by-election is an expensive mechanism, especially if the area is not divided into wards. The cost of a by-election can be quite substantial. The system works well in an elected body where parties are the order of the day. This is the situation in, say, the Senate or the New South Wales Legislative Council. However, it does not suit the bulk of councils which are not run on obvious party lines and which have at least a significant number of elected members who are Independent members. Reluctantly, therefore, it must be conceded that the only sensible, universal approach is that which is contained in the bill, that is, a by-election to fill such casual vacancies.

On the question of voting systems members will be aware that the exposure draft bill issued for consultation early in 1992 proposed a new system of equal value voting, or EVV, which would replace the existing systems. The highly successful consultation system brought out considerable comment on the EVV

system, some of it complimentary but much of it suggesting that the current system gave a pretty fair reflection of the community on the make-up of councils and should be retained. In response to this somewhat equivocal outcome the bill proposes to retain the status quo but to offer the option of EVV, to be decided by binding constitutional referendum. Those councils which have expressed an interest in the EVV system will have the opportunity of sounding out their communities on the issue. This outcome is a good demonstration of the effectiveness of the draft bill and the consultation approach adopted by Minister Peacocke.

The electoral system in the new bill provides a key role and responsibility for the Electoral Commissioner in the conduct of elections. The Electoral Commissioner is the person in the State with the expert knowledge and experience in the conduct of elections across the State. His involvement, building on the role he has played since 1987, will bring a guarantee of consistency of practice and professionalism to local government elections. This can only be seen as an advantage. It is also interesting to note that the reality of the presence in local government of political parties has at last been recognised. The bill provides for a local government register of political parties to allow party involvement in an open manner, paralleling the system used at the State level, with the clear exception that there will be no election funding for local government elections. I reiterate that the Minister for Local Government has done a magnificent job with this very detailed bill, which will change the face of local government - the first substantial change for almost 75 years. I commend the Minister, his staff and the Parliamentary Counsel for their work. I strongly support the bills.

Mr MARTIN (Port Stephens) [7.58]: Though the Opposition supports the bill, it will make some constructive criticism, will ask probing questions and will move some amendments that have been designed to make the bill more workable. Much work and consultation has gone into the preparation of this bill but more must be done. My responsibility in this Parliament is to represent the people of Port Stephens. The electorate covers three local government areas, principally Port Stephens but also parts of the Newcastle City Council and Great Lakes Shire Council areas. I also have responsibility in this Parliament on behalf of

the Opposition in relation to Crown lands, as well as agriculture, forestry, fisheries and animal issues as they relate to the Local Government Act. Therefore, I have a dual purpose in contributing to this debate. I do not have a background in local government but my role is to state what the Opposition perceives the issues to be.

There are probing questions which I must ask. Port Stephens is a fast growing electorate. In the more than 20 years that I have lived there some parts of council administration have been questionable. I hope this legislation will tidy up what has been going on. People have been disgusted with the antics of local government over the years. Some of the rorts have made people uncomfortable. In the long term they denigrate the fine work done by a component of society which we cannot do without, local government. I say this to clearly point out the Opposition's attitude.

Many changes to the legislation have been required since 1919. The bill limits the number of people who may be on local councils. The Opposition has no problem with that. In the past Newcastle City Council has had up to 21 members. Cessnock and other councils in the Hunter Valley have also had large memberships. In the end the larger numbers become unworkable. We will watch the situation to ensure that the numbers are in accordance with modern thinking while not being too rigid. I seek guidance on some aspects of the bill. The Minister for Justice and Minister for Emergency Services, who is at the table, may wish to make note of the points I raise. I refer to the provision concerning the naming of councils and shires and the words to go up on boards at the edge of an area. The wording could cause confusion. Local government representatives have made representations to me about how well thought out this provision has been. This matter must be addressed.

I have responsibility on behalf of the Opposition to monitor the activities of the Department of Conservation and Land Management. I am concerned that the Roads Bill will mean that the Minister for Conservation and Land Management will have less responsibility and the Minister for Local Government and Minister for Cooperatives will have more responsibility. The people responsible for the administration of Crown lands feel that they are still responsible. Many of their techniques probably have not changed since last century. With that in mind, we have a duty to make clear to local government, the people responsible for Crown lands and the public as a whole where the responsibility for Crown land matters stops and starts and where local council responsibility takes over, particularly in relation to the Roads Bill. Public servants have rung alarm bells. The message has not gone down clearly through the organisations. These are senior public servants. There is major confusion and the position must be spelt out. My other responsibilities as Opposition spokesman cover the impounding legislation. I welcome the move to clearly define where the impounding legislation stops and starts. Members who have a number of animals in their electorate and keep a fair record of irate constituents complaining about dogs -

Mr Scully: I will bet it is the Liberals.

Mr MARTIN: I did not say feral animals; I was referring to ordinary animals. It must be made clear where the responsibilities of the Royal Society for the Prevention of Cruelty to Animals lie. The animal welfare component and matters such as disposal are left in the air, so those areas should be clarified. That takes me to my responsibility for fisheries administration. In the past there have been great battles concerning the intertidal zone. The Local Government Act, being somewhat junior to

Crown lands administration and other pieces of legislation, covered up to the high water mark. Crown lands legislation covered to below that level. A clear definition is needed of where in tidal areas Crown lands administration stops and starts and where local government administration stops and starts. These matters are important for the administration of many aspects of the legislation.

Port Stephens has a large oyster farming industry. In the 1960s the local government authorities decided to charge rates for oyster leases in the harbour adjacent to lands leased from the Crown. If that matter had got to the High Court of Australia it would have been very interesting. Local government could not provide services to any of those areas which were administered by the Crown. Local government could

have administered the shore based operations, and that is probably where it should have stopped and started. In the past three days I have received representations stating that local government is starting to insist on planning requirements for oyster farms to do certain things with oyster leases within estuaries on areas leased from the Crown. That spells danger. This aspect is not dealt with in the legislation. I warn Parliament now that if provision is not made for these matters we will end up with a very messy situation. After 75 years the Local Government Act was probably only a metre thick but if we do not address these issues early and clarify them we will have a Local Government Act 10 metres thick.

I turn now to the perception of local government. In country areas and in many city areas the public sees the first responsibility of local government as providing roads and public thoroughfares, kerbing, guttering and footpaths. That should be the first matter dealt with in this legislation, which is probably the biggest package of legislation introduced in the life of this conservative Government. It will probably also be the last big piece of legislation the Government introduces. I refer to what precedence and importance is given to those matters in the legislation. The legislation deals at great length with the service functions of councils. It then deals with public land. In 1955 Port Stephens Shire Council acquired a massive area of land from the Commonwealth which was formally used by the Department of Defence. That land now has up to 15 or 16 stages of development on it in one subdivision.

In a few years Port Stephens Shire Council will be one of the wealthiest councils in the State from the viewpoint of being out of debt and able to provide services. That has come from its entrepreneurial role. Areas of land in Port Stephens will not fit into the category of community or operational land because it will be in transition. There must be provision for such land. I urge the Minister for Justice and Minister for Emergency Services to take this matter up with the Minister for Local Government and Minister for Cooperatives and his advisers so that this important matter can be dealt with in Committee. In my electorate there are areas, such as golf courses, that have unusual titles and that is an example of what I am trying to explain in relation to this legislation. [*Extension of time agreed to*.]

The co-ordination of opening and closing roads will be a very important role because there may be two local government bodies with poor communication, resulting in a lack of continuity of the opening and closing of a major road traversing several local government areas. For example, some locations along the Pacific Highway, such as Raleigh - unfortunately, the honourable member for Coffs Harbour is not in the Chamber - need bridges. The honourable member has some funny vested interests with his old mate Matt Singleton and they need to be addressed. That is an example of how important co-ordination between local government bodies and other interested parties will be.

I wish to speak now about pecuniary interests. That is a matter of concern to me and to a large number of decent, honest people who cannot abide the way in which pecuniary interests are abused by people in local government. This legislation partially addresses that problem. However, it does not go far enough and it does not spell it out clearly enough to frighten off those who are doing the wrong thing. I urge the Government to re-examine that aspect of the legislation. Chapter 14 deals with honesty and disclosure of interests. It is very important for local government as a whole to pay attention to the sort of image it projects and the disclosure of interests in local government areas, particularly in fast-growing areas where the elected councillors have commercial interests.

Part 6 refers to rateable land. There are some very grey areas in respect of rateable land. Located in my electorate is a massive Royal Australian Air Force base, Water Board catchment areas, State forests, and a whole range of publicly owned Crown land about which questions have been raised regarding contribution and non-contribution of rates. Some people in local government feel that rates should be paid on Crown lands and that that ought to be clearly spelt out so that there is no misconception in people's minds about the matter. I hope that the Minister will address those issues.

I turn now to the accountability provisions of the legislation. Accountability, openness and fairness in our society is what parliamentarians are elected to achieve - that is the responsibility of this bill. I question whether the bill goes far enough. It will not go far enough unless there is comprehensive follow-up after the

legislation is passed. If this legislation is passed, the Parliament should not walk away from it. There must be follow-through education of all councillors. If the consumers of local government activities are not sufficiently educated as to the provisions of the legislation, this Parliament will have failed because the changes would not be viewed as being significant. They can be significant; it can be done. I urge the Minister for Local Government and Minister for Cooperatives and his staff to make that special effort and take the accountability aspect well beyond that which is usual in legislation that passes

through a Parliament.

I make that statement as a person who spent 22 years as a public servant and who today sends the relevant parts of the *Government Gazette* to my constituent councils. It was disturbing to discover that people were so ill-informed about the proposed changes early in the piece. I do not say that just for the benefit of local government but for many other areas of government. It is very important that the Government follows through and communicates. My contribution to the debate has been very broad. I have tried to express the views of lay people as they perceive local government. I hope I have conveyed those views and I hope that this House will be able to address those issues.

This bill is so big that it will not be 100 per cent right on the day it passes through Parliament but I hope it is an improvement on what is in place at present and that with good will we will be able to serve better the people of New South Wales and, in the end, have improved, more respected and better run local councils. I hope in the future we are not faced with the sorts of situations that are occurring at present - the situation in respect of the Bega council and other councils that have been in trouble in the past. I thank the House for the opportunity to speak in this debate.

Mr RIXON (Lismore) [8.17]: I am proud to be able to speak in support of this bill. I first became interested in government through local government. In 1977 I was elected to the Kyogle Shire Council and immediately on election became shire president. I was shire president for three years, and I continued in local government for another three years, though not as shire president. I enjoyed the time I spent in local government. I was very pleased when I was elected to this Parliament in March 1988 to be asked to become involved in the Minister's backbench local government advisory committee. Since that time I have been closely involved in the preparation of this bill. I have enjoyed all of those experiences.

The preparation of this Local Government Bill began in 1987, before I was elected to this Parliament. Under the guidance of the former Minister for Local Government - Mr Hay - and now under the guidance of the present Minister, the Hon. Gerry Peacocke, a consultation process has been followed which resulted in this bill being introduced into the Parliament. In 1990, after much preparation and discussion, a white paper was released which encouraged discussion and consultation across New South Wales. From August 1991 the process of formulating reforms was accelerated and a discussion paper released. This discussion paper stimulated much debate and comment. In December 1991 an exposure draft Local Government Bill was released. The formulation of that draft bill was accelerated following the appointment of the present Minister, and I congratulate him on that.

In January 1992 the exposure draft Road Bill and other companion legislation - the Impounding Bill and the Traffic (Parking Regulation) Amendment Bill - were released for public comment. More than 7,500 comments were received on those draft bills from organisations and individuals. A legislative committee, consisting of six members of the Legislative Assembly, was established to assess the comments which had been received and to invite witnesses to speak further to their written comments. I was honoured to be asked to be a member of that legislation committee together with Mr John Turner, the honourable member for Myall Lakes, Mr Page, the honourable member for Coogee, Mr Harrison, the honourable member for Kiama, the honourable member for Sutherland and the honourable member for Manly. We formed a committee of six.

I enjoyed working with the members of that committee, and I thank them for their assistance. I especially mention that I very much enjoyed working with the honourable member for Myall Lakes, the

honourable member for Coogee and the honourable member for Kiama. We had many hours of pleasant work discussing the material brought forward in preparation of a report that was presented to Parliament. That committee was required to report to the House by 31st March, 1992. The bills were received in January, and in early February the committee held its first meeting. The committee's reporting date was later extended to 6th May, 1992. The committee advertised in late February and received 36 new submissions. In addition, the committee was referred to 1,100 written submissions on the bills received by the department.

In March and April last year the committee took evidence from peak local government organisations, and I should like to name each of these. They 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 Local Government Office of the Federated Municipal Shire Council Employees, the Local Government Association of New South Wales, the Shires Association of New South Wales, the Environmental Law Association, New South Wales Branch, and the Australian Society of Certified Practising Accountants. Each of those groups appeared before the committee and each of them spoke to the evidence they provided.

Comments were made across a range of aspects of the bill but the comments most commonly referred to 11 broad areas: the voting system; voters' veto, which has since been removed from the bill; the role of the council and the role of the mayor; the role of the general manager, and the position of private works. I was rather concerned about that aspect because originally the bill did not take into full account the problems that arise in remote country areas. In the original draft bill any private works in country areas had to receive the permission of a

proper council meeting before they could be done. That was not practical in country areas where a grader might come on to a road perhaps once in 12 months, or once in two or three years even. A farmer would have no idea when the grader might appear. Provision was made to allow the farmer to ask the grader driver to grade his driveway. The bill makes provision for that, but it has to be reported to the council and accounted for.

The three most commonly referred to items were the contract employment of senior staff; the powers of delegation and what was going to happen to that, and the cost of change. At that particular time that was not gone into in great depth. Last week, at a meeting with Casino Municipal Council, I received an exhaustive list of the possible costs of the change. It was interesting to see how many variations there were. The Town Clerk of Casino Municipal Council, Mr Ross Schipp, has been a great help to me in discussing a variety of aspects of the bill. Councillor fees and damages suits were interesting points of discussion. If councils were not doing everything the way they ought to, what damages may a council accrue? Finally, contracting out has continued to be a fairly interesting topic of discussion.

Following the presentation of the committee's report to Parliament further rewriting of the Local Government Bill took place, which took into account the recommendations made by the legislation committee on the local government bills. I place on record my thanks to the Minister for Local Government for the way in which he assisted that committee with its work and the way in which that report was received. Serving on the committee was one of the more rewarding experiences I have had in Parliament. I have been greatly concerned about the way in which the rating system in local government has worked. I maintain that the rating system - a system whereby a rate is levied against the unimproved capital value of a property, or in more recent times the land value - is outdated. In the days when the rating system commenced in Great Britain, the value of the land was closely tied to the ability to make an income, earn a living, or earn income from the land. So a rate in the dollar on the valuation was closely tied to the ability of that property to meet the rates.

Of course that has since disappeared. I am pleased that the bill contains minor changes to the rating

system, but the committee, in its discussion of the rating system, felt that it was far better to do what it could to simplify the present system rather than to go into discussion of a new rating system. The committee felt it would be better to modernise the Act in its present form, updating from the old bill of 1916, when it was first put together, with all the changes since, and leave the rating system major changes to another time. It is interesting to note that under the rating system land will be categorised for the purposes of the council's annual ordinary rate into three categories: farmland, residential and business.

The residential rate will include rural residential land, such as hobby farms, but not land that is categorised as farmland. The business rate will include commercial, industrial and mining activity as the dominant use of land. In the future, farmland and the farm residential section needs closer scrutiny. The difference between farmland, agricultural land and hobby farm land is a grey area. At present it could be argued that every sheep property in New South Wales is little better than a hobby farm because, under the current economic climate, people are not making the income they ought to be from that land. What is a viable farm? What is a hobby farm? [*Extension of time agreed to*.]

That is a grey area in the Lismore City Council area, and it has caused and continues to cause a great deal of controversy and a great many problems for both ratepayers and council staff simply because there is not a simple cut and dried position on which to operate. I look forward to the time when we will be able to take the rating section in the legislation and work towards improving it. As I have been a shire president I understand only too well why people are concerned about the role of general manager and the role of mayor in this legislation. A question that is often asked is this: is the role of mayor being diminished by the position of general manager? If we study the bill carefully, we have to say no.

One of the main objects of this bill is to clarify and improve the decision-making process and management process of local government. To do this it will be necessary to reconsider the role of elected councillors, including the position of the chief elected person, which is currently the mayor or the shire president, and the role and functions of council staff. Under the old Act the mayor or president - the chief executive officer - was in charge of staff because no staff member was accountable or responsible to council for overall staff performance. In recent years many councils have overcome that management problem by using section 87 of the Act to delegate the powers of the town clerk or shire clerk.

This legislation defines the functions of the general manager as head of staff. The provisions in clause 34 will enable that person to carry out his or her responsibilities in the day-to-day management of council operations. This proposal, rather than detracting from the power of the council and the mayor, actually clarifies that power in line with current practice in local government and in line with current policy reforms in all levels of public sector organisations. The general manager will be appointed by council and will thus be responsible and accountable to council for his or her performance. As I was a shire president for some time I believe that will simplify the situation. That is the object of this bill. Sometimes we need to be reminded of it.

The Government introduced this legislation to reform the Local Government Bill. It was the Government's intention to rewrite the Local Government Bill in language that would be clearly understood. The Government hopes it will give greater responsibility and autonomy to councils, thus

providing greater accountability and transparency. This bill will provide for councils simplified legislation and a simplified operational framework. Councils will be more open and accountable, people will be aware of what is happening and they will be more involved in the operations of councils.

From time to time each and every one of us would have heard people saying that they did not understand the local government accounting system. People do not understand the Local Government Bill and they do not know what is going on. The object of this bill is to give those people a clearer understanding and a clearer reference point. It will provide the Government with a more focused and purposeful reporting system, making it easier for the Government to work with local government and to oversee the workings of local government. I am pleased to be able to support this bill.

As I was involved with local government, both as a councillor and as a shire president, I have been involved in the formation and rewriting of this bill. I believe it is the best solution to overcome the various problems local government is experiencing and to fulfil the aims and objectives this Government is trying to achieve. I congratulate the Minister for Local Government on his good work and his continued efforts to assist local government in this State. He, too, was heavily involved in ratepayers' associations and council work. He has a real understanding of the reforms that are being sought by ratepayers, citizens, councillors and council staff. I support the bills.

Mr SCULLY (Smithfield) [8.37]: I welcome this opportunity to speak to the Local Government Bill. The rewriting of this bill has been a vast and exhaustive exercise - the first major overhaul of the Act since 1919. I take this opportunity to pay tribute to my predecessor, the Hon. Janice Crosio. I think the Minister for Local Government and Minister for Cooperatives, who is in the Chamber, recognises that the process of review was commenced by the former Minister for Local Government and former member for Smithfield. With her background as an alderman and mayor of Fairfield City Council she recognised the need for an overhaul of the Act and she commenced that process. I think the Minister for Local Government realises that, without her tremendous foresight and dedication, he would not be presenting this legislation to the Parliament. When the Minister replies to this debate I should like him to acknowledge the great work done by my predecessor, which has enabled him to achieve what he has.

Mr Peacocke: I did think about it.

Mr SCULLY: I am sure that my predecessor would appreciate an acknowledgment. The bill, which contains 367 pages, more than 700 clauses, seven schedules and a 19-page dictionary, is the product of extensive consultation with local government and interested organisations. The Minister referred in his second reading speech to the Western Sydney Regional Organisation of Councils. I would not say that I have been harassed, but I have certainly received a voluminous amount of material from WSROC. I feel sorry for the Minister because I believe he has been buried in an avalanche of material. This issue has certainly caused a lot of people to express opinions. I agree with the Minister that it is impossible to get across-the-board consensus with 177 councils and 1,000 aldermen. We have had mark one to mark six in amending bills. After mark six has been amended it will be called mark seven and once the bill is returned from the Legislative Council it will be mark eight.

I congratulate the Minister, the department and the various councils that have made such positive contributions. To a large extent most of the debate on this bill has been devoid of emotionalism. A lot of interested parties have made positive contributions, which have been taken on board. However, the Opposition has a few problems with some of the bill's provisions. A number of speakers have drawn attention to these problems, but I should like to mention them. If any parts of the bill are unworkable the Minister will take the blame, but if the Act works, I am sure the Minister will congratulate Janice Crosio on her efforts.

Mr Peacocke: I have already done so in my second reading speech.

Mr SCULLY: I will copy it, get the Minister to autograph it and send it to her. However, she will not have time to read it as she is a parliamentary secretary. I am not sure what percentage of people in this Chamber have been aldermen. Is it more than half?

Mr Peacocke: By far.

Mr SCULLY: It is more than half. Madam Acting-Speaker, I know that you were an alderman. I am not sure about the honourable member for Murrumbidgee.

Mr Cruickshank: I was only a shire councillor.

Mr SCULLY: That is a lower animal than an alderman. I have never been an alderman. I have never sought the office; I daresay I have no intention of ever seeking aldermanic office. That is not to say that I do not have great respect for those who undertake it. Local government is certainly an integral part of the democratic process. I have met many alderman in my capacity as a member of Parliament. I have been amazed at their dedication and hard work as representatives of the local community. Undoubtedly local government is the coalface of decision-making in relation to the provision of goods and services to local communities. Like many members of Parliament - I do not think I am any different - probably about 25 per cent to 30 per cent of the representations I receive relate to local government matters. I have spoken to colleagues on both sides of the House, and that seems to be about average with many of them. That is probably because an alderman is a part-time position and many constituents find it difficult to deal with their aldermen because they have to work, they have families or they

have got businesses, and it is more convenient to deal with members of Parliament.

Members of Parliament can use the facilities of their office and still deal with aldermen on that basis. I do not believe any of us mind doing that, but it means that we have a much closer involvement with local government than we might have if an alderman was a full-time position. My relationship with Fairfield City Council is very good. Before I became a member of this House I always had strong reservations about Independent members. To an extent I still do. They are generally labelled by the Labor Party as anti-Labor - closet Liberals. I suppose in rural areas they are labelled as closet Nationals.

Fairfield City Council operates under unusual circumstances. Five Independents have formed a coalition with the Labor Party, and we manage the council in coalition with those Independents. So I discovered that some Independents are not closet Liberals and my notion of the value of being an Independent has increased slightly. So, there are five Independents in New South Wales of whom I am aware who are not closet Liberals. To that extent I am pleased. The coalition has a majority on the 15-member council. I understand the Minister has undertaken to amend the bill to allow councils to have 15 members and that he will not insist on the number being reduced to 13.

Mr Peacocke: Under certain conditions, yes.

Mr SCULLY: I would be worried if the Minister had not given that undertaking, because that would have caused all sorts of problems in my electorate. Many of my colleagues have 15-member councils in their electorates. So I would insist on the retention of 15-member councils, and I will certainly be looking at the conditions to which the Minister has referred. Fairfield City Council has three aldermen from each of its five wards and that system has served our council well for a long time. We had a redistribution prior to the election before last, and there was a great deal of public input. Council staff did a lot of work. I believe the boundaries are roughly equal in terms of population. Under the bill as presently drafted Fairfield City Council would have only 13 aldermen.

I am sure that the Minister is well aware that the Labor Party strenuously opposes privatisation. We do not oppose the concept that certain services should be contracted out, and we do not oppose the concept of tendering. However, we oppose a fixed figure being shoved down the throat of a council as a tablet from the mount - "Thou shalt tender out" or "Thou shalt not provide services unless you tender out, if the figure is in excess of $100,000". Fairfield City Council tenders out and contracts out, but it makes the decisions. Today I was talking to the general manager and he said, "Look, we do all that; we are a modern council".

I am not sure what that measure is directed at. There may well be troglodyte councillors who keep all their nepotistic mates on board and are only protecting work practices and sheltered workshops. Perhaps it is directed at the councils of the 1950s and 1960s that were controlled by the Labor Party. I concede that that sort of thing did go on, but I do not see evidence of it in my neck of the woods. I see thoroughly modern, sharp, ship-shape management practices designed to protect the council's labour force. There is no doubt about that. They do not shove day labourers on the street; it is done by co-operation, natural attrition and agreement with the unions. I would be very upset if Fairfield City Council kicked day labour

people out on the street.

Mr Peacocke: Yours is a good council.

Mr SCULLY: Yes. They are new managers, but they recognise the realities. I will give the Minister an example. Fairfield council had a one-man garbage operation. In 1988 the council conducted a review and found that it would be more competitive if it was done in-house. So the council retained control of it, I think with the driver and two men doing garbage pick-up. In 1990 the council went to a one-man operation in which a machine picks up the garbage. The council found that by doing it in-house the staff was reduced from 46 to 21, but all by natural attrition. It could be argued that there are some inefficient operations and some circumstances in which operations could be downsized. Fairfield council has done that without heat or angst, and the unions, the workers, the ratepayers and the aldermen are happy. The council believes it has saved in the order of $1 million a year by doing so. When I was talking to the general manager today he said that, doing the garbage collection in-house, the council has costed the bins at $1.04 each. That is slightly less than the cost to many other councils in south west Sydney that contract out.

Mr Peacocke: They can still do that.

Mr SCULLY: Yes, but what worries me is that forcing councils to tender will provide an inbuilt compulsion for them to contract all this sort of work to the private sector; and ultimately that could result in councils losing their equipment, staff, and capacity to provide the services. Then councils will be beholden to the private sector and will not be able to compete for tenders. A private company from Brisbane, Penrith or Broken Hill will say, "Fairfield Council can do it for $1.04 a bin; I will do it for $1," knowing that at the end of the contract the council will no longer have the capacity. The private company will say, "Well, if you want us on another five-year contract, it will be $2 a bin", or whatever is the going rate for garbage collection in the private sector.

I have talked to the council in relation to roadworks and building child care centres and that sort of thing. Another example is cleaning toilets, which Fairfield council does in-house. The council has told me that it can clean each toilet block for $16.50. The current private contractor has quoted $18; the council can do it more cheaply. However, it might be that the total value of the cleaning services provided by the council is more than $100,000 - I am not sure - so if it contracts out, it loses the capacity.

Mr Peacocke: It does not have to contract out.

Mr SCULLY: No, but by forcing it to tender out, the political pressure will be such that if it is cheaper for the council to provide the service, it must do so. I know the philosophy behind it - private is good and public is bad.

Mr Peacocke: That is not the philosophy.

Mr SCULLY: That is the feeling of the Labor Party, that this is some sort of Hewsonian leftover, that the Minister has been imbued with the New Right agenda, and that he has not got the message from 13th March. The Australian people do not want this; they do not truck with any of this. I think the conservatives now realise that Labor won 33 out of 50 Federal seats in New South Wales. The Australian people do not want that sort of agenda. The Labor Party recognises that some private is good and some public is good, and that some public is bad and some private is bad. I do not know whether the Minister has been to Fairfield City Council.

Mr Peacocke: I have not.

Mr SCULLY: Perhaps I could invite him to come out and the two of us could have a tour and see what

the council is doing. The council is a nice, professional, ship-shape organisation. Many councils round the traps that are not so good could learn a few things by coming out and having a look. [*Extension of time agreed to*.]

The general manager said to me, "Look, the charter says that we must pursue the provision of goods and services efficiently and be accountable to ratepayers". These are my words, but -

Mr Peacocke: You are quite right.

Mr SCULLY: The council is accountable; that is transparent. The Minister cannot just stipulate a cast iron figure of $100,000. If councils are to be trusted and given that autonomy, which I believe the Minister wants to do by providing this form or tier of government, they are told, "All right, you have now got elected members, you are accountable, and your staff are accountable by performance contracts". I said to the general manager that if he rammed down the throats of aldermen these bodgie recommendations that certain work has to be done in-house and it emerges that it could have been done privately for half the price, his performance contract and his contract renewal would go down the hole. If he puts in a fair dinkum report to the aldermen and they say, "No, no, no, we have to protect all our mates on the staff", they will not be re-elected at the next election.

If the Minister is fair dinkum about autonomy, he should give councils sign posts, directions, indications. There is nothing wrong with that, but he should not set in stone that it must be done. The general manager said the council cannot compete with the private sector on the provision of the concrete pour for footpaths, but can compete in the provision of formwork. Formwork can be performed by council, and private sector contractors do the pour, and that is much cheaper. It would be very difficult if the council had to tender out a big job.

Most people would consider an alderman's fee of $3,000 a year to be a pittance. I have always had some problems with that. It is a balance between the part-time position versus paying a salary for the work performed. If the Government does not have the notion that this is a volunteer role performed by members of the local community, a Socratic notion of the elders on the mount coming together to make decisions for the betterment of the community, it could say a salary should be paid for all the hours worked. Aldermen could be paid $35,000 or $40,000, perhaps based on an hourly rate for the work they do. Most aldermen put in 20 hours a week; otherwise they are not doing their jobs properly. I think most people have the notion that aldermen are the elders, the representatives of the community on the mount, or at the coalface, and it is the Athenian notion of volunteering.

Mr Peacocke: Civic duty.

Mr SCULLY: Yes, it is more a civic duty. They are not really being rewarded for anything.

Mr Peacocke: Compensating them.

Mr SCULLY: It is not really compensating them because if they were being compensated genuinely, they would be paid more than $3,000.

Mr Peacocke: That is why there is an independent person to assess it.

Mr SCULLY: It worries me that it goes towards acknowledging that it is more than just a civic duty.

Mr Peacocke: It depends on the terms of reference.

Mr SCULLY: I do have concerns. I can see why it is being done. I accept that they spend a lot of money on phone calls, petrol, buying clothes, and donations, just as we do.

Mr Peacocke: You do not want them to be out of pocket.

Mr SCULLY: No, but if the status is to be changed, it should be done consciously, because by having an effective parliamentary remuneration tribunal -

Mr Peacocke: We are trying to be fair.

Mr SCULLY: I have some problems with that. It is probably better to change the status to a quasi-job rather than a civic duty, to do it by ministerial fiat and link it to attendance. The bill, as it is, is not linked to attendance, and that worries me. There are a few rotten apples in the barrel and if the tribunal gives them $10,000, they will get their $10,000 - you beauty!

Mr Peacocke: And turn up once in a blue moon.

Mr SCULLY: It can be said that members of Parliament only have to appear one day a session, but our notion of parliamentarians is quite different. It is

not really a civic duty. Honourable members are full-time, paid political operators; it is quite different from a civic duty. The Minister should explore the possibility of casual vacancies being filled either by a replacement nominated by the designated party or, if a designated party is not involved, by the next person on the ticket. If the replacement nominated by the party and the next person on a ticket are not available, a by-election could be held. I do not see why that could not happen.

Mr Peacocke: I will talk to the honourable member for Smithfield about that later.

Mr SCULLY: A compulsory ethnic affairs policy statement for local government is proposed. These statements have been compulsory for State and Federal departments for some years. Fairfield council has been engaged in bringing to the attention of the ethnic communities in my electorate the services it provides. I recognise that if this were required of every council, problems could arise. If the Government is prepared to embrace the proposal, perhaps it might suggest that it be limited to areas where migrants comprise 5 per cent to 10 per cent, or more, of the population. It may not be appropriate in country areas. The Opposition will seek to amend the bill to provide that councils prepare a "state of the union" report on their environment; that is an audit of its environment. The general manager of Fairfield City Council has told me that will cost a fortune.

Mr Peacocke: It will cost an arm and a leg. The Government is not against that, but the cost would prevent it.

Mr SCULLY: I would be very interested to learn how a council could report to the electorate without it costing too much.

Mr O'DOHERTY (Ku-ring-gai) [8.57]: It was most interesting to listen to what seemed like a very intimate and personal conversation between the honourable member for Smithfield and the Minister for Local Government. I think that reflects the bipartisan attitude to the passage of these bills through the Parliament. It is an historic occasion as we deal with such an important rewrite of the local government bills and statutes relating to the way local government operates in New South Wales. I was interested to hear the discussion backwards and forwards during the speech of the honourable member for Smithfield this evening. I will be thinking about some of the points he raised, in particular that relating to the fees paid to aldermen.

As the honourable member for Smithfield said, it is not desired to change the nature of the role of councillors in that they perform a civic duty. That is different from the role of an elected member of Parliament and it should be seen by the community as different. On the other hand, as acknowledged by the honourable member and by the Minister, the difficulty faced by local councils these days in getting through the workload probably demands a level of compensation greater than that which councillors are

getting now. I am delighted that this bill contains an independent process for that to be determined, as there is for determining the various fees payable to members of Parliament - electoral allowances and the like. I was interested in that aspect of the remarks of the honourable member for Smithfield, and I thank him for his contribution to the debate.

Many other speakers have paid tribute to the bills and to the work carried out by the Minister for Local Government and his department. I add my voice to those tributes this evening. The work has taken an extraordinary slice out of the lives of those people and I am sure the Minister will remember it for the rest of his days. There will probably be a small celebration when the bills pass through the Parliament. The plain English drafting provisions in the principal bill are especially applauded. The bills are very easy to read and understand. When enacted, the Local Government Act should be read by most people in New South Wales at least once in their lives. However, most people will not read it and probably will not ever sight the document once it is finally passed as an Act of Parliament. Its very size would deter people. It should not deter them, because it is very well written. As a professional writer, I would say the plain English text actually draws people through it. It is a very easy piece of legislation to read.

It is a shame that most people will not read the bill. Local government affects everyone in a close and personal way. If one were to take a poll, I am sure it would show that most people have a very warm and close feeling about their relationship with local government, with a slightly less close and warm relationship with the State Government. Their relationship with the Federal Government - especially the current Federal Government - would be even less close and warm. However, that is a subject for debate at another time. Though most people are affected by local government in a very personal way, in my view few people understand local government well. The bill will address that, and not just because it is easy reading for those who take the trouble to read it - and I would encourage people to do that.

My concern is that local government should be fully transparent and fully accountable to the community. Various provisions of the bill are designed to do just that. Honourable members who consider how government is transparent and accountable to the community might reflect for a moment on some of the differences between State and Federal governments and local government, because there are differences. Few people would understand local government, even in the way that they would understand State and Federal governments. Fewer still would know as many of their local aldermen and councillors as they would their State and Federal representatives. One of the reasons relates to the different way that the media interacts with local government, and the State and Federal governments, and bridges that important communication gap between the community and the people who represent it.

Unlike many of the honourable members who spoke in this debate and many other members in this place, I do not come from a local government background. Neither did the honourable member who spoke before me. But I do come from a professional media background. It is true to say, from my point of view, that local government attracts far less media scrutiny than State or Federal governments. One of the reasons for that is the way that the media is put together. I can say, from a practitioner's point of view, that when a journalist is choosing what to run on a radio program in the afternoon, or lead with on the front page of the metropolitan daily newspaper, it is far less likely - unless it is a very big story or scandal - that he or she would run a local government issue of interest to local government areas in preference to a matter of State or Federal importance.

That is the type of news value judgment that journalists make in regard to such matters. In terms of transparency and accountability of local government to the community, it is a shame because fewer people know what the local council is doing. That does not apply, Madam Deputy-Speaker - as I know you will understand, you having attained the same degree as I - to local media and to local newspapers in particular. During the past five years there has been a resurgence of interest in local newspapers. I welcome that, both as a professional journalist and as a member of the community. As people get a better service from their local newspaper, and as those local newspapers provide a better scrutiny of local government matters for the

local government area, there will, of necessity, be greater accountability and transparency - which, as I said, is one of the issues of greatest interest to me. That will increase the quality of local government and will keep our local representatives on their toes.

A sad fact is that few people would know or recognise their local councillors. When it comes to an election - which is something I will touch on a little later - many voters are actually stabbing in the dark when electing their councillors. Those of us who have searched our consciences would probably have to acknowledge that, at some stage in our past histories, we have done just that - arrived at the polling booth and thought, "Who on earth am I going to vote for?" Most of those listening to this debate in the public gallery, or taking part in it, have a higher than average interest in community issues - at least, I hope so. Transparency, accountability and increased scrutiny by the local media are all part of the important process of local government really coming out of the dark and serving the community better.

The aim of the bill is to create a culture of those types of local government operations, to create a culture of openness, accountability and so on. That is the way in which it will have an impact on the community - not by reading the bill, because most people will not, but by creating a new culture within local government. I pay tribute to the Minister for Local Government for realising that it is that culture that needed to be refreshed. I believe the community would have expected that from the Minister, and he has delivered it with this bill. I would like, in the time available to me this evening, to touch on a couple of the aspects of the culture that will change.

My first comment relates to some of the aspects of the charter of local government. I do not propose to go into the minutiae of the provisions in the bill. Others will do that in the debate. It is a large bill and it will be a long debate. Chapter 3 begins by spelling out the various services that local councils will provide. I suppose most people in the community would start at that point, at the services that local government ought to provide for them. In clause 8 the bill provides that councils ought to provide directly or on behalf of other levels of government, adequate, equitable and appropriate services and facilities for the community; and should also ensure that those services and facilities are managed efficiently and effectively.

That is an appropriate summary, a fairly broad brush of what most people in the community would say if they were asked what they expect. However, the charter goes much further. I believe the very next point is a very important one. It relates to the exercise of community leadership. If people were asked about their second choice for a charter they may not refer to the exercise of leadership, but they ought to do so in terms of local government because it is a very important aspect. We need to state what type of leadership should be provided. Very often in local government, as with State and Federal governments, we get a system where those who are leaders seem to consider it their role to laud it over the people who have elected them. I certainly do not support that view, and it ought not be supported by local councillors, either.

Leadership should be considered by local councillors as a service. That is how I consider it; and I try to live up to the standard. Leadership is considered to be a service to the people who have elected the councillors. In the ideal situation, that means councillors put others before themselves. It is not easy because there are many pressures that impact on councillors, and many pressures that impact on other elected representatives. Leadership ought to be seen and known as a position of service. I am delighted that leadership is one of the aspects of the charter. Councillors should be able to have regard to the big picture when they are exercising leadership, not just represent their street or their single interest group, or one particular environmental issue or development - whatever it was that brought them to local government in the first place.

One of the difficulties associated with local government has been that, by its nature, it tends to attract people who have come to prominence as the leader of a single issue group. That is well and good. If they are elected by their peers, that is terrific. That is the way the system works. That is what it is designed to do. But, once elected, the alderman has a long term to get through until the next election. Once elected to positions of leadership, in my view councillors ought to think not just about the single

issue that has taken them to that position but about the big picture. I say that because councillors, as with State Government representatives such as myself, must consider the good of the entire community area and not just the one group that placed them in office. It is almost a case of having to shed some of those preconditions that brought them to local government, and encompass a much broader field of service for the community as a whole. It may sound patronising to some local councillors, but if I were to have a criticism of some councillors that I have seen in operation over years of journalistic service, it would be that their focus is far too narrow. I certainly think that, in exercising leadership, they ought to have regard to the big picture. [*Extension of time agreed to.*]

The other aspect of the charter that I should mention is that it acknowledges that councillors ought to properly manage and conserve their local environment. That might not have been included in a local government charter a few years ago, but it demonstrates the change that has taken place in community attitudes and the expectation that elected officials will manage the environment. The charter provides also that local councils should keep the local community and the wider community informed of what they are doing. That raises an interesting point of difference. Under clause 8 part of the charter is "to keep the local community and the State government (and through it, the wider community) informed about its activities".

Local councils have a responsibility to inform and be accountable to not only their own areas but the whole State, which has an interest in good local government. Most people might not have noted that fact. The Ku-ring-gai electorate is serviced by two councils, Ku-ring-gai Municipal Council and Hornsby Shire Council. My electors and I nevertheless have an interest in the far-flung reaches of the State. It is important to the whole State that every area has good local government. I encourage the community to look at the big picture, to have a wide focus, in the same way as I encourage councils to have a wide focus. The whole State has an interest in good local government. I am delighted that the charter gives that recognition.

I shall speak now about chapter 4, which is headed "How can the community influence what a council does?" Communities have not only a right but a responsibility to be interested in their councils. They have a responsibility also to be fair in regard to what councils and councillors do. Most elected representatives will be aware of people who have little regard for what councils do from day to day but will suddenly go to them on a particular issue. In many cases people become angry and abusive about a single issue. I encourage the community to think about the hard slog and the hard work done by councillors. Theirs is a tough job and one which is not adequately compensated for, certainly in terms of the time it takes them away from their families. Most councillors do a fair and honest job and try extremely hard. It would be good if members of the community kept that in mind when they approached councillors, rather than in the first stages becoming too aggravated and angry with them.

Occasionally in my electorate - not very often - when I am at a public meeting and people begin to become abusive in the early stages I encourage them by telling them that if they approach me as their elected representative in a spirit of friendship and co-operation, they will have that attitude in return. If they start off by wanting to cross swords, they may not get quite as far. I encourage people in the community to exercise their responsibilities to their councils as well as demanding their rights of councils. Open meetings are an important feature of the bill and will be required of councils. Normally councils will have open meetings. People should occasionally attend a meeting of their local council so that they know what is happening. Public access to information is another important aspect of the bill, which spells out the ways in which that should occur. Some information will be made freely available to the public but a small charge will be made for photocopying.

I acknowledge the contribution made recently to the debate by the Council of the Shire of Hornsby in its final submission in the long, exhaustive consultative process. The council sent me a copy of its submission. Time will not permit me to go through all of it, but I assure the council that I have noted the matters it has put forward, and I am sure the Minister has done so too. The council does raise an objection to the fact that councils cannot charge a photocopying fee for providing business papers to members of the public. That is being a little too picky. Councils would not incur a huge cost by providing that service, which is part of their responsibility. The Council of the Shire of Hornsby is a good council and I thank it for its contribution.

Public access to information is important.

I have had ongoing correspondence with a real estate agent in my electorate who expressed his concern that councils would no longer provide lists of people doing renovations or who had submitted development applications or bought houses in the area. He said it was an important part of his business for him to be able to write to people on those lists that he purchased from the council. Though he thought that was not provided for in the bill, he was wrong. He was angry and wrote to me what I considered to be almost an abusive letter about what he thought was my responsibility, which was to do exactly what he told me to do, because after all he had elected me. I shall not embarrass that real estate agent by naming him, but he does not live in my electorate and his business is not within the electorate. If he does not even know where his electoral boundaries are, he does not have the right to tell me what he thinks is my mandate.

I express a cautionary note about public access to information. It is essential to have regard to people's privacy. People who think that information relating to them should not be publicly available should be aware that the bill contains provisions for

the names of people to be kept off lists. I join with other honourable members in commending the bills to the House and to the community. I thank the Minister and his department for the extraordinary work they have done in service to the whole community.

Mr RUMBLE (Illawarra) [9.17]: The Opposition broadly supports the provisions of the bills but will move appropriate amendments. I congratulate the Minister on setting up the all-party committee, whose members worked well together. They reached consensus on all major issues. Obviously the Minister deserves top marks. He should be congratulated also on initiating this mammoth task. The overhaul of the Local Government Act on this scale has not taken place since Janice Crosio was the Minister for Local Government. I raise a few matters of concern pertaining to the principal bill. The first is that I am informed that if a resident nominates for election as mayor and as an alderman and is successful in respect of both positions, the successful candidate must forgo one of those posts. For argument's sake, if the person chose to take the position as mayor and the position as an alderman became vacant, who would automatically get that position?

Mr Peacocke: The next person on the voting list.

Mr RUMBLE: The next person on the voting list or the person with the next highest number of votes?

Mr Peacocke: I think the latter is right.

Mr RUMBLE: It would be the person on the particular ticket, not the person who received the next highest number of votes overall in the ward?

Mr Peacocke: The next highest number of votes.

Mr RUMBLE: The Opposition is opposed to each council being allowed to select its own system of voting, whether it be proportional representation or the first-past-the-post system. In the opinion of the Opposition the proportional system gives the fairest go to everyone, including minority groups. When I speak about minority groups I do not mean the fringe, ratbag minority organisations. For example, the Wollongong municipality has five wards of three aldermen. In all except one ward representation is either from the Australian Labor Party or the Frank Arkell political group. The exception is in ward 1 of the northern part of the municipality, where one alderman represents the environmental groups. Obviously the reference to minority groups does not include splinter groups. In wards that have three aldermen a candidate must get 25 per cent of the vote plus one to be elected. A candidate would have to pull quite a few votes to be successful.

The Opposition is opposed to the first-past-the-post system, for it could have the result that a whole

council could be controlled by one political group. If that were allowed to happen, in some instances incestuous groups might gain control of the council. This form of voting could be conducive to corruption. It would mean, as other honourable members have said, that there would be no whistleblower, and obviously there would be associated problems. It must be remembered that the idea of implementing such a system was a decision of the Askin Government in the 1960s. That, together with the optional system of voting, with which the Opposition did not agree, was one of the darkest periods of administration in the history of New South Wales. The optional system of voting and the first-past-the-post concept was introduced by the Askin Government to help its mates.

That is why the proportional system should be maintained. The Opposition is of the opinion that groups of candidates on a ballot-paper should be represented in the same way as the New South Wales Legislative Council or the Federal Senate. In other words, the one group should be listed on one ballot-paper rather than all over the place. Another matter I wish to refer to is the election of mayor. Opposition members are of the opinion that where possible the mayor should be elected by popular vote. Some people argue that mayors should not be elected by popular vote because of the cost factor involved, but this must be balanced against the negatives of cronyism, horse trading, and the musical chairs syndrome, where each year a different alderman has the opportunity to be mayor.

I know of a local council south of Sydney, but well outside my area, where the mayor is elected by popular vote. Certain aldermen opposed to the mayor are trying to change the system to a system whereby the mayor is elected by the aldermen. I consider that to be a retrograde step. Once a council has a system whereby the mayor or lord mayor is elected by popular vote, it should not be permitted to change the system. Democracy in action is when the mayor, lord mayor, president or whoever is elected by the people.

The Opposition is also opposed to a reduction in the number of council aldermen. Under the Minister's proposal, councils will be restricted to having between five and 13 aldermen. The Wollongong and Shellharbour municipalities are working well with 15 aldermen. They have five wards of three aldermen - a fair representation for all residents bearing in mind the size of the Wollongong municipality, which in geographical terms covers Helensburgh to Dapto and Helensburgh to Windang. It is not a good idea to have an even number of aldermen. This can cause problems with tied voting.

The ideal number of aldermen would be 15. An uneven number would negate the possibility of a casting vote. Once the numbers are reduced from 15, mathematical problems arise with regard to working out the appropriate number of aldermen per ward. It could result in one alderman only being appointed to a particular ward. Clause 54(1), which relates to contracting out, provides:

> A council must not itself provide goods, materials, services, facilities or works which are estimated to cost not less than $100,000 or such greater amount as may be prescribed by the regulations unless the council:

> (a) has invited tenders for their provision; and
>
> (b) has itself prepared a tender for their provision; and
>
> (c) has compared its own tender with any other tenders received.

Many councils have revenues of millions of dollars, and this proposal would be rather cumbersome to implement. In the 1970s councils were virtually free agents. They could raise their rates by as much as 20 per cent at a time. Wollongong City Council increased its rates by 18 per cent one year and by 20 per cent the next. However, the Wran Government's rate-pegging legislation compelled councils to be leaner and more efficient organisations. They must stretch their dollars. They are no longer able to belt ratepayers over the ears to extract more money.

All sorts of problems could arise with councils contracting out services. In extreme circumstances council employees could lose their positions if work were given to contractors outside the area. In my electorate of Illawarra the unemployment rate is considerably higher than the national average. It would be a severe blow if work normally performed by day labour or by companies operating within the Illawarra region were given to companies operating outside the area and possibly outside the State. The Opposition is opposed to this principle. Councils must operate more efficiently. The lowest tenderer is not always the most efficient.

On occasions contractors have gone broke and councils have been required to sort out the mess that has been left behind. Day labour employees are often committed to providing councils with after-hours services which are not provided by outside contractors. Clause 177 provides that councils may be sued for holding up building or planning approvals. The Land and Environment Court will have the power to award compensation to an applicant if a council does not grant approval or delays approval. This could cause local councils many problems. It will mean that councils will not be able to take into consideration residents' objections. In many instances it will have the effect of holding a gun to the head of councils.

If residents ask for a particular development application to be overturned, councils will be looking over their shoulders for fear of being taken to the Land and Environment Court and having to pay costs if they are unsuccessful. Likewise, grave concerns have been expressed about the provision that before a council may take legal action against a government department the Minister for Local Government must give his approval. I assume that the Minister responsible for that particular department would have to give his approval also. This would have the effect of tying councils' hands behind their backs. I know of one occasion in my area when a local council was most upset that a government agency constructed an inadequate road system before a housing development was constructed. The system that was constructed was substandard and did not comply with council regulations. Obviously the council would like to have taken legal action against the agency concerned at that time. Under this measure it will be even more difficult for councils to take legal action against government agencies in similar circumstances.

Mr Peacocke: They could not do it before.

Mr RUMBLE: Right, but I am saying that this will not help them. Overall, the legislation clearly defines the responsibilities and rights of the council. The operation of councils now involves greater accountability. Wollongong and Shellharbour councils employ media representatives to attend all major meetings to report on council decisions and to listen to debates. The bill spells out the responsibilities of mayors and general managers. As was pointed out earlier, the salaries of local government employees are less than the salaries received by officers of the senior executive service employed by the State Government. These days councils are run more efficiently. In my area precinct committees have been set up to enable residents to have more input into decision-making. Over the years I have noticed that councils hold public meetings more frequently. I congratulate the Minister on introducing legislation that has been written in plain English. However, the Opposition will be moving amendments to clauses that could be made a little more efficient.

Mr CHAPPELL (Northern Tablelands) [9.32]: It is a great pleasure to support the Local Government Bill and cognate bills, which is the most important legislation to be introduced in this session of Parliament. Anyone who has been associated with the legislation should be inordinately proud. As many honourable members have done, I cut my teeth in community affairs of a more public type in local government. I started out with 12 years of service to Armidale City Council. I treasure those years because of the service I was able to provide and the education I received endeavouring to understand how communities, people and systems work. All honourable members who have served in local government have experienced a similar marvellous introduction to public life. Many honourable members have served in a much more detailed capacity in local government than I did in the four terms I undertook - some have served for lengthy periods as mayor, shire president or council officer.

My introduction to public administration and the range of professional services that goes with any

modern community specific to local government and to the running of this multimillion dollar business was a privilege. I can think of no better grounding than the opportunity and awareness provided by that service, which has ultimately led me to a higher level of service - State Parliament. I am sure many honourable members remain loyal and committed to the concept of local government, as full, bona fide participant members of the three-tier structure of government in this country. We should be extremely proud of the efforts of the many people who have brought the principal bill to its present state. Clearly, it has won the general plaudits of the community, those elected and on a professional level in local government, and members on both sides of this

House. The extent to which all honourable members of this House have supported the legislation has been pleasing, albeit specific qualifications and suggestions of minor amendments have been made.

For many years discussions have taken place about the need for a new Local Government Act. In fact, I remember my first night in local government. As I was handed a copy of Blewett, Joske and one or two other authorities that would prove to be indispensable, I was told, "It will not be long before we have a new Local Government Act". That was 25 years ago! We still do not have a new Act, but I can assure honourable members that we are 25 years closer to achieving that goal. This legislation has been a long time coming. Over the years many Ministers have tried to update the Act; the need to undertake a major overhaul of the legislation has long been apparent. The Minister for Local Government would be the first to say that over the years many Ministers, successively, have contributed towards the process of developing this new Act.

History will show that the final energy, commitment, drive and wisdom required to compile this legislation are indelibly stamped with the name Peacocke. All who serve in local government and at other levels in the community will be aware that Minister Gerry Peacocke eventually introduced this long awaited piece of legislation. The Minister, in acknowledging the role of his predecessor Ministers, would agree that this could not have happened without the enormous energy, drive and commitment of so many officers, led by the Director-General of the Department of Local Government and Co-operatives, Garry Payne, and his predecessor. So many thoroughly competent and professional officers in the Department of Local Government and Co-operatives and local government councils have contributed. This legislation has involved dedication to its development at all levels. It is only as successful as it is proving to be through this legislative process because of that commitment. Enormous skill, energy, foresight and wisdom have gone into the drafting of this bill.

Obviously, we have not yet lived under the provisions of the bill, so in that sense the jury is still out. However, at this early stage it must be said that one of its great successes is that the ordinary person can read it and actually understand it. The format, presentation and style is impressive because it is understandable. That, if nothing else, is a major achievement. It is a tour de force to bring any piece of legislation to the point where ordinary mortals can understand it. To get to that stage with a bill of 367 pages in its own right, with four cognate bills and a whole raft of regulations that have yet to follow - which most ordinary people with a little application can understand - is a significant achievement indeed. As one reads the legislation, the same degree of clarity, wisdom and foresight is evident throughout its component parts. As legislators it is singularly important that we ensure that those achievements are apparent to many people in the future. I should like to commend Michael Orpwood, Deputy Parliamentary Counsel, for his tremendous effort. I am sure at his professional level it will be recognised for many years to come. His drafting skills are a credit to him.

Over the years a vast number of amendments, ordinances, regulations, practices and procedures in local government have been developed, introduced, put to one side and replaced. It is obvious to all that the rewriting of the local government legislation had to be carried out with vigour. And that has been the case. Hence, the change will be greeted with relief, enthusiasm, a sense of direction and new purpose by many people in the community, but particularly by those who serve local government - as well as elected representatives - but they are transitory; and I include myself in that category. We may be there for a time and then move on. This bill, which will become an Act, will enable the professional staff of local government

to undertake their duties efficiently. If the bill facilitates the modernisation and efficiency of local government, it will accomplish that which has been sought for many years.

I have received a running commentary, if you like, on the development of this bill since it was first seriously mooted a couple of years ago. I have received that commentary in a fulsome and, at times, challenging way from my local government councils. There is no doubt that all of those people who are in local government at present are as jealous of their role as were those of us who served in local government in the past. We did not want Big Brother government coming along, tapping us on the shoulder and telling us what was best for our communities. We knew best because we were closest to the grass roots; we were the local government of the day and closest to the people.

I acknowledge my local government councils - the Uralla Shire Council; Dumaresq Shire Council; Armidale City Council, which has a proud history of very efficient service in what has been a rapidly growing community; Guyra Shire Council; Severn Shire Council; Glen Innes Municipal Council; Tenterfield Shire Council; and, since the recent change of boundaries, Inverell Shire Council - all of which have been diligent participants in the process of the development of this new bill. They have kept me informed. They have given me a bit of stick from time to time about certain aspects that they did not like and, I have to say, there are still some parts of the bill that they are not particularly enamoured of. They will continue to challenge us in that regard, and rightly so - each of them has its own role to play in its local environment.

One of the problems in writing a bill of this magnitude is that it has to cope with every local government circumstance - from the smallest rural shire, with a budget of perhaps a few hundred thousand dollars, through to budgets worth multimillions of dollars and involving complex organisation equivalent to that required in respect of some of the largest industries and businesses in the land. The scope of activity, responsibility and administrative challenge across that range makes it difficult to write a bill and set a framework which allows for all of that to happen in a controlled, productive and efficient way. That has been achieved only by the process that has been followed. That is why we have had so much participation; there has been a constant invitation to participate.

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I know that we probably all have had - I certainly have - a number of comments over the years that people have not been able to participate enough in respect of this bill. But the community and local government have been able to participate in the formulation of this bill. There was a green paper on phase one, the first major proposals; that was followed by a white paper and draft functions bill on phase one; that was followed by phase two proposals; that was followed by a discussion paper on the reforms; that was followed by a draft exposure bill. Throughout this period seminars and workshops were held and communications processes took place in a way that I do not think we have ever seen before on any piece of legislation. Ultimately a legislation committee was established. That committee also sought the views of industry and related organisations about whether the legislation would work, how it would work and why it would work. Finally, an exposure draft bill was formulated and tabled for public comment.

That lengthy process was as rigorous a test of this piece of legislation as there would have ever been, I believe, in respect of any piece of legislation in any State in the country. That is something of which I am sure the Minister for Local Government and Minister for Cooperatives is inordinately proud. He, of course, has had the responsibility of walking the legislation through Cabinet, the party room and the department. He did so in such a way that people were constantly being challenged to participate, to seek out the issues and to debate the real challenges of change. The bill seeks to bring the legislation up to date and to establish new structures, new administrative systems and new relationships, particularly those relationships between elected and appointed officials, in a way that would allow our community to work best. I think the consultation process has been a model which could be the envy of any Minister of any government seeking to develop a new piece of legislation of this scale. Thousands of submissions have been received, and I can assure the House that many of them have come from my electorate. I am sure that many honourable members could say the same. All of this has meant that everyone has had every opportunity they could

possibly ask for to participate in this process. [*Extension of time agreed to.*]

I do not propose to detail a number of individual aspects of the bill. I have perhaps generalised a little in my remarks on the bill. I think we need to acknowledge the process followed and the involvement of so many people in the development of the bill. I shall not detail many of the issues that have been brought to attention by my councils, by other councils and by honourable members during the course of this debate. Perhaps some features of the legislation have not been covered as fully in this debate as they might. The bill addresses the future in a number of ways, and that will present a challenge to those involved in local government at present. I refer to the challenges of accountability and transparency and the challenge to each council to be as efficient as it possibly can be.

That is the underlying philosophy of this new legislation. I am sure that most of those who participate in local government will respond to that challenge in a wholehearted way, even if they may have some individual criticism of one part or another of the bill. There is no doubt that the bill stamps the direction of local government for years to come. I am sure that if Minister Peacocke were able to leave a written testimony to his successors, he would assure them that it ought to take many years before they bite the bullet on a piece of legislation as major as this one.

From the perspective of my role on the Public Accounts Committee, the adoption recently by local government of new accounting standard AAS 27, which has already been introduced, is a major part of the whole change in the area of local government. That is fundamentally important in terms of accountability. I am sure that as councils come to grips with their new responsibilities in respect of financial accounting and reporting mechanisms the community will take a greater interest in whether it is getting value for its dollar. There is no doubt that many of us worry about local government each year when we get our rates bill. I guess that more and more of us are interested in ensuring that we as a community are getting full value for our dollar. These new accounting standards will certainly help us to make that judgment as the transparency of the operations at the local government level are improved.

One particular matter that I wanted to refer to - I believe that it needs more attention than it has received - is that under the general principles of equal employment opportunity there is now a new provision in the Local Government Bill to ensure that training and advancement opportunities are provided for all staff but, perhaps more importantly, for female staff who in this industry, as in so many others, have not in the past had equality of opportunity to progress. They certainly are provided with that opportunity now in a much more wholehearted way. That provision will be incorporated into the bill under part A of the Anti-Discrimination Act, which requires councils to specify policies and programs by which the objects of the Act are to be achieved. Councils will be required to implement an equal opportunity management plan by the middle of next year. Given the current climate I am sure that all councils will join in that enthusiastically. Many councils have already done so.

In that context councils will be reviewing their personnel policies and procedures, ensuring appointment by merit. As with so many of the other changes that have occurred in public life over the last few years, such policies will ensure that people of real merit, people who are prepared to make that extra effort, will advance; those who have gone along for the ride may not continue to advance at the rate at which they have in the past simply on the basis of having served out some time. Opportunities for advancement are based on and protected by proper adoption of EEO management principles, and they will certainly be enhanced by this new Act.

Training is another important area. Initiatives to assist councils to maximise training opportunities are presented in this proposed legislation. The local government reform implementation tripartite group comprising the director-general, the president of the Local Government and Shires Associations of New South Wales and a representative of the unions and professional associations have identified a number of areas that need reform and will assist councils to embrace the opportunities presented in this bill. We are in

a new ball park. The challenges and opportunities exist for people to become involved and develop their careers in what is, in a sense, a reborn industry.

The opportunities and challenges of local government over the coming years will perhaps be as some of us remember them approximately 25 or 30 years ago, some of which may have diminished a little in the intervening years. There is the opportunity to grab a new industry with a new piece of legislation that will be the model for a number of years. All of these matters create great excitement in the area of local government. I hope there will be a smooth transition process from the existing situation to the restructuring of management, the new sharing of responsibilities and the changing allocations of responsibilities between the elected wing and the appointed officials.

I already know of a few councils that have experienced a rocky transition period. Councils that have had a long and proud tradition of smooth operation are now experiencing a bit of heartburn and challenge. Those councils will settle down as time goes by and will become accustomed to the new allocation of responsibility. The bill presents all members of Parliament with an opportunity to congratulate the Minister, his staff, the Parliamentary Counsel and everyone involved in the development of this major piece of legislation. As we look back on this Fiftieth Parliament we will agree, as many people outside the Parliament will, that this is one of the hallmarks of this particular term of government. This piece of legislation has taken a long time to come into existence but is of great importance to all members and to the communities we are proud to serve. Future participants in local government will find it much easier to serve under this legislation than has been the case in the past. [*Time expired*.]

Mr A. S. AQUILINA (St Marys) [9.52]: It is with great pleasure that I support this bill. However, I also propose to make comments that may not be particularly kind. As other members have said, the Minister is to be congratulated on the excellent work that he and his staff and the local government department have carried out. The preparation of the Local Government Bill has taken many months; in some cases it has been discussed for some years. With the cognate bills - the Impounding Bill, the Local Government (Consequential Provisions) Bill, the Roads Bill, and the Traffic (Parking Regulation) Amendment Bill - it can be seen that many aspects of community life are affected by these bills.

The object of the proposed legislation is to provide the legal framework for an effective, efficient and open system of local government in New South Wales. That is to be applauded. The bill also aims to regulate relationships between the people and bodies comprising the system of local government in New South Wales; to encourage and assist the effective participation of local communities in the affairs of local government. The final objective of the bill is to give councils the ability to provide goods, services and facilities, and to carry out activities appropriate to the current and future needs of local communities and of the wider public; the responsibility for administering some regulatory systems under this proposed Act; and a role in the management, improvement and development of the resources of their areas. That sounds good and the Minister and his staff are to be congratulated on their work.

The bill has been presented in an impressive manner. It is well presented, much easier to follow than the original Local Government Act, and also lends itself to ease of change because chapters can be altered in an easy fashion. The bill sets out the objects and purposes of local government more clearly than the 1919 Act. Though I congratulate the Minister, his staff and the Government on the preparation of this bill and presenting it to the House, I have been concerned about some problems raised in the discussion paper that was made available to the public.

A number of councils were particularly concerned about some of the issues raised, such as the proposed reduction of the number of aldermen or councillors. For instance, Penrith City Council, of which I am a member, and Blacktown City Council which is located in my electorate, each has 15 aldermen. Under the original proposal of the Government, councils such as Penrith and Blacktown would not have been able to have 15 aldermen, even though they were growing councils, covering vibrant communities. It was quite erroneous to expect councils such as Blacktown and Penrith to have the same number of aldermen as some small councils in the inner city.

At this point may I take this opportunity to welcome Miss Rebecca Simic, who is present in the public gallery. She is the reigning Miss Australia and has an interest in local councils. Miss Australia has now made history by appearing in the annals of New South Wales *Hansard* as a person concerned about local government. In the years to come people will read her name when they read the speeches of the honourable member for St Marys.

Various councils were particularly worried about proposed changes to their size and make-up and the way in which elections would take place. I was pleased to hear the Minister say that special allowance would be made for some councils to be larger than was originally proposed. I congratulate Blacktown City Council and its mayor, Jim Anderson, and deputy mayor, Charles Lowles, for the leadership they

have shown when working in conjunction with the local government department on these proposed changes. I congratulate also the Penrith City Council and thank its mayor, Alderman William Gayed, and his deputy mayor, Diane Beamer, who have also worked hard to ensure that local government is well represented.

Those hard-working people are but a few of the local government representatives who give so much of their time, good will and diligence to ensuring that decisions are made on behalf of the community. Local government is grass roots representation. I do not think local government, as the third tier of government, will ever disappear; it should remain as important as it is today. Chapter 3 of the bill neatly sets out a charter for council functions. The 1919 Act has no equivalent provision. The bill will take local government into the twenty-first century. An important reform is that councils will have a clear charter and set of aims. Local communities will be able to influence their councils. Chapter 4 provides that councils will be able to obtain information and community opinion through referenda and local community group representatives and individuals attending council meetings. I am pleased that such activity, which has always been part of a council's operations, will be encouraged even more under the proposed legislation.

The bill, which is a preparation for the next century of local government, gives continued access to grass roots information and decision-making. Chapter 5 provides, in part, for systems of classification of council functions. That provision underpins the structure of the proposed legislation. The 1919 Act is organised according to subject area rather than the type of function conferred on councils. The bill brings a far more modern approach to the functions of councils, dealing with task rather than subject. By now most councils, if not all, have already moved with the times and made structural changes to render their functions more appropriate to present-day needs. Looking at the huge diversity of council functions, one could wonder what other governments do.

Chapter 6 confers on councils their service or non-regulatory functions. Examples of these functions include the provision, management or operation of: community services and facilities; public health services and facilities; cultural, educational and information services and facilities, sporting, recreation and entertainment services and facilities; environment conservation, protection and improvement services and facilities; waste removal, treatment and disposal services and facilities; pest eradication and control services and facilities; public transport services and facilities; energy production, supply and conservation; water, sewerage and drainage works and facilities; stormwater drainage and flood prevention, protection and mitigation services and facilities; fire prevention, protection and mitigation services and facilities; land and property development; housing; industry development and assistance, and tourism development and assistance. That list of examples is not exhaustive. [*Extension of time agreed to.*]

I know from my own involvement in local government that even today Penrith City Council is very much involved in arranging economic development activities to encourage greater employment in the city. In the past that area of local government activity would not even have been considered. The third tier of government must work in co-operation with the State and Federal spheres. That is an example of how local government can provide facilities for local communities in the most effective and efficient manner. One of my concerns about the earlier draft of the bill was its apparent intent to change the election system from a preferential proportional basis to one of equal voting.

I am pleased the bill allows a choice. My view, and I believe that of the overwhelming majority of local government representatives, is that preferential proportional voting is far more effective and gives better representation to the community. I have a small list of concerns about the bill. First, when amendments are proposed they should be considered in Committee. For instance, under the bill the Minister has far too tight a rein and influence over local government. Local government should be freed up to make more decisions themselves. The Minister still has strong control over local government, though it would be incumbent upon the Minister and other Ministers to work co-operatively with local government and not stifle its activities.

The bill does not contain any statement or policy on ethnic affairs. It would be appropriate, given the diversity of our society, for some statement to be made about local government responsibility to the ethnic community. I am also concerned that the bill makes no provision for list voting. The Opposition will be putting forward amendments to allow list voting, which will allow multiple seat elections to be completed more easily. List voting, similar to that used in Senate or Legislative Council elections, will make it easier for people to vote and indicate preference for a party or, if they wish, for an independent or non-aligned candidate. That is an important issue, in particular for the elderly and those of ethnic background, perhaps unable to read English as well as they might wish, who might want to vote for a general group or members of a party.

Mr Peacocke: Equal value voting does that.

Mr A. S. AQUILINA: The Minister says that equal value voting does that. However, a proportional system provides for more democratic representation in local areas. Notwithstanding that, some councils may choose to undertake equal value voting. Councils will themselves decide. Choices can be made under the present bill, though that was not proposed in the original draft. The bill is landmark legislation. I do not speak only as a member for local government, as a representative of my local community and as a former mayor of my city. I speak as a legislator who is very impressed with the drafting of this landmark legislation, even though I had some concerns with some aspects of it.

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One must remember that one cannot expect major change to legislation, for the first time in more than 50 years, without some concerns being raised and anxiety caused. It is good that anxiety creeps into some areas of government and it is good for local government to engage in a self-examination process. That process has resulted in a catharsis in various councils and local government organisations, giving better direction to their operations. That is one thing that this process has assisted. I congratulate the Minister because I believe that process has been effective. I hope that the Government will consider carefully, and perhaps accept, the amendments of the Opposition at the Committee stage because I believe the amendments proposed will enhance the legislation.

Mr KINROSS (Gordon) [10.12]: It gives me much pleasure to speak, I think as the last speaker for today, on this monumental legislation. I do not use that word without some considered thought. I suppose it could best be summed up as reform at last and reform with extensive community consultation - unlike, if I may say so, the bad old Labor days when Wran would rush through 70 bills in one day. Moir's cartoon used to reflect it very well. There was Neville over a desk, pushing through 70 bills or so in the wee small hours. Here there has been almost five years' of research and more than 1½ years' of extensive community consultation. The reform process is the most detailed and consultative by this Government in its history and, I put to the House, in the history of government in this State. For more than 75 years no one saw fit to change the Local Government Act 1919, yet reform is quite clearly needed.

Let no one take any issue tonight or, indeed, in this entire debate, with the extensive level of consultation. Let me give the House a few facts. The Government received 11,500 comments and continues to receive a substantial amount of material - 20,000 pages on top of the material furnished pursuant to the exposure draft bill. The Local Government Bill itself contains 742 clauses. The time involved in consultation alone is extensive - a minimum of about 18 months. In all there was extensive research and

detailed consultation with the broad sections of the community, the Local Government Association and the Shires Association, various community groups, members on the other side of the House as well as members on this side of the House, and with the wider community.

I say quite proudly - though I will not be seen to be objective - that I wholeheartedly congratulate the Minister, the Hon. Gerry Peacocke, who has not only worked tirelessly in bringing forward this legislation but also continues to consult. Opposition members have raised a number of arguments and intend to move amendments to the bill. I know the Minister will continue to consult vigorously to achieve as much consensus as one can hope to achieve when dealing with an Act that has governed us for about 75 years.

My local council, Ku-ring-gai Municipal Council, perhaps somewhat surprisingly, has offered unqualified support for the bill. Not only has the council raised no objections, either orally or in writing, but its concerns have been allayed by this Government's attempts, as I said in my first speech to this House last year, and in the words of the singer Billy Joel, to "Get it right the first time". However, I should say that to ensure there was no lack of attention to detail by my electorate office I made sure that the statements that I have just made were the case by having my electorate secretary confirm that with the town clerk, and indeed he confirmed that fact. Somewhat surprisingly, however, he said, "We do not have any problems at the moment, but if we do, we will raise them after it becomes law".

I go back to some of the detail of consultation that has taken place on this bill. I pay tribute, as the honourable member for Northern Tablelands did clearly and succinctly, to the form of this bill. It picks up a number of principles to enable it to read better in layman's terms. It is designed by its layout and form, together with its detailed explanatory schedules, to make this law far clearer and, as far as it can be, concise. Let me give the House a few examples. Instead of going to the Land and Environment Court to see which class of application relates to which ground of appeal - for example, appeals of civil enforcement remedies - this legislation allocates the appropriate classes within the jurisdiction of the court, making it easier to find where to appeal. It encapsulates in this package of legislation, rather than looking across various bands of legislation, how one takes an appeal if dissatisfied with the determination of a council.

It is only fair to say that the Fahey-Murray Government ought to claim some credit where it is due. It is this Government that has undertaken reform. As recently as this afternoon in question time the Minister for Transport said that not in 12 years of hard Labor was any change made to the signalling system in transport. Here we have, within five years, made changes to legislation that has governed us for 75 years. It is not easy to change the law and never is. Why? Because, as human beings, we all know that the status quo is far easier to sit with than change. But when change is called for, this Government is prepared to act. However, the Government has quite openly acknowledged the difficulties involved, as the Minister said when he spoke in this House on 11th March:

> As with any piece of legislation of this size and importance, there may well be errors and unintended consequences which will only become apparent as the legislation is applied.

It is no mean feat to take on this task of at least trying to do a job where so many governments in the past 75 years have failed. I pay tribute not only to the Minister but also to the Parliamentary Counsel, who drafted the bill, and to the Director-General of the Department of Local Government and Co-operatives, Mr Garry Payne, who gave an enormous amount of time and effort to seek to resolve a great number of inquiries, difficulties and concerns about the bill in order to resolve any unintended consequences.

The honourable member for St Marys acknowledged and paid tribute to the Minister for this bill. His councils, Penrith and Blacktown, administer large and growing areas in the western suburbs. The bill and the further amendments that the Minister says

he will take on board and consider in line with the attempt to continue community consultation are further witness to the detailed level to which this Government will go in achieving consensus on legislation. The bill contains a number of changes of the 1992 bill. I recommend that all members, and indeed members of the

public in the gallery tonight, obtain a copy of the separate publication setting out in clear detail a summary of changes to the 1992 bill, with comparative tables and supporting schedules where necessary. The original bill has been refined and the transition to the new legislation has been smoothed for councils.

There are a number of cognate bills in support of the main bill, the Local Government Bill of 1993. The bills contain a number of regulations. The regulations in respect of the main bill and the Roads Bill are being finalised at the moment. The Government is endeavouring to make the provisions more clear and concise. Under the old legislation there were more than 100 ordinances, as they were called. The number has been reduced by 90 per cent to 10 regulations under the proposed new Act. The substantial reduction in law and, in layman's terms, legalese deserves credit. The Government has attempted to make the law clearer to those whom it serves. The philosophy behind the package is, first, more freedom; second, more efficiency; third, accountability to the people of New South Wales, whom local government serves; and, fourth, openness. Accountability, the third factor I mentioned, relates to a couple of areas. A few examples will suffice. First, there will be disclosure of interests. Clauses 447 and 448 provide for the full disclosure of interests in writing and, where necessary, subsequent to that disclosure, should circumstances vary, orally, so that the public has confidence in local councils. [*Extension of time agreed to.*]

Résumés of candidates will be displayed at polling places to ensure that voters are aware of what candidates represent and stand for. The legislation is designed to govern 177 councils and well over 1,000 aldermen and councillors. Inevitably, consensus cannot be achieved on everything. Indeed, the beneficiaries of this extensive package are the ratepayers, and they have been consulted on it. We should never forget that they bear the cost of local government and elect representatives. The legislation will allow a clearer statement and understanding of the law contributing to the microeconomic reform that the coalition is currently undertaking and will continue.

I turn to a few specific provisions of the legislation. Chapter 4 of the Local Government Bill deals with how the community may influence the council. The community is entitled to extensive involvement in this entire debate. The bill will allow the community extensive input. People will be able to influence the council, in addition to attending council meetings as is currently possible, and they will be given access to a wide range of information concerning activities of the council. People will be

able to express community opinion through council polls and constitutional referenda. Members of the public will be able to influence council decisions on matters such as the level of rates and charges. And after all, who is not concerned about the old hip-pocket nerve?

The terms of management plans and the granting of development and building approvals are clearly issues on which members of the public will seek a significant input. Part 1 of chapter 4 allows for extensive consultation in relation to open meetings. Part 2 deals with access to information and part 3 refers to expressions of community opinion. I turn to chapter 7 and clause 88. One of the aldermen on my council specifically raised this. However, I think his concerns can be allayed. People lodging development and building applications want to have a fair hearing and be afforded natural justice, taking into account the law, council's plans and State Government legislation.

The alderman raised the issue in relation to clause 88 dealing with matters for consideration. I do not believe there is any inconsistency between paragraph (b) of clause 88(1) and subclause (2). They are clearly predicated on what I call inconsistent or different premises. That is, where the council has a plan adopted under part 3 - or a policy, to use the words of subclause (1)(b) - the council must take that plan into consideration. Ku-ring-gai council has recently adopted development control plan No. 15 in connection with urban consolidation. That is a policy under this legislation that must be considered. However, under subclause (2) of clause 88 if no requirement is prescribed, or a council has no adopted plan, clearly the council must determine applications taking all relevant matters into consideration, including of course the public interest.

Finally, I should like to refer to chapter 9, which deals with the way in which alderpersons are to be paid and elected. Many people are of the view that one should not be conscious of or speak about what they are paid; they say that people should carry out a public service for the love of the job. A lot of people in the 177 councils throughout New South Wales do it for the love of the job, and I take my hat off to them, as I know the Minister does. But it must be recognised that they are entitled to fair payment. Clause 233 will address that issue.

People often say, "If you pay peanuts, you get monkeys". That is not the case in my council, but one must never lose sight of the need for a remuneration tribunal, as provided for in clause 233. Clauses 246 to 252 govern these provisions and allow a devotion to duty to be rewarded either by a remuneration or by a fee for services rendered to the men and women who give their services so wholeheartedly and consistently to ratepayers. I support the Local Government Bill and the cognate bills.

Debate adjourned on motion by Mr Sullivan.

House adjourned at 10.32 p.m.

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QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

ROADS AND TRAFFIC AUTHORITY
ASPHALT SUPPLY CONTRACT

Mr Langton asked the Deputy Premier, Minister for Public Works and Minister for Roads -

With regard to the statement by the Chief Executive of the RTA at the Estimates Committee hearing that

"associated with the sale of the central asphalt depot is a contract for a three year supply of asphalt to the RTA" and the reference in the annual report for the RTA 1991/92 that the same contract "includes a five year agreement . . . for the supply of asphalt . . ." -

(1) Which statement is correct?

(2) Why did he authorise two contradictory claims?

Answer -

(1) The contract for the sale of the Central Asphalt Depot included a 5-year supply agreement as indicated in the 1991/92 Annual Report of the RTA.

(2) The reference to a 3-year agreement by the Chief Executive of the RTA to the Estimates Committee was a minor error and not intended to mislead, as evidenced by the publication of the correct information in the RTA's Annual Report.

RAIL SIGNAL MAINTENANCE CONTRACTING

Mr Langton asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Will the RTA contract out all or some of the RTA's current traffic signal maintenance program?

(2) Have relevant unions guaranteed that work practices will be adjusted allowing for all such work to be done internally by existing RTA employees?

(3) If so, what is the financial or management rationale for continuing with plans to contract out such work?

(4) (a) If contracting out proceeds, how many RTA staff will be redeployed or offered redundancy packages?

(b) What is the projected cost of this exercise?

(5) What real and net cost savings will be achieved by the projected contracting out program?

Answer -

(1) Some. The RTA has maintained traffic control signals by external agencies in rural areas for a number of years.

A contract for the maintenance of signals within the North Western suburbs of Sydney was awarded in February 1993. The contract covers approximately 10 per cent of the total number of traffic control signal sites within the Sydney Metropolitan Area.

Further contracts for signal maintenance will not be considered until the current contract has been evaluated.

(2) The question of contracting part of the RTA's signal maintenance was considered two years ago. Following a request from the Electrical Trades Union, the RTA reviewed maintenance methods and practices.

The review was conducted by RTA employees, including Union members. Certain changes to maintenance procedures were recommended and have been adopted.

In discussions relating to the letting of a contract, the Union made an offer in respect of the work being undertaken by RTA employees. The decision was taken to contract part of the work to allow comparative performances to be evaluated.

(3) The RTA's signal asset within the Sydney Region is being expanded by about 60 new sites per year. Staff levels were insufficient to meet existing and projected maintenance demands, and the opportunity was taken to develop contract expertise in this area to provide flexibility for future operations.

(4) No RTA staff will be offered voluntary redundancy as a result of the contract. If necessary, some employees will be deployed to other works carried out under the Traffic Signal Works Program. In this respect, the RTA is planning additional maintenance for traffic signal loops.

(5) The signal maintenance contract is a trial to evaluate the performance of private sector involvement in a field not previously subject to competitive influences in the Metropolitan Area.

Evaluation of the trial will enable conclusions to be drawn about the effectiveness or otherwise of this method of operation.

CABRAMATTA FIRE STATION

Mr Newman asked the Minister for Justice and Minister for Emergency Services -

(1) Why did the Board of Fire Commissioners not continue with the property transfer of the Cabramatta Fire Station?
(2) What was the valuation of the present fire station site at Cabramatta?
(3) What was the value of the transfer package offered by the Bing Lee Company?

Answer -

(1) The offer from the Bing Lee organisation was deemed by the New South Wales Fire Brigades, to be not sufficient to warrant further investigation as a private treaty sale. This view was also supported by the Public Works Department.
(2) The independent valuations of the existing Cabramatta Fire Station varied significantly. This was believed to be due to the uncertainties of the property
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market and the indeterminate effect of Fairfield Council's latest planning controls. The range of values presented by the independent valuers was from $300,000 to $650,000 a spread too wide to allow a disposal decision of this magnitude to be made with any certainty as to the outcome.
(3) The Bing Lee organisation offered to construct a new two bay fire station on another site in exchange for the existing site plus $60,000. This represented a total expenditure by the Bing Lee organisation of approximately $625,000 which included land costs whereas the Fire Brigades' contribution could be as high as $710,000 depending upon the total realisable value of the Brigades' existing property. To ensure maximisation of the Brigades' asset utilisation, a private treaty sale to Bing Lee, without genuinely testing the market place, was considered inappropriate. This was not possible in the circumstances.
Accordingly, given the Brigades' urgent need to provide improved accommodation for the staff currently located at Cabramatta extensions to the existing station have proceeded.

LIVERPOOL DISTRICT SPEED CAMERA INFRINGEMENTS

Mr Anderson asked the Minister for Police -

How much revenue has been raised and from how many Infringement Notices utilising speed cameras in each patrol in the Liverpool Police District?

Answer -

Period	Total Infringements Issued	Estimated Revenue
1/7/91 to 30/6/92	7,777	$831,441
1/7/92 to 28/2/93	7,334	$865,420

Speed camera infringement statistics are collated on a District basis only and not by Patrol.
The estimated revenue quoted is based on a payment rate of 76 per cent on the total value of infringements issued. It is not possible to identify revenue statistics based on station or patrol of issue. The payment rate of 76 per cent applies to all infringement notices issued.

SELF-DEFENCE SPRAYS

Mr Anderson asked the Minister for Police -

(1) Has the Government refused to allow the use of capsicum-chilli self-defence sprays?

(2) What are the reasons for the decision?

Answer -

(1) Yes.
(2) Anything designed or intended as a defence or anti-personnel spray that is capable of discharging by an means any irritant matter in liquid, powder, gas or chemical form is a prohibited weapon under the Prohibited Weapons Act 1989.

COOLAH POLICE NUMBERS

Mr Anderson asked the Minister for Police -

(1) How many police officers are stationed at Coolah?
(2) Are police normally stationed at country towns for a minimum period of 3 years?
(3) How many police have been transferred out of Coolah in the last 5 years?
(4) How long had each officer so transferred been stationed at Coolah?
(5) (a) What was the reason in each case for the transfer?
(b) What transfers, if any, were at the request of the officer concerned?

Answer -

(1) Two.
(2) The Commissioner of Police has advised that the transfer policy for country areas is usually five years but officers may apply after three years. The cost of the transfer is usually only covered by the Police Service after five years service. The exceptions are:

* Where the Station is a "Special Remote Location" which carries a fixed tenure of less than three years.
* Where an officer applies for transfer on compassionate grounds.
* Where an officer is transferred on disciplinary grounds.
* Where an officer is transferred to meet the requirements of the Police Service.

(3) Three.
(4) Senior Constable Soper - 3 years, 5 months
Serjeant Dowdell - 4 years, 2 months
Senior Constable Robinson- 2 years, 7 months
(5) (a) Senior Constable Soper - Exchange of positions with Senior Constable Robinson.
Serjeant Dowdell - Transferred to meet the requirements of the Police Service - career development move.
Senior Constable Robinson - Transferred on compassionate grounds and also met the requirements of the Police Service.
(b) The three transfers were at the request of the officer concerned.

SHORTLAND ELECTRICITY UNDERGROUND TRANSMISSION LINES

Mr Face asked the Minister for Conservation and Land Management and Minister for Energy -

(1) Does Shortland Electricity have a program for the undergrounding of electricity transmission lines?
(2) What progress has been made in implementing this program?

(3) What criteria are adopted for selecting areas in which transmission lines are placed underground?
(4) What are the future plans for this program regarding expenditure and locations for undergrounding transmission lines?
(5) What is the Government's contribution towards this program?

Answer -

(1) No. Transmission lines being power lines operating at voltages of 22kV and above are normally of overhead construction and conversion of overhead mains to underground mains would be subject to policy guidelines, the availability of funds and budget provision for the required expenditure.
(2) Undergrounding of overhead power lines has been undertaken in the Newcastle CBD and to a lesser extent in other commercial areas. Underground conversion of overhead mains has been undertaken in conjunction with some new commercial and industrial developments, highway and main road reconstruction and railway reconstruction at the request of developers and generally at their cost.
New underground reticulation is installed in industrial and residential subdivisions as a condition of Development Approval at the developer's cost.
(3) The suitability of areas for underground conversion of overhead mains is decided on the basis of a positive capital evaluation of the commercial and other economic and environmental benefits of incurring the expenditure to carry out the work and subject to the availability of the funds and the making of a budget provision.
The following additional criteria are considered in the evaluation process:

(i) The location of the area - near the ocean front or within badly air polluted areas.
(ii) The area is well developed with electrical loading established and consolidated.
(iii) The area is subject to major re-development.
(iv) Major road or rail re-development is being undertaken in the area.
(v) Improvements in traffic route lighting in the area requiring the use of tapered steel lighting standards or similar structures.
(vi) Economic savings in tree trimming, line maintenance, pole replacement, and road and footpath restoration are apparent.
(vii) Improved safety and reliability of the electrical transmission and distribution system, particularly in respect to traffic volume.
(viii) Aesthetic and environmental factors benefiting substantial sections of the community.

(4) Shortland Electricity does not have specific plans to underground its existing transmission lines other than to subject these assets to evaluation criteria as described in answer to the foregoing question as and when required by changing environmental circumstances or new developments.
Shortland Electricity has adhered to the findings of the 1991 "Inquiry Into Community Needs and High Voltage Transmission Line Development" as conducted by Sir Harry Gibbs, G.C.M.G., A.C., K.B.E, in which it is stated under the section 4.5 Underground Cables that,
". . . for reasons of cost and for technical reasons mentioned, it would not be practicable to substitute underground cables for overhead transmission lines except over short distances where the use of an overhead line is particularly difficult, such as in built-up urban areas". Council would generally require a capital contribution towards the cost of underground conversion work to accommodate new developments or for aesthetic reasons.
It is further stated in the Gibbs Report that,
"The Electricity Council of New South Wales would support the view that the cost of underground cables of 132kV would be about 13-17 times that of an overhead line".
By comparison, in residential estates the cost of underground electricity distribution systems (with voltages up to 11kV) is approximately 2.5 times that of overhead systems.
(5) Apart from underground conversion work associated with highway and main road reconstruction from time to time, there is no contribution from State Government towards the cost of undergrounding transmission lines in the Shortland County Council area.

SENIOR EXECUTIVE SERVICE POLICE

Mr Hatton asked the Minister for Police -

(1) How many members of the NSW Police Service are members of the Senior Executive Service?
(2) Of these, how many are "operational" police?

(3) How many of these "operational" SES police have been recruited from outside the NSW Police Service?
(4) What are the names of the police referred to in (3) above?
(5) How many SES police have had their contracts terminated or not renewed because of unsatisfactory performance?

Answer -

(1) Sixty-three.
(2) All police officers in the Police Service Senior Executive Service have operational responsibilities.
(3) Nil.
(4) Not applicable.
(5) One.

HEAVY VEHICLE PORTABLE WEIGHING SCALES

Mr Langton asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Has replacement of batteries and remodelled chargers rectified all problems with the Road and Traffic Authority GEC portable scales?
(2) What is the warranty period for the scales?
(3) What testing procedures are now in place to monitor the scales' accuracy?

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(4) How many penalty default proceedings for overloaded vehicles were terminated and/or challenged or are likely to be terminated because of the scales' operational faults?
(5) Who was responsible for placing the order for the scales?
(6) Did the original specifications outline the peculiarities of Australian operating conditions or were the scales imported as is and not tested or modified for Australian operating conditions?
(7) What checking procedures are in place as an interim measure while GEC officials test and repair the suspect scales?
(8) How long have these interim measures been in place?

Answer -

(1) No. A problem with the transducer component in some scales became apparent following the replacement of batteries and chargers.
(2) 12 months.
(3) As part of the recall process, the scales are tested for accuracy by the Department of Business and Consumer Affairs.
(4) None. Scales that exhibited problems have not been used to check weigh vehicles.
(5) The scales were ordered by the Roads and Traffic Authority, in line with a recommendation made by an evaluation team of five officers of the Authority.
(6) The specifications for the scales did outline Australian operating conditions, and GEC personnel from the United States were advised in Australia of those conditions. The scale has been approved by the National Standards Commission.
(7) Scales are being repaired progressively. GEC scales in satisfactory condition and other types of scales are being used for enforcement purposes.
(8) Since the last week in February.

MOTOR VEHICLE RE-REGISTRATIONS

Mr Price asked the Deputy Premier, Minister for Public Works and Minister for Roads -

What are the necessary requirements for an owner to obtain or observe when moving an unregistered motor

vehicle from a residence or garage to a Motor Registry inspection station for the purpose of inspection for an "as new" re-registration?

Answer -

Under Regulation 34 (1) of the Traffic Act 1909 persons are permitted to drive an unregistered vehicle from their residences, places of repair and Authorised Inspection Stations to the nearest Motor Registry for the purpose of obtaining registration. This includes RTA offices that carry out vehicle inspections.
Vehicles being so moved are not required to carry any special markings.

ENERGY SECTOR AUTHORITIES

Mr Rogan asked the Minister for Conservation and Land Management and Minister for Energy -

(1) How many boards or authorities in the energy sector come under his administration?
(2) What are these boards or authorities?
(3) What government, industry representatives or private members constitute these boards?
(4) What is the name, background and criteria for these board members' position on these boards?
(5) What remuneration or board fees are paid to each of these persons?

Answer -

(1) 6 Boards
(2) Board of Commissioners for the Electricity Commission of New South Wales
Energy Corporation of New South Wales
Electricity Council of New South Wales
Gas Council of New South Wales
Sydney Electricity
Pacific Power.
(3) Board of Commissioners for the Electricity Commission of New South Wales
Under the provisions of the Electricity Commission Act, the persons nominated for appointment as commissioners must have such managerial, commercial or other qualification as the Minister considers necessary to enable the Electricity Commission to carry out its functions.
Energy Corporation of New South Wales
Director, Office of Energy
Electricity Council of New South Wales
Pursuant to section 5 of the Electricity Act 1945 the Electricity Council consists of the following representatives:
The general managers and the chairmen of -
(i) Prospect County Council
(ii) Shortland County Council
(iii) Illawarra County Council.
Two persons nominated by the Local Government Electricity Association of New South Wales.
The Director of the Local Government Electricity Association of New South Wales.
A person nominated by the Labor Council of New South Wales.
The General Manager of Pacific Power.
The Director General of the Department of Local Government and Co-operatives.
The Director, Office of Energy.
The Chairperson and Chief Executive of Sydney Electricity.
Gas Council of New South Wales
Members of the Gas Council are appointed under section 84 of the Gas Act 1986. The Act does not provide any specific criteria for selection.
Sydney Electricity
The Sydney Electricity Act provides for 10 Directors on the Board of Sydney Electricity.

Of these, five, including a Chairman and Deputy Chairman and one elected by staff, are appointed by the Minister for Energy. The other five Directors are elected from Local Government and each represents the Local Government areas within one of the five Electricity Supply Districts in the Sydney Electricity District.

(4) Board of Commissioners for the Electricity Commission of New South Wales

J.C. Conde (Chairman)
R.M. Bunyon, General Manager and Chief Executive
B.P. Flanagan
B.P. Jones
Dame L. Kramer
D. Phil
R.J. White
B.C. Wilson
L. Brydson (Employee elected)

Energy Corporation of New South Wales

N. Watson, Director, Office of Energy.

Electricity Council

M. Thomas, Chairman, Electricity Council of New South Wales
A. Gillespie, Chief Executive, Sydney Electricity
G. Douglass, General Manager, Prospect Electricity
W. Elliott, General Manager, Shortland Electricity (Deputy Chairman, Electricity Council)
T. Miller, Director, Local Government Electricity Association
G. Ellis, Treasurer, Local Government Electricity Association
M. Pitt, Labor Council of New South Wales, Secretary, Electrical Trades Union of Australia
G. Payne, Director General, Department of Local Government and Co-operatives
M. Bray, Deputy Chairman, Sydney Electricity
J. Morris, Chairman, Prospect Electricity
D. Nichols, Chairman, Shortland Electricity
C. Glenholmes, Chairman, Illawarra Electricity
J. McCalman, President, Local Government Electricity Association
J. Horner, General Manager, Southern Mitchell Electricity
R. Bunyon, General Manager, Pacific Power
N. Watson, Director, Office of Energy.

Gas Council of New South Wales

Sir J. Carrick, Chairman, former Senator in the Federal Parliament and former Minister for National Development and Energy. Sir John has represented Australia at the International Energy Agency in Paris and served a term as Chairman for this body. He has also overseen the expansion of gas pipelines in New South Wales and promoted the development of a co-ordinated approach to energy conservation.

K. Stevens, former government-nominated director on the boards of the AGL Gas utilities, member of the 1988 and 1989 Boards of Inquiry into Gas Prices and the 1988 Board of Inquiry into Proposed Changes to the AGL Gas Company's Employee's Superannuation Fund. Mr Stevens was also a member of the 1988 Ministerial Working Party on Gas Regulation in New South Wales and the Board of Inquiry into Gas Regulation in the Australian Capital Territory.

Ms E. Morley, solicitor, with particular experience in the areas of poverty law and consumer protection and the related social and economic policy considerations.

Sydney Electricity Board

A.G. Moyes, A.O., Chairman
M.K. Fosbery Bray, Deputy Chairman
J.W. Wentworth Butters
F.N. Farrell, M.B.E.
L. Herman, O.A.M.
P. Lang
M. Lardelli, A.M.

G.D. Stanford
D.W. Sutherland
J. Thomas

(5) Board of Commissioners for the Electricity Council of New South Wales

Part time members (all members except for the General Manager and Chief Executive) are remunerated in accordance with the Electricity Commissioner Act 1950 as determined by the Minister for Energy. Current remuneration levels are: Chairman, $60,000 per annum, Part Time Commissioners, $24,000 per annum, and the employee elected Commissioner, $9,260.

Electricity Council of New South Wales

All members are entitled to claim travelling and subsistence allowances, while the following receive Standard Member's meeting fees at rates determined by the Premier's Department:
M. Bray, J. Morris, D. Nichols, J. McCalman, G. Ellis, M. Pitt, C. Glenholmes.
The standard fee is $71 for meetings up to half a day or $120 for meetings extending beyond half a day on any one day.
The Chairman, Mr Thomas, currently receives an annual fee of $15,435.

Gas Council of New South Wales

Sir J. Carrick, $23,165 per annum
Ms E. Morley, $15,000 per annum
Mr P. Stevens, $15,000 per annum.

Sydney Electricity

Chairman, $49,500 per annum
Director, $25,000 per annum
Staff Director, $10,000 per annum.

OVERHEAD TRANSMISSION LINES

Mr Rogan asked the Minister for Conservation and Land Management and Minister for Energy -

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(1) Have a number of homeowners been directed to remove dwellings and swimming pools from beneath 132 kV powerlines which were transferred from the Electricity Commission to Electricity Supply Authorities (ESAs)?
(2) How many homeowners have been so directed?
(3) What ESAs are involved?
(4) What areas are affected?
(5) What is the reason for this direction, in particular is concern for future health problems resulting from possible cancer causing effects of electromagnetic fields (EMFs) of concern to ESAs?
(6) Were a number of easements for 132 kV and other powerlines never properly gazetted by the Electricity Commission?
(7) How many such powerline easements were never gazetted by the Electricity Commission and ESAs for powerlines generally?
(8) What action does the Government now propose to take to address this issue?
(9) What compensation will be paid to homeowners who may be required to demolish buildings or swimming pools which, through no fault of the homeowner were permitted to be constructed below powerlines?

Answer -

(1) Yes.
(2) Three.
(3) Sydney Electricity.
(4) Peakhurst and Padstow.
(5) In cases where directions have been issued to remove or relocate structures, the decisions were

generally taken to alleviate the potential risk of accidental contact with live conductors, either in their present position or, if under fault conditions, the possibility of fallen live conductors coming into contact with people or structures.
(6) Pacific Power (Electricity Commission) acquires easements where possible by private treaty negotiation. Where this is not possible Pacific Power compulsorily acquires property and interests in property under the Land Acquisition (Just Terms Compensation) Act 1991. Prior to 1 January 1992, resumptions, where necessary, were acquired compulsorily under the Public Works Act 1912.
In all cases Pacific Power acts in accordance with the existing legislation and no easements have been gazetted improperly.
When Pacific Power constructs transmission lines it does so with the specific consent of the property owners. These rights are formalised where necessary by the acquisition of an easement on a private treaty basis following direct negotiation with the owner concerned.
Pacific Power continues to acquire easements on a private treaty basis as necessary. Gazettal of easements is only required where owners refuse to grant consent or some legal technicality requires the easement to be resumed or compulsorily acquired. Pacific Power makes every effort to avoid utilising its powers of compulsory acquisition. This has been an adopted practice since at least 1970 which has resulted in only a very small portion of easements being acquired in this manner.
(7) As I previously indicated Pacific Power does not gazette all easements. Where transmission lines have been constructed they have been with the consent of the owner to construct. Where this consent has not been obtained Pacific Power has exercised its power of compulsory acquisition and the necessary easement has been gazetted.
(8) When the transfer of 132kV assets has been completed, individual distributors will assess the need to acquire formal easements.
(9) This issue will be addressed on an individual basis, having regard to the circumstances leading to the direction and an investigation of the approvals process which permitted construction of the building or swimming pool.

COUNTRY RAIL TELEPHONE INQUIRY SERVICE

Mr Sullivan asked the Minister for Transport and Minister for Tourism -

With regard to the telephone inquiry service for train times on country train services -
(1) Does the State Rail Authority monitor the time telephone callers must wait before their calls are answered on telephone numbers (008) 04 3126 and (02) 217 8812?
(2) If so, for each of the above telephone numbers, what is the average length of time callers must wait during the following periods:
(a) Monday to Friday 6.30 a.m. to 9 a.m.?
(b) Monday to Friday 9 a.m. to 5 p.m.?
(c) Monday to Friday 5 p.m. to 10 p.m.?
(d) Monday to Friday 10 p.m. to 6.30 a.m. the next day?
(e) Saturday 6.30 a.m. to 9 a.m.?
(f) Saturday 9 a.m. to 5 p.m.?
(g) Saturday 5 p.m. to 10 p.m.?
(h) Saturday 10 p.m. to 6.30 a.m. Sunday?
(i) Sunday 6.30 a.m. to 10 p.m.?
(j) Sunday 10 p.m. to 6.30 a.m. Monday?
(3) Does the State Rail Authority regard a waiting time of over three-quarters of an hour as acceptable?
(4) Does the State Rail Authority assess information on waiting times to ascertain the impact on potential customers of delays in receiving information?
(5) If so:
(a) How does the State Rail Authority make these assessments?
(b) How frequently are these assessments made?
(c) To whom are assessments reported?
(d) What mechanisms are in place to rectify problems highlighted through assessments and to improve

customer service?

Answer -

(1) Yes. Telephone numbers 008 043126 and 02 217 8812 connect to CountryLink's Central Reservations Centre and a monitoring system is in place which measures the number of calls received and the average queue time.

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(2) The Central Reservations Centre is not open 24 hours. Hours of service are from 6.30 a.m. to 10.00 p.m. 7 days a week.

The number of calls received at the Reservations Centre can vary from 2,500 to 6,000 a day depending on the time of the year.

To obtain an accurate analysis of the length of time customers must wait for a call to be answered, it would be necessary to nominate the time of the year as well as the specific days and times throughout the day. During the week, Monday is traditionally the busiest day, with the peak period being between 10.00 a.m and 2.00 p.m and a greater waiting time could be expected at this time. Saturday is generally the quietest day.

An example of the difference between daily calls taken during peak and off peak times of the year are shown as follows:

Date	Calls	Average Delay
29.12.92	5,924	139 seconds
26.2.93	3,003	3 seconds

(3) No.

(4) Yes.

(5) (a) Assessments are made from statistics provided from the monitoring process and on complaints which may be received from the public.

(b) The assessments are made continuously throughout each shift by the Supervisor who will take immediate action, if possible, to rectify the situation.

(c) CountryLink's Manager, Sales and Customer Service.

(d) Extra operators are employed when necessary. Other recommendations being considered include the utilisation of a State wide 132 number that will divert calls to the nearest available operater at each regional travel centre.

FEDERAL HOUSING FUNDING

Mr Sullivan asked the Minister for State Development and Minister for Arts representing the Minister for Planning and Minister for Housing -

Will he guarantee that in future all Commonwealth funds allocated to New South Wales for housing will be spent in the financial year in which they were allocated?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answer to the honourable member's question is:

Commonwealth funds are allocated to the States in a number of ways.

The two major allocation methods fall under the headings of "Tied Funding" such as Crisis Accommodation (CAP), Community Housing (CHP), Aboriginal Housing, and Pensioner Housing Programs, and "Untied Funding" which is used for general housing. The tied funds are allocated per program and cannot be used for any other purpose.

However, under present reporting arrangements the allocation of funds for Pensioner Housing is included with untied assistance as it is recognised by the Commonwealth that States such as New South Wales spend more funds on pensioner housing than is granted.

The nature of the tied programs, in particular, are such that agreement must be obtained from community

groups and other Government agencies such as the Department of Community Services and the Commonwealth Department responsible for Housing, as to project priorities. A submission is prepared for agreement by the State Minister then forwarded to the Commonwealth for Ministerial approval of the programs on an individual basis. The assessment of projects, determination of priorities and linkages to other programs require some time and effort and as such while the funds are committed to projects they may not be spent in the financial year. Untied funds are normally spent in the year of allocation.
It is the intention of the Department to commit all funds each year for all programs if possible, with expenditure being achieved as quickly as possible after commitment.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM

Mr Sullivan asked the Minister for Community Services and Assistant Minister for Health -

When will organisations receive written advice regarding their funding levels for 1993/94 under the Supported Accommodation Assistance Program?

Answer -

(1) SAAP services will be advised of their funding levels for 1993/94 when the State/Commonwealth Budget is announced.

POLICE SERVICE DRUG AND ALCOHOL UNIT

Mr Anderson asked the Minister for Police -

(1) Since the establishment of the Drug and Alcohol Unit within the Police Service in August 1990, how many serving police officers have sought assistance from the Unit?
(2) What percentage of officers seeking assistance from the Unit did so in regard to personal alcohol problems?
(3) (a) Are officers with an alcohol problem supported by the Police Service?
(b) If so, in what ways?
(4) Since March 1988, how many sworn members of the Police Service have been either:
(a) Dismissed?
(b) Medically discharged for alcoholism?
(5) What were the findings of the National Police Research Unit regarding the consumption of alcohol by police?

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(6) How many sworn members of the Police Service have had charges of drink-driving found proven against them since March 1988?
(7) How many of the members referred to in question (6) have been dismissed from the Service as a result of such charges?

Answer -

(1) 311 police officers have been provided assistance from the Drug and Alcohol Unit since its inception. Of these, 96 sought assistance, 187 were referred by supervisors and 28 supervisors sought assistance in dealing with staff. 71 one day seminars have been held to educate supervisors in identifying and managing staff with drug and alcohol problems.
(2) 29 per cent sought help for their own alcohol related problems and 57 per cent were referred by supervisors for assistance.
(3) (a) Yes.
(b) Officers are offered all reasonable help through the extensive employee assistance programs of the Service which include medical, welfare and psychological support. Most importantly, state wide

alcohol counselling services are provided by the Drug and Alcohol Unit which has also established a weekly special purpose Alcoholics Anonymous Group.

Officers who have difficulties attending due to transport or emotional problems are transported to these meetings by an Alcohol Counsellor from the Employee Assistance Branch. Furthermore, special sick leave concessions, were appropriate, are provided during detoxification and rehabilitation programs.

In addition, the Service has just launched an extensive and ongoing alcohol information program for all employees. The program, which has been developed in consultation with the Health Department, is designed to create an awareness among staff of the detrimental effects that alcohol can have on work performance and is aimed at promoting a healthier lifestyle for all employees.

(4) (a) No police officer who has attended the Drug and Alcohol Unit has been dismissed because of alcoholism. However, 4 alcoholic officers have been dismissed because of offences committed while under the influence of alcohol.

(b) 24 police have been medically discharged with alcoholism being nominated as one of the conditions of discharge.

(5) The initial phase of the National Police Research Unit's study is nearing completion and it is understood that its preliminary findings will be published in the near future. However, at this stage, its report has not been endorsed by the Unit's Board of Control and is not yet available for general circulation.

(6) 123 sworn members of the Police Service had charges of drink driving proven against them for the period 1988 to 1992. Figures for 1993 are unavailable.

(7) Nil.

COXS RIVER DEVIATION

Mr Clough asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) When is it expected that the twin bridges over the Coxs River will open?

(2) When will work recommence on the paving of the dual highway from Tunnel Hill to Lidsdale State Forest?

(3) (a) Who is paying for this work?

(b) What will now be the total cost of the project?

Answer -

(1) The bridges will be opened to traffic in conjunction with the opening of the Coxs River deviation, which is programmed for 30 June 1993.

(2) This length of road forms part of the Coxs River deviation, and paving work on the deviation has commenced. A contract for the paving of the western section of the deviation was awarded on 20 January 1993 and a contract for the eastern section was awarded on 22 February 1993.

(3) (a) The deviation is a National Arterial Road project funded by the Commonwealth Government.

(b) The expected final cost of the work is $34 million, as previously announced.

GEORGE BOOTH DRIVE UPGRADE

Mr Hunter asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) (a) Did the RTA originally recommend that George Booth Drive (MR 223) be upgraded from two lanes to four lanes in that section from Northville Drive to Seahampton?

(b) If not, what work was recommended?

(2) What was the estimated cost of this upgrading work?

(3) Will the Government allocate funds to allow the upgrading work to proceed?

(4) If so, will the funds be made available in time for Lake Macquarie City Council to complete the roadworks prior to the opening of the F3 Freeway in December 1993?

(5) If not, why not?

(6) What funds have been allocated to date for road improvement works on this section of George Booth Drive?

Answer -

(1) (a) Yes.
(b) Not applicable.
(2) The RTA has not prepared an official estimate of cost for upgrading the road to four lanes. The original upgrading proposal was based on George Booth Drive being the initial and perhaps the only connection between the National Highway and Newcastle, as Commonwealth funding for the Link
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Road was not assured when the proposal was developed.
However, funding for the Link Road is now assured. A revised strategy for upgrading George Booth Drive to provide a satisfactory level of service for the foreseeable future has been formulated by the RTA and Lake Macquarie City Council.
(3) Council has been advised that sufficient funds will be made available in 1993/94 to enable the revised upgrading project to be completed.
(4) See (3) above.
(5) Not applicable.
(6) $2.2 million. A further allocation of approximately $6 million will be provided in 1993/94 for the completion of works required under the revised upgrading strategy.

THE ENTRANCE POLICE STATION

Mr McBride asked the Minister for Police -

(1) (a) What is the departmental priority for upgrading The Entrance Police Station?
(b) When will the upgrading program be implemented?
(2) (a) How many public servants are attached to The Entrance Police Station?
(b) What shifts are they required to work?
(3) (a) How many detention cells are available at the station?
(b) In what year were they constructed?

Answer -

(1) (a) and (b) The Entrance Police Station has recently been extensively renovated both internally and externally. In addition, the recently acquired ambulance station has been refitted to provide additional accommodation for The Entrance Police. No further changes are anticipated in the foreseeable future.
(2) (a) Five.
(b) * Two Clerical Officers work Monday to Friday with flexi time conditions.
* Three General Support Officers are rostered for duty on the following shifts on a rotational basis from Sunday to Saturday:
- 8.30 a.m. - 4.30 p.m.
-3.00 p.m. - 11.00 p.m.
-6.00 p.m. - 2.00 a.m. (duringpeak holiday periods)
(3) (a) Two.
(b) 1948.

FAME COVE PRESERVATION

Mr Martin asked the Premier and Treasurer -

(1) Will he immediately act to acquire the 40 hectares of foreshore land at Fame Cove, Port Stephens?
(2) Did the owners, Australian Paper Manufacturers (APM), defer the auction until 23 March 1993 to give

the Government time to enter negotiations?
(3) Will he immediately instruct Treasury to act?

Answer -

The Minister for the Environment has advised that he is working to reach a satisfactory agreement with the Commonwealth which would enable the acquisition of the land at Fame Cove to proceed. The Commonwealth has indicated that it is willing to contribute some funds for this purpose.

BULAHDELAH POLICE EAGLE PHONE

Mr Martin asked the Minister for Police -

(1) Does the "Eagle Phone" at the front of Bulahdelah Police Station have a sign on it stating "Out of Order - dial 000 on another phone"?
(2) (a) If so, how long has a sign been on the facility?
(b) When will the phone be fixed?

Answer -

(1) Yes.
(2) (a) In excess of 12 months.
(b) The Commissioner of Police has advised that numerous requests to Telecom to repair the phone were unsuccessful. However, Telecom now advises that a replacement unit has been ordered and when received it will be installed at Bulahdelah Police Station.

BEXLEY TRAFFIC

Mr Thompson asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Did he advise Rockdale Council that he would jointly announce with the Liberal candidate for Barton important matters concerning traffic measures for the Bexley area?
(2) How did Rockdale Council react to his advising?
(3) Why did he seek to involve the Liberal Federal candidate for Barton in this matter?

Answer -

(1) No.
(2) Not applicable.
(3) This was not the case.

ST GEORGE-SUTHERLAND POLICE NUMBERS

Mr Thompson asked the Minister for Police -

(1) What is the authorised strength of each police patrol in the St George-Sutherland District?
(2) What is the actual strength of each police patrol in the St George-Sutherland District?

Answer -

(1) to (2)

Authorised/Actual Police Patrol Strengths in the St George-Sutherland District as at 28.2.93

Patrol/Branch	Authorised Strength	Actual Strength
District Resources	100	113
Sutherland	74	71
Cronulla	55	52
Engadine	49	47
Miranda	44	50
Hurstville	63	67
Kingsgrove	30	34
Riverwood	41	40
Kogarah	108	110
Menai	18	18
TOTAL	582	602

AUTHORISED SWORN POLICE

Mr Anderson asked the Minister for Police -

(1) How many sworn police are attached to branches, etc., that are not patrols, districts or regions?

(2) What are the branches, etc., to which these police are attached?
(3) What are the respective numbers of police attached to each?

Answer -

(1) to (3)

AUTHORISED SWORN POLICE ATTACHMENT
as at 1 March 1993*

(Note: Below is a table of authorised sworn Police attached to Branches etc. which are not considered to be part of a Patrol, District or Region)

Command	Branch/Section	No. in each branch/section	Total No. in command
Commissioner's Office		2	2
State Command		6	6
Operations Support	Operations Support	9	
	Joint Technical	45	
	Task Force Group	97	
	State Intelligence	120	
	Tactical Services	346	
	Technical Services	355	
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	Youth Club	125	1,097
Education and Training	Assistant Commissioner	2	
	Academy	149	
	Distance Learning	14	

	Executive Development Program	1	
	Financial Management & Development Section	0	
	Police Recruiting	10	176
Human Resources	Establishment Control	49#	
	Employee Assistance	17	
	Industrial Relations	1	
	Personnel Directorate	8	75
Professional Responsibility	Assistant Commissioner	4	
	Comprehensive Audit	3	
	Internal Affairs	73	
	Profess. Integrity	40	
	Office of Solicitor	12	132
Office of Strategic Services	Office of Strategic Services	3	
	Policy & Programs	11	
	Planning & Evaluation	8	
	Marketing & Media	7	29
Drug Enforcement Agency			226
Corporate Services	Information Technology	5	
	Administrative Services	17	22
TOTAL			1,765

* Authorised establishment levels only have been provided. Many positions are vacant and actual strengths vary constantly.

This figure includes the reserve pool and police performing duty at the office of the Director of Public Prosecutions.

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M4 MOTORWAY ON-OFF RAMPS

Mr A. S. Aquilina asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) When will the Mamre Road on/off ramps at the M4 in St Marys be started?
(2) When will the Kent Road on/off ramps be provided from the M4 to the University of Western Sydney?

Answer -

(1) A detailed study of the need for access to and from the M4 Motorway in the St Marys and Orchard Hills areas showed that a warrant existed for the future construction of an east facing ramp on the Motorway at Mamre Road. As I indicated last year, the Roads and Traffic Authority is now proceeding with design work for the ramp. The allocation of construction funds will be given consideration during the formulation of the 1993/94 Budget.
(2) The study found that Motorway access at Kent Road may be required at some future time. There are no current proposals for ramp construction at this location.

M4 MOTORWAY NOISE POLLUTION

Mr Yeadon asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Is there an investigation into noise pollution caused by traffic travelling on the M4 Motorway affecting residents on both sides of the Motorway between Church Street, Granville, and Mays Hill?
(2) If not, why not?
(3) Will he commence an investigation and consult with the residents of this area about the unacceptable level of noise pollution?
Answer -

(1) The Motorway between Church Street, Parramatta and Mays Hill was provided with an open grade asphalt surface as part of the work associated with the construction of the toll road. This significantly reduced the level of road noise previously experienced by nearby residents.
Nevertheless, the Roads and Traffic Authority has agreed to monitor noise levels along this length of the Motorway, in accordance with its traffic noise policy. Should it be determined that there is an unacceptable level of noise, the area will be included on a priority list for treatment with a view to undertaking appropriate noise attenuation works as the availability of funds permits.
(2) See (1) above.
(3) In addition to the monitoring action proposed, officers of the Authority attended a public meeting convened by Holroyd City Council on 27 March 1993 to discuss the question of noise from the road. The Authority will continue to consult on the matter through liaison with a committee representing local residents.

M4 MOTORWAY SIGNPOSTING

Mr Anderson asked the Minister for Police -

How many infringement notices have been issued by police for the offence of failing to "keep left unless overtaking" on the M4:
(a) Since 1 July 1992?
(b) In 1991/92?
(c) In 1990/91?

Answer -

(1) to (c) Attached schedule indicates data collated throughout New South Wales. A breakdown of statistics into specific locations is not possible.

Sub: "Not keeping left" offences

Offence Name	Period	No. of Infringements Issued
		July 1992 to February 1993July 1991 to June 1992July 1990 to June 1991
Not keep left		236443425
Not keep left-Multi lane road-80kph		524696610
Not keep left-Multi lane road-Signposted area		242350325
Total		1,0021,4891,360

TASK FORCE ALPHA REPORT

Mr Anderson asked the Minister for Police -

(1) When did he or his predecessor receive the report of Task Force Alpha?
(2) When will the report be released publicly?
(3) What action does the Government propose to take on the findings contained in the report?
(4) What has been the reason for the delay in finalising the matter?

Answer -

(1) I have not seen the Task force Alpha Report. I understand the Commissioner of Police is reviewing this report.
(2) The report was commissioned as an internal police document. The decision whether to release the report publicly will be decided after discussions with the Commissioner of Police.
(3) A Working Party within the Police Service has been formed to discuss the implementation of the accepted recommendations.
(4) The Task Force Alpha Report completion date was met. A strategic assessment of the recommendations is currently being undertaken.

LAKE MACQUARIE WATER POLICE UNIT

Mr Bowman asked the Minister for Police -

Where will the Lake Macquarie unit of the Water Police be stationed?

Answer -

I have been advised by Commissioner Lauer that police are currently operating from Wangi Wangi Police Station. For security reasons the craft is moored at the Lake Macquarie Yacht Club. This situation will continue until more suitable arrangements can be made.

LITHGOW POLICE STAFFING

Mr Clough asked the Minister for Police -

(1) Is the Lithgow Police District under strength at this time?
(2) Is it intended to further reduce the staffing by five?
(3) Will this mean either full or partial closing of Wallerawang or Portland Stations?
(4) Will Capertee continue to be manned?

Answer -

(1) Yes.
(2) No.
(3) No.
(4) Yes.

ELECTRICITY SECTOR SENIOR EXECUTIVE SERVICE

Mr Rogan asked the Minister for Conservation and Land Management and Minister for Energy -

(1) How many Senior Executive Service positions are there in:
   (a) The NSW Electricity Commission?
   (b) Office of Energy?
   (c) Sydney Electricity?

(d) Prospect Electricity?
(e) Shortland Electricity?
(f) Illawarra Electricity?

(2) What is the proportion of SES positions to staff generally in these bodies?

Answer -

(1) (a) 93.
(b) 6.
(c) 27.
(d) Nil.*
(e) Nil.*
(f) Nil.*

The SES does not apply to agencies established under the Local Government Act 1919, eg Prospect, Shortland and Illawarra County Councils.

(2) (a) Electricity Commission - 1/68.
(b) Office of Energy - 6/110.
(c) Sydney Electricity - 1/164.
(d), (e) and (f) Not applicable.

COUNTY COUNCIL POSITIONS

Mr Rogan asked the Minister for Conservation and Land Management and Minister for Energy -

(1) Are 900 positions to be abolished in the State's 24 county councils?
(2) What county councils will lose positions?
(3) What are the number of positions to be abolished in each of these county councils?
(4) What is the timeframe for the axing of these positions?

Answer -

(1) The Government has not directed any of the State's 24 electricity councils to shed staff.

Any decisions to reduce staff numbers would be made by the individual councils.

The Government is continuing its policy of negotiated performance agreements with electricity councils, with the emphasis on continued productivity improvements. It is entirely up to individual councils as to the measures taken to improve productivity. In some instances it may involve staff shedding via natural attrition on voluntary redundancy programs.

(2) Not applicable.
(3) Not applicable.
(4) Not applicable.

ROCKDALE RANDOM BREATH TESTING

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Mr Thompson asked the Minister for Police -

(1) How many random breath test units operated in the electorate of Rockdale and its environs in:
(a) 1990?
(b) 1991?
(c) 1992?

(2) How many convictions have been made against people driving with a blood alcohol level above the legal limit in the electorate of Rockdale?

Answer -

(1) to (2) I understand from the Commissioner of Police that the honourable member is satisfied with verbal advice from local police and that the figures requested are no longer required.

LIGHTNING RIDGE CENTRAL SCHOOL

Mr Beckroge asked the Premier and Treasurer -

(1) Is it a fact that during his visit to Walgett recently he advised a group from Lightning Ridge that he was supportive of the idea of a central school for Lightning Ridge?
(2) Did he also promise to report his support to the Minister for Education on return to Sydney?
(3) (a) Has this occurred?
(b) If so, what was the reply?

Answer -

(1) No. The proposal for a central school was raised during an impromptu meeting with a delegation of Lightning Ridge parents. No specific indication of support was given for a central school at Lightning Ridge. An undertaking was given to see advice from the Minister for School Education.
(2) The question of a secondary school for Lightning Ridge was raised with Minister Chadwick.
(3) (a) Yes.
(b) The proposed establishment of a high school or secondary classes at Lightning Ridge cannot be justified at the present time, either educationally for the students involved or financially in terms of the Government's capacity in a time of considerable economic restraint.
The impact on Walgett High School would be detrimental to that school and its community. The long term viability of Walgett High School would be affected.
The transfer of one hundred students to Lightning Ridge would result in the loss of two to three head teachers, who currently provide experience and leadership to all students. In turn, the school's curriculum and elective offering would be more limited and less attractive to students in the surrounding areas.

CABRAMATTA ROAD IMPROVEMENTS

Mr Newman asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Will the RTA continue to implement the recommendations of their Cabramatta Road improvement study carried out in April 1991?
(2) How much is the estimated cost of the overall work recommended?
(3) When will the works be completed?

Answer -

(1) Yes.
(2) Cost and funding estimates are:

$410,000	1992/93
$400,000	1993/94
$400,000	1994/95

(3) 1994/95.

POLICE HUMAN RESOURCES

Mr Newman asked the Minister for Police -

(1) What is the formula for the allocation of human resources to police patrols throughout New South Wales?
(2) Does the formula take note of the designations by insurance companies of area post codes which are declared high risk?
(3) What is the main component of such formula in terms of the deciding factors for police reinforcements?

Answer -

(1) There is no universal formula. A system of workload analysis was used for a number of years based on separate reviews of individual patrols. This system has only a limited ability to take account of demographic shifts in the population and changes of priority in police operations.
A more sophisticated allocation system is currently being developed and I will monitor the progress of this system with the Commissioner shortly. In the interim the Commissioner is making appropriate adjustments to staffing levels on the basis of variations in workloads and changes in patrol boundaries.
(2) Not directly. The incidence of crime measured by insurers will also be reflected in Police Service estimates of workload but the allocation of police officers takes account of a much wider range of factors including the need to staff police station enquiry counters, cells, courts etc.
(3) Under the proposed new system these factors are likely to be reduced to a small number of critical benchmark indicators of police activity. These will include population growth, reports of crime and reports of vehicle accidents. There will also be a system for estimating fixed requirements in police stations and a separate system for estimating highway patrol and criminal investigation workloads and staffing levels.

M4 MOTORWAY TRAFFIC VOLUMES

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Mr Ziolkowski asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Under the terms of the contract with Statewide Roads relating to the operation of the M4 Motorway, is the company required to advise the Minister or his Department of traffic volumes?
(2) How many vehicles have used the tollway and paid the toll on average each day since the toll was imposed?
(3) How does this compare to estimates made prior to the opening of the road?
(4) What are the total receipts taken by Statewide Roads to date?

Answer -

(1) Yes.
(2) Traffic volumes have increased from about 50,000 vehicles per day when the tollway opened to about 60,000 vehicles per day at the end of February 1993.
(3) Having regard to the effects of the recession, current traffic volumes are as expected by Statewide Roads Limited.
(4) This information is not available to the Roads and Traffic Authority, and is a matter for Statewide Roads.

CHARLESTOWN AGED DWELLINGS

Mr Face asked the Minister for State Development and Minister for Arts representing the Minister for Planning and Minister for Housing -

How many dwellings for aged persons were built in the electorate of Charlestown during the years:
(a) 1989?
(b) 1990?
(c) 1991?
(d) 1992?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:

(a) 20.
(b) Nil.
(c) Nil.
(d) Nil.

FLOWER STALLS ON PENNANT HILLS ROAD

Mr Face asked the Minister for Police -

(1) Have the police in the Parramatta Patrol given permission for a person or persons to operate flower stalls on Pennant Hills Road in the vicinity of the Kings School?
(2) If not, why are flower sellers constantly allowed to operate in this location by police in the Parramatta area?
(3) How many breaches of "set-up stand" have been issued against flower sellers by police in that location in:

(a) 1991?
(b) 1992?

(4) If there have not been any breaches issued for "set-up stand", will he request the Commissioner to have Internal Affairs inquire as to why police are neglecting their duty?

Answer -

(1) No.
(2) Commissioner Lauer has advised that the flower sellers operate on a random basis and the location presents no danger or obstruction to road users or pedestrians.
(3) (a) and (b) Nil.
(4) Police have a discretion in exercising their powers. Offences such as "Set-Up Stand" are enforced in response to a complaint or perceived danger to road users or pedestrian traffic. A Police Internal Affairs inquiry concerning flower stalls would be an irresponsible use of valuable police resources.
Baulkham Hills Shire Council has advised that the appropriate action will be taken in due course.

HUNTER PUBLIC SECTOR EMPLOYEES

Mr Gaudry asked the Minister for Natural Resources -

(1) As at 24 March 1988, how many persons were employed in the Hunter region by the:

(a) Department of Water Resources?
(b) Joint Coal Board?
(c) Department of Minerals and Energy?
(d) Mine Subsidence Board?

(2) How many persons are now employed in each of these areas (or their 1993 equivalents)?
(3) For each area of employment where reductions have occurred, how many of these have been by:

(a) Voluntary redundancy?
(b) Natural attrition without replacement?
(c) (i) Redeployment?
(ii) If so, to where?
(d) Dismissal?

Answer -

(1) (a) 57.
(b) The Joint Coal Board is not covered by this portfolio.
(c) 10
(d) 24.
(2) (a) 70
(b) The Joint Coal Board is not covered by this portfolio.
(c) 34.
(d) 23.4.
(3) Department of Water Resources:
(a) 3 voluntary redundancies.

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(b) 2 natural attritions.
(c) (i) 1 redeployment
(ii) within region
(d) 6 temporary positions abolished.
The Joint Coal Board is not covered by this portfolio.
Department of Minerals and Energy - not applicable.
The Mine Subsidence Board - not applicable.

MINISTRY OF SPORT, RECREATION AND RACING OFFICE REFURBISHMENTS

Mr Irwin asked the Minister for Sport, Recreation and Racing -

In relation to each Department or Authority under his administration -
(1) How much was spent on office fit-outs or refurbishment in 1991/92?
(2) What is the estimated expenditure for 1992/93?

Answer -

(1)

	1991/92 Actual $
Tamworth Regional Office, Department of Sport, Recreation and Racing (Relocation)	
- Refurbishment	57,936
- Fitout**	110,273
State Sports Centre Trust	24,954
Totalizator Agency Board	
- Administrative Centres	
- Ultimo & Granville	542,400
- Sales Outlets - Branches/Agencies	1,748,400
Harness Racing Authority	3,950
Total	$2,377,640

** Fitout costs met by the Property Services Group.

(2)

	1992/93 Estimate $

Mount Druitt Regional Office, Department of Sport, Recreation and Racing 45,000
Totalizator Agency Board
- Administrative Centres
- Ultimo & Granville
943,000
- Sales Outlets - Branches/Agencies
3,460,000
Harness Racing Authority
103,439
Sydney Cricket and Sports Ground Trust
100,000
Total
$4,651,439

MINISTRY OF POLICE OFFICE REFURBISHMENTS

Mr Irwin asked the Minister for Police -

In relation to each Department or Authority under his administration -
(1) How much was spent on office fit-outs or refurbishment in 1991/92?
(2) What is the estimated expenditure for 1992/93?

Answer -

(1) Police Service
Approximately $445,000.
New South Wales Crime Commission
$130,000. $100,000 of this amount was used for relocation and refurbishment of the Commission's Telephone Interception Unit.
These funds came from the Commonwealth and represented the Commission's share of money seized in a joint drug trafficking operation between the Commission and the Australian Federal Police.
(2) Police Service
$837,000.
New South Wales Crime Commission
$5,500.