LEGISLATIVE ASSEMBLY

Thursday, 29th April, 1993

———

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

Mr Speaker offered the Prayer.

OCCUPATIONAL HEALTH AND SAFETY (SMOKE-FREE INDOOR AIR) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Dr MACDONALD (Manly) [9.3]: I move:

That this bill be now read a second time.

The object of this bill is to prohibit smoking in the enclosed workplace. This bill should have been introduced by the Government, first, because of its obligations under the Occupational Health and Safety Act and, second, because it is consistent with the code of practice issued by WorkCover that admits the need for legislation to prohibit smoking in enclosed workplaces. The Occupational Health and Safety Act will be amended by this bill. That Act obliges employers to observe a duty of care to ensure the health and safety of workers. This bill will amend the Act by codifying that obligation and duty of care to provide for occupational health and safety.

In 1992 WorkCover - the authority responsible for the application of the Act - provided a code of practice. The code of practice was an advisory document, containing key points of the application of the Act. I have sought to proceed on that basis and to do the job the Minister should have done. WorkCover, at page 3 of the code of practice document, suggests that there is considerable medical and scientific evidence of a relationship between passive smoking and ill health in the workplace. It further states that the protection of nonsmokers from the effects of passive smoking in the workplace is ensured by a number of legislative obligations on employers, including, of course, those imposed by the 1983 Occupational Health and Safety Act. But, on the same page, the document states that there is no specific legislative prohibition on smoking at work.

This bill seeks to provide that prohibition. The document continues " . . . that the WorkCover Authority recommends the following standard with respect to passive smoking in internal workplaces . . ." and refers to the need for a non-smoking policy to be developed within 12 months and for designated areas to have fresh air, but fails to set the air quality standards. I submit this evidence as an indicator that 12 months ago WorkCover sent out clear signals of the need for responsible application of the Act. This bill will impose that duty of care; indeed, it will provide penalties for failure to do so - penalties on the employer and anyone who breaches the no smoking provision.

My bill is very simple. It provides for a behavioural solution, a no smoking policy. The Government and the Opposition may amend it. Indeed, they have talked about amending it to provide what is called a technical solution. A technical solution would involve the application of high air quality standards and the use of air conditioning to provide effective extraction. I argue that a technical solution is not the answer; it is complex, it tends to disadvantage certain employers who are not able to introduce the necessary equipment. Particularly it tends to disadvantage the smaller businesses and smaller areas of the hospitality industry. Also, it tends to be much more inspectorial because of the

need to have someone running around measuring various air quality standards. The technical fix is the more complex way to go, and certainly not consistent with what is happening elsewhere. This bill is a pro health bill, its objectives are consistent with those of the national policy statement issued by Worksafe in 1990. That policy was agreed to by all States. New South Wales was a signatory to the document. On the subject of a smoke-free environment, the document stated:

> . . . [a] phasing-in period should be developed in consultation with employees. A reasonable time frame, such as 12-24 months, is appropriate.

This was a document signed by the New South Wales Government, which moved towards a smoke-free workplace environment but, after three years, nothing has resulted. There appears to be a lack of real commitment on the part of the Government and particularly a lack of commitment to move in that direction by the hospitality industry. The most strident opposition has come from the Australian Hotels Association, which is represented on what is known as the hospitality and food services committee established by the WorkCover Authority. There was a suggestion that the attitude within the hospitality industry is changing, although the Australian Hotels Association is out of step.

The hospitality industry is recognising its responsibilities and is in the process of developing a hospitality industry code of practice. I have received a copy of the draft code of practice. The draft is the subject of debate; it marks very clearly the direction in which the hospitality industry intends to proceed. The document is important for it is evidence that the hospitality industry has recognised the need to steer in the direction that this bill moves. The draft hospitality industry code of practice states:

> The National Occupational Health and Safety Commission has resolved that, given the proven health risks of smoking, a tobacco smoke-free work environment should be the objective for Australian workplaces. There is a clear body of evidence linking smoking in the workplace with a variety of specific health risks . . .

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> An employer does not solve the passive smoking problem by taking such measures as getting all employees to sign an agreement to work in an environment where smoking is permitted. The OH&S Act has no provision for employers to transfer their legal obligations to employees.
>
> In workplaces that are non-smoking and employers have asked employees not to smoke while working, employees have an obligation to comply with the employers' instructions.

The hospitality industry is developing a code of practice - a policy which provides for non-smoking workplaces - that will prohibit both clients and workers from smoking on the premises. The code also states that if there is to be provision of smoking saloons or such areas in hotels and clubs, they should not be staffed. This is recognition by the hospitality industry of the need to move quickly in that direction. I applaud the hospitality industry for developing this code of practice. I ask all those who are members of that hospitality industry committee, with its representatives of registered clubs, the Australian Hotels Association and the restaurant industry, to move strongly to develop that particular program. I welcome those measures.

This bill and these codes of practice are about harm minimisation; harm minimisation to the employer, particularly in terms of litigation, and harm minimisation to employees and patrons because of health dangers. I shall outline some of the evidence and arguments furnished by the health industry, specifically about the impact of passive smoking. The stakes have changed in this debate, even during the past several years. One landmark decision was that of the United States Environmental Protection Agency, which classified passive smoking as a group A carcinogen - an agent that causes cancer. That was one of the turning points in this debate. The public health issue has always been supported by the National Heart Foundation which has issued a useful booklet relative to passive smoking and heart disease. This booklet states:

> A major United States review of the evidence, including 11 epidemiological studies, concluded that non-smokers living with smokers have an average 30 per cent increase in risk of death from heart attacks.

That is very compelling evidence. The booklet continues to debate the risk of lung cancer:

> Population studies have confirmed that passive smoking causes lung cancer among healthy non-smokers.

That is chilling evidence. On that evidence the average lung cancer risk to the passive smoker is increased by at least 25 per cent above that of an unexposed nonsmoker. An Australian study referred to in a document issued by the National Heart Foundation, based on substantial medical evidence, has estimated that passive smoking could account for 150 lung cancer deaths each year. This claim is supported also by the United States Surgeon General, the United States National Research Council, the United States Environmental Protection Agency, the Royal College of Physicians in London and the World Health Organisation. It is important to quote those sources because there are those opposed to this legislation who would argue that the jury is still out on passive smoking and its impact on health. One of the most important studies was conducted by the American Heart Association, which concluded:

> The American Heart Association's Council on Cardiopulmonary and Critical Care has concluded that environmental tobacco smoke is a major preventable cause of cardiovascular disease and death. The council strongly supports efforts to eliminate all exposure of nonsmokers to environmental tobacco smoke.

The American Health Association also measured public support for change and stated:

> According to a 1989 Gallup survey commissioned by the American Lung Association, 86 per cent of nonsmokers think that environmental tobacco smoke is harmful and 77 per cent believe that smokers should abstain in the presence of nonsmokers.

A large body of medical evidence provides support for what I say. I refer to a report issued in 1982 - 11 years ago - and in so doing I direct my remarks to the hotel industry. Honourable members would be aware that the Australian Hotels Association has mounted a vendetta against me. A 1982 survey showed that workers in the hospitality industry have a 41 per cent higher chance of developing lung cancer than those who work elsewhere. That is chilling. What has that industry done to protect its workers? The same survey showed that for those working in the hospitality industry and who are traditionally exposed to very high levels of smoke, there is a twofold to threefold increase in the chance of developing cancer of the mouth. Here we are, 11 years down the track, and there has been little advancement in the provision of a smoke-free environment for workers, even though these facts have been known for at least 11 years. Australian statistics show that each year there are 150 new cases of lung cancer as a result of passive smoking, and 1,500 deaths from cardiovascular disease from passive smoking.

Australia has the second-highest incidence of asthma in the world, with 10 per cent of all adults and 20 per cent of all children in Australia suffering from it. It has been argued by respiratory physicians that 60 per cent of all asthma attacks are provoked partially by tobacco smoking. There is clear evidence of the effect of passive smoking on morbidity rates, particularly of children. Smoking is the number one preventable cause of death in Australia. The position I have taken in this debate has been supported strongly both by the Australian Medical Association and by the New South Wales State Cancer Council. I acknowledge that support and publicly thank both those groups for it. Peak groups are concerned not only about the tardiness of government action but also about the talk that it may take between two years and five years to implement the measures I advocate. The support I have received is for the implementation of these measures within 12 months, and this bill will allow for that.

I want to bring this debate home to honourable members by quoting local statistics, not just Australian statistics. I have some statistics that were provided by the New South Wales State Cancer Council in relation to the Manly area. Those statistics show that, between 1982 and 1986, 409 people died

in Manly as a result of the effects of smoking. I am sure that statistics are available for other electorates and other suburbs. I am talking about avoidable deaths. During the same period 28 people died as a result of motor vehicle accidents, and 168 from the effects of alcohol. I ask honourable members to bear in mind that that figure of 409 deaths relates to a preventable cause of death and, indeed, the main preventable cause of death.

Quite apart from the tragedy of illness there is an economic cost. I am pleased to note the presence in the Chamber of the Minister for Health who would be well aware that tobacco related disease costs this country $6.3 billion a year and costs New South Wales $2.2 billion a year. I believe that the introduction of smoke-free workplaces will significantly reduce that health bill directly as well as indirectly in that it is estimated there will be a 25 per cent reduction in smoking, that is, a fall-off in those who smoke, because of this pressure. Vast economic savings are to be gained by introducing these measures. I do not intend to address further the issue of economic benefits. However, I should like to refer to arguments mounted against the bill, one, for instance, that it will have an impact on the tourism industry. It has been suggested that international tourists will not come to Australia if we take a tough stand about a smoke-free environment. The contra-argument is that there are significant State savings in the cost of the health budget if we can reduce the economic impact of smoking and its effect on health.

Passive smoking is a recognised carcinogen. Forty countries have enacted national legislation to control smoking in the workplace. I am not convinced that the Minister for Health in this State has support in Cabinet to take a strong line and to go down the path that this bill takes. I found his tobacco and health strategy document disappointing and I told him so. I suggest there are forces within Cabinet, coming particularly from the Minister for Industrial Relations, that seek to delay this process. It seems to me to be more than coincidence that that delay came soon after the Australian Hotels Association spent some time with the Minister for Industrial Relations. It is this organisation that is leading the charge against this legislation.

I have tried to put the health argument as succinctly as I can. The other argument is about litigation. Once more the stakes have changed, providing another reason why we should move strongly on this issue. The Scholem case has been quoted widely. I believe that case was settled last year. It was brought by a lady who was employed by the Department of Health between 1974 and 1986 and who was exposed as an employee to environmental tobacco smoke. She sued in the District Court and received $85,000. This result sent a shiver down the spines of many employers who are now recognised as being legally liable. The O'Keefe case in Victoria, in summary, was about a man who was a smoker and who worked for 20 years in a hotel. He sued the publican for the effects of passive smoking and he won the case, despite the fact that he was a smoker. He argued that, though he was a smoker - and that carries risks - the exposure to passive smoking carried an additional risk. The Scobell case which is currently under way against the Wagga RSL club has alerted the club industry to the concerns of litigation.

These issues of responsibility and legal exposure are recognised by the Registered Clubs Association with whom I have had many discussions. I believe it would welcome regulation rather than self-regulation. It is looking for guidance from government and from this Parliament, and that view is shared by the Restaurant and Catering Association. They believe that self-regulation tends not to work because of concern about disadvantage. These issues of responsibility and legal exposure are acknowledged by many large corporations. In this State 80 per cent of large corporations have smoke-free environments following the benefit of legal advice that they should provide smoke-free environments before the pants are sued off them. A flood of litigation is around the corner. Even if this bill goes nowhere, we have reached a turning point in this whole debate. The issue will not necessarily be driven by the member for Manly or by the Government; it may well be driven by the courts.

People want change. Recently I spent an hour on a talkback radio program on 2JJJ - 105.7 - and in the three days following that program 800 people rang the radio station in response to a question: do you believe, yes or no, that clubs and pubs should go smoke free? One must remember that the target audience is the 25-year to 30-year age group and 73 per cent of those who telephoned said yes. One must remember also that the tendency is for negative respondents rather than for positive respondents to telephone radio stations. That result was clear. Elsewhere things have changed. For instance, in New York restaurants became smoke free. There was talk that there would be gun-toting inspectors sitting at every doorway to stop people smoking, but that did not happen. The experience there was of a gentle transition. Indeed, it has worked well, as it has in California where individual councils have power to declare restaurants and pubs to be smoke free. Here in Sydney, transport, cinemas, airports and hospitals are all smoke free. There has been no need for any draconian measures. There are no people in jackboots having to implement the rules, for they seem to have been well accepted. The public will accept this move towards a safe, smoke-free environment more easily than those with vested interests, such as politicians.

In Sydney community pressure is bringing about some changes. The Elephant's Foot in Surry Hills has already

gone smoke-free. The owner believes in protecting the rights of his employees and clients. The decision also has a commercial aspect because the market has a niche for smoke-free restaurants, clubs and hotels. In my electorate I have worked hard to persuade restaurants to become smoke-free. Rhubarb's in Harbord has already gone smoke-free. I have adopted what is called a stars for health program in the Manly electorate to try to encourage major sporting stars to move together on this issue. On 17th May one of the big restaurants in Manly, Tequila's, will go smoke-free. That restaurant is owned by Craig Riddington, one of the iron men. As part of a community charge to move to a more

healthy environment, iron men and other sporting notables in the area are being persuaded to get behind the campaign.

The argument put forward that restaurants, clubs and hotels will lose profits if they go smoke-free has been put to bed soundly by an examination of detailed tax records of Californian restaurants during the time some Californian counties went smoke-free. That examination revealed that smoke-free restaurants did not lose money or customers when compared to adjacent counties where smoke-free ordinances had not been enacted. The argument that restaurants will lose profits is a lie put out by the tobacco industry. Patrons who make bookings in the Rendezvous restaurant at the Dubbo RSL, the largest club in Dubbo, are asked whether they want to dine in the smoking or smoke-free section, and 66 per cent opt for the smoke-free section. That figure has risen steadily since the idea was introduced in 1990. The figure for Sizzlers restaurants is 95 per cent. No substantial evidence is available that businesses are likely to lose profits.

I believe that opposition to the declaration of smoke-free enclosed areas, particularly in the hospitality industry, is coming from the enormously powerful tobacco lobby. This is one of the more unsavoury aspects of the debate. I have repeated this argument during the time this debate has taken place. It has taken an Independent member to move on this issue. I am not saying that party politicians do not in their hearts want to move in the same way, but they are restricted because of the debt they owe to big industry. The Australian Hotels Association has already asserted that it will allocate $500,000 to fund opposition to this bill. I suggest that much of that $500,000 will come from the tobacco lobby.

In the United States of America disclosure laws in relation to donations are much tougher than they are in Australia. Huge amounts have been shown to go to political parties. However, the Hope commission in Western Australia, which examined WA Inc., revealed that in 1987 $100,000 went to the Labor Party in Western Australia from the tobacco industry; also, in 1987 $30,000 went to the Labor Party in New South Wales. Unfortunately, the evidence appears to support the contention that the major political parties can become captives of the tobacco lobby. When the tobacco lobby talks about smokers' rights, it is not talking about smokers' rights or individuals' rights; it is talking about the rights of the tobacco industry, and the claims equate to calls for limits on the actions of government.

Tobacco smoking is an intrusive activity as, indeed, are many other activities that are subject to constraints. Tobacco smoking should be treated no differently from those other activities such as environmental protection, public safety, pornography, firearms and other drugs such as heroin and marijuana. Tobacco smoking should be treated no differently from those potentially intrusive activities, and it should be subject to constraints. In response to the argument about the rights of smokers, I ask: what about the rights of nonsmokers to smoke-free air and good health prospects? The thrust of almost all the smokers' rights arguments is tangential.

The smokers' rights lobby claims that if smoking is bad, so are other activities. It claims that tobacco engenders certain benefits, that tobacco is a legal product and that restrictions on smoking discriminate against the poor and minority races. All those arguments are tangential. They are at the extremes of the debate rather than at the heart of the question. The argument should be based on public interest. In relation to public interest I should like to quote a short paragraph from a paper issued by Simon Davies titled "Converging Frontiers". He writes under the banner of the Australian Privacy Foundation. The paragraph I propose to read underpins many of the arguments I have put forward about public interest. He said:

> In recent public interest debates, certain activities of individuals have been deemed a limited rather than an absolute privilege - rather like the right to drive a motor vehicle or to swing a fist. Indeed, in such issues as the use of certain drugs and the disposal of hazardous waste, the discretion of the individual has all but disappeared. Society quite often takes such an extreme view. One motivation, prominent in the drugs issue, is the widely held view that a

principle of leadership must prevail. That is, society must send the right signals, and those signals must be anti-drug. This is an entirely legitimate aspect of public interest determination.

The arguments advanced by the tobacco lobby about the rights of smokers, freedom of choice and tobacco being a legal product are sidelined and marginalised when the issue of the public interest is examined. The passage I have read puts the argument clearly and succinctly. I call on members of the Government and the Australian Labor Party to support the bill with their hearts and minds on the basis of the arguments I have advanced. I ask the Minister for Health, as the Minister responsible for the Department of Health and for public health issues, to push this issue as hard as he can. Honourable members should not be swayed by vested interests. The bill provides for a 12-month implementation period. During that time consultation can take place and exemptions can be considered. People can be educated and encouraged to comply voluntarily with the provisions of the bill. At the end of the 12-month period the bill will become law. The bill is in the public interest from the points of view of health and employer-employee-client relationships, which are now matters of litigation. I commend the bill to the House.

Debate adjourned on motion by Mr Phillips.

ANTI-DISCRIMINATION (HOMOSEXUAL VILIFICATION) AMENDMENT BILL

Suspension of Standing and Sessional Orders

Ms MOORE (Bligh) [9.39]: I move:

That so much of the standing and sessional orders be suspended as would preclude consideration forthwith of Order of the Day No. 9 of General Business Orders of the Day (for Bills).

The Anti-Discrimination (Homosexual Vilification) Amendment Bill is an important bill, and the House should have the opportunity to debate and vote on it. It has been long awaited by the lesbian and gay community. I emphasise the word awaited. I gave
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notice of this bill in February following a meeting with the former Premier, the President of the Law Society and the President of the Anti-Discrimination Board. The bill was prepared more than 18 months ago in a six-month period, in consultation with the gay and lesbian community. It is now the end of April, moving into May. The Parliament has almost reached the end of the Autumn session, and I hope that the House will now deal with this important legislation.

The bill was recommended by the Off Our Backs report on violence against lesbians; the Streetwatch report on violence against lesbians and gay men; and the Anti-Discrimination Board report on HIV and AIDS-Related Discrimination. Last December at a public rally the Attorney General commented that the Government was strongly in favour of lesbian and gay anti-vilification legislation. Therefore, I believe it is time that the House dealt with this important bill. I understand that the Attorney General will soon introduce a package to deal with other aspects of HIV and AIDS-related discrimination, and I look forward to supporting that legislation. But this bill will give the Parliament the opportunity to provide leadership in ending violence and discrimination against lesbians and gay men, fighting ignorance and challenging homophobia. For those reasons I am moving the bill forward for debate as a priority by the House.

Mr WEST (Orange - Minister for Conservation and Land Management, and Minister for Energy) [9.41]: The Government opposes the motion moved by the honourable member for Bligh. In my capacity as Leader of the House I have been involved in negotiations with the honourable member, the Attorney General and a senior member of the Premier's staff in an attempt to bring together a full package of matters on a number of broader issues relating to the Anti-Discrimination Board and, obviously, the serious questions raised by the honourable member for Bligh. An agreement has been reached.

The honourable member told me that she intended to move for suspension of standing and sessional orders today because newspaper articles had supposedly criticised her. I informed her that the words in the article were uttered before the negotiations commenced. If this motion is carried, it will be a very clear signal, not just to the Government but

to the Parliament and the Labor Party, that agreements reached are not being kept. I am expected to keep agreements, but they are not honoured by others. The Government opposes the motion.

Question - That standing and sessional orders be suspended - put.

The House divided.

[*In Division*]

Mr Beckroge: On a point of order. I should like to inform the Chair that the lifts are not working efficiently and a number of my members have indicated that they are having difficulty getting into the lifts.

Mr SPEAKER: Order! I thank the honourable member for Broken Hill for his advice about the lifts. Someone will look at them. Is there any concern that members were unable to reach the Chamber? Does the honourable member want me to put the question again?

Mr Beckroge: No.

Mr SPEAKER: Order! I am very glad that honourable members were active enough, despite the failure of the lifts, to reach the Chamber on time.

Ayes, 49

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Mr A. S. Aquilina	Mr Mills
Mr J. J. Aquilina	Ms Moore
Mr Bowman	Mr Moss
Mr Carr	Mr J. H. Murray
Mr Clough	Mr Neilly
Mr Crittenden	Mr Newman
Mr Doyle	Ms Nori
Mr Face	Mr E. T. Page
Mr Gaudry	Mr Price
Mr Gibson	Dr Refshauge
Mrs Grusovin	Mr Rogan
Mr Harrison	Mr Rumble
Mr Hatton	Mr Scully
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Thompson
Mr Irwin	Mr Whelan
Mr Knight	Mr Windsor
Mr Knowles	Mr Yeadon
Mr Langton	Mr Ziolkowski
Mrs Lo Po'	*Tellers*,
Dr Macdonald	Mr Beckroge
Mr McBride	Mr Davoren

Noes, 45

Mr Armstrong	Mr W. T. J. Murray
Mr Baird	Mr O'Doherty
Mr Blackmore	Mr Packard

Mr Causley	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Petch
Mr Cochran	Mr Phillips
Mrs Cohen	Mr Photios
Mr Collins	Mr Rixon
Mr Cruickshank	Mr Schipp
Mr Fraser	Mr Schultz
Mr Glachan	Mr Small
Mr Griffiths	Mr Smiles
Mr Hartcher	Mr Smith
Mr Humpherson	Mr Souris
Mr Jeffery	Mr Tink
Dr Kernohan	Mr Turner
Mr Kerr	Mr West
Mr Kinross	Mr Yabsley
Mr Longley	Mr Zammit
Ms Machin	*Tellers*,
Mr Merton	Mr Beck
Mr Morris	Mr Downy

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Pairs

Mr Nagle	Mr Fahey
Mr Shedden	Mr Hazzard

Question so resolved in the affirmative.

Motion for suspension of standing and sessional orders agreed to.

Second Reading

Debate resumed from 11th March.

Mr PHOTIOS (Ermington) [9.53]: The Government views with some degree of concern not so much the principle of the legislation proposed by the honourable member for Bligh but the manner in which the House is embarking on this fundamentally important debate. We must deal with the social and medical tragedy in the community at large with great compassion and caution so that the legislation - proposed on a bipartisan basis and, as the honourable member for Bligh has suggested, with Independent and party support - will protect homosexuals and non-homosexuals from vilification as a consequence of HIV-AIDS related discrimination. It is important that the House approach this vexing and fundamental question with a degree of common sense and commonality.

For that reason, the Government expresses its grave concern at the process embarked upon by the honourable member. The Government supports homosexual vilification legislation in principle. It is important for New South Wales. However, I understand that earlier negotiations with the honourable member, which reached a conclusion by way of process, provided that the matter be raised by way of draft legislation to be tabled by the Attorney General. In the past couple of minutes I have spoken with the Attorney General, who informed me that the Government's package would be tabled for discussion by May, prior to the budget session of Parliament, given the fundamental importance of this type of issue, and the readiness of honourable members on both sides of the House to approach issues such as the anti-discrimination legislation with bipartisanship and with community support. We are not talking just about legislation; we are talking, more importantly, about behavioural attitudes in the community at large.

Many in the community need the real and unanimous leadership of the Parliament. The Government is gravely

concerned that the honourable member for Bligh, in the face of any agreements reached, brought on the legislation in an ad hoc, rushed fashion. I say that with the greatest of respect for the honourable member for Bligh, because her legislation is supported in principle by the Government. However, it has some shortcomings. The earlier reports and recommendations of the Anti-Discrimination Board reveal that the recommendations were far more wide-ranging. The Government supports the need to address those recommendations in a fundamental and broad sense. For instance, the Anti-Discrimination Board in New South Wales needs a complete restructuring. The board's legislation must be readdressed and reassessed, and new recommendations must be made - not only in relation to homosexual vilification in the fashion proposed by the honourable member for Bligh, but on a broad basis.

By way of example, I want to highlight why that process needs to be treated with more caution. The Government considers there are three major shortcomings in the bill, which suggests that the proposal of the honourable member for Bligh does not go far enough. In other words, the Government supports the proposal in principle. But it does not go far enough, in the context of the recommendations made in the report of the Anti-Discrimination Board on HIV-AIDS related discrimination. For a start, the bill does not address the issue of the vilification of HIV-positive heterosexuals. I do not know whether the honourable member for Bligh is fully cognisant of that.

The Government regards the bill as narrowly focused at the homosexual community when, clearly, the important landmark report of the Anti-Discrimination Board recommended that the legislation should not address only homosexual issues but should go outside the homosexual community and address discrimination of HIV-positive people. Obviously, there is a need to address that issue. Second, the bill does not address the vilification of persons who are wrongly perceived to be homosexual or HIV positive. The Government's proposals are intended to cover vilification based on incorrect perceptions of an individual's or group's sexual preferences or HIV status. That absolutely critical approach accords with the recommendations of the Anti-Discrimination Board. Legislation must cover discrimination not only against homosexuals, but also against HIV-positive non-homosexuals, who may be subject to vilification. They are not covered by the legislation proposed by the honourable member for Bligh.

Ideally, of course, as the landmark findings of the Anti-Discrimination Board recommended, there is also a need to protect people who are incorrectly perceived to be homosexual or HIV positive. Third, the bill provides that prosecution for serious homosexual vilification may proceed only with the consent of the Attorney General. I am referring to serious charges, not minor charges, which can be dealt with through the due processes of the legislation. This approach accords with the existing offence of serious racial vilification. A proposal to remove the consent requirement in relation to serious racial prosecutions has recently been submitted for the consideration of Cabinet. It will enable prosecution of the offence to be enforced by the police. That is very important. We need to continue negotiations that we believe will culminate in bipartisan agreement. We are not just talking about legislation; we are talking about changing community and behavioural attitudes. That is fundamentally important.

Anyone with an appreciation of the women's debate and the rise of feminism over the years will appreciate that this is not just a question of target

setting. It is not just a question of legislation; it is a question of changing the community's perceptions and attitudes, a change that is even more important than legislation. If negotiations continue we could better acquaint the honourable member for Bligh with the fact that it is this Government's intention to consider changing the legislation, the concept of which is married to her racial vilification proposal. It will not simply be at the behest and privilege of the Attorney General to make a determination in relation to an instance of serious homosexual vilification that should proceed to the courts; it could well be a matter for the police. That is a further shortcoming of this legislation, and it should be brought into line with what the Government is considering in relation to racial vilification.

I believe that this House should adopt the same method of enforcement for homosexual vilification as is applied to racial vilification. That requires reform by this Parliament. Given the readiness of the Parliament to support in-principle legislation to prevent vilification in relation to the homosexual and non-homosexual communities that suffer discrimination, it is important for us to have a measured and mature consideration of these issues. It is simply not good enough for the honourable member for Bligh, despite her good intentions, to say that this legislation is long overdue. Following the release of the report of the Anti-Discrimination Board on HIV and HIV related discrimination, it is simply not good enough for us to proceed single-mindedly, or on an ad hoc basis, with one proposal.

This issue is of such importance to the community that it requires an agreed position between the Government, the Opposition and the Independents. I ask honourable members to treat this debate with great caution. It is a debate on an issue to which this Government is fundamentally committed - a matter that it has stated publicly and privately - in principle and in substance. It is my understanding from the Attorney General that the honourable member for Bligh had the Government's agreement to support comprehensive in-principle legislation. My statements today indicate that the Government sees this legislation as having at least three fundamental shortcomings, which make it narrower than the all-embracing legislation proposed by the Government.

This debate will invite political, partisan, quick, cheap shots. We should be beyond that. It could be suggested, for instance, that the Government believes that the honourable member for Bligh has been weak on this issue. It could be suggested that the honourable member has ignored the problems of non-homosexual communities. It could be suggested that the honourable member's current proposal omits a couple of important matters that, in all fairness, she would normally support. If this debate is adjourned, negotiations could continue with a view to bringing down a paper and legislation which would be worked out in concert with the honourable member for Bligh, who has been keen to introduce this proposal.

I believe the honourable member first came up with this concept earlier this year - on Tuesday 2nd March - when she tabled the legislation. She gave notice of her intention to introduce this private member's bill in the Legislative Assembly. She announced her intention formally in the community on 25th February. So, clearly, this is a matter of considerable importance to her. We welcome that. We support the honourable member for Bligh and we want to work with her in that regard. It should also be placed on the public record that in November the Attorney General announced his intention to introduce Government legislation this year in relation to homosexual and HIV related vilification. So the Government is committed and determined to introduce legislation. It supports that concept.

For many years I, as a member of this House, have been concerned about the need to reform the law. I certainly supported strongly the amendments to the Crimes Act which, from recollection, were effected in 1983. At that time those amendments were proposed by the then Premier, Neville Wran, and supported by the then Leader of the Opposition, Nick Greiner. There was a need to reform that process. If we go back in history we see that, when this Parliament last had to deal with an important issue of concern to the homosexual community, it was done on a bipartisan basis. That was its fundamental strength. It sent a signal to the community, to the bigots, to those who did not appreciate the needs of the homosexual community, that these people were subjected to extraordinary discrimination. It sent a signal to the community that the Government and the Opposition stood shoulder to shoulder, almost ahead of community expectations, which is so often the case with such important social issues.

This Parliament should continue to show real leadership, as it did with Neville Wran's proposal, which was supported at that time by Nick Greiner. This Government has shown real leadership with the proposals by the Attorney General and the honourable member for Bligh. I am sure those proposals are supported by the Leader of the Opposition. If we wish the debate to have an agreed outcome, we need to lead the community in this debate. It is important for us, as parliamentarians, to demonstrate our maturity and our readiness to sit down and work together to resolve these problems. If the honourable member for Bligh had not been able to secure that commitment from the Government and if she was not sure about the Government's sincerity in that regard, it would be incumbent on her to proceed.

While the Government supports this proposal in principle, I indicate that, at this stage, it cannot support it in its entirety because there are shortcomings. In a matter of months - not a long period; just a few weeks - we will have had an opportunity to outline the case. I ask the honourable member for Bligh to seriously consider negotiating not to defer the legislation ad infinitum but to stay the debate on a temporary basis. That will give this Parliament an opportunity, on a common ground basis - in the same way as it had an opportunity to

deal with the Crimes Act in the early 1980s - to deal with this important legislation, which will be important for decades to come. [*Time expired*.]

Mr CARR (Maroubra - Leader of the Opposition) [10.8]: On behalf of the Labor Opposition I congratulate the honourable member for Bligh on this legislation, which is supported by the Labor Party. I appreciate that the concept of

anti-vilification contains some difficulties that could lead to genuine agonising. The concept of anti-vilification raises the prospect in the minds of many people of some restriction on the freedom of speech. This is a valid argument. The first point I make in response to that is that those matters have largely been answered by the honourable member for Bligh in her second reading speech when she mentioned the sorts of discussions that would not be bound, or prescribed, by this legislation. For example, the teachings of various churches - churches of a fundamentalist hue. Second, this legislation parallels the concept of the racial vilification laws that were enacted under the Greiner Government with the full support of this side of the House - laws that were planned by the Unsworth Government.

Third, the legislation provides a filtering process, which means that the full weight of prosecution, for example, would not descend on people who are partaking in a genuine discussion or a genuine debate. The filtering process is worth dwelling on. As the honourable member for Bligh carefully pointed out in her speech, the Attorney General's consent is required for a prosecution even if a serious offence takes place under the Act. That is worth dwelling on because it answers any criticism that people engaged in genuine debate will be prosecuted into silence. Any criticism of this legislation represents a real restraint on freedom of expression. I concede there are civil libertarian concerns with the anti-vilification concept. If those concerns had not been answered by the legislation and the explanation brought forward by the honourable member for Bligh, opposition to this legislation would have some validity, but those criticisms have been addressed.

Though I recognise the sincerity of the honourable member for Ermington, he has not raised anything that would persuade any member of the House to come down against the bill. His argument was based on the importance of a consensus on this legislation. Consensus would be desirable. Bipartisan support would be a happy outcome, as it was in the amendments to the Crimes Act that came forward after the 1984 State elections. It would be desirable and it would be preferable, but I suspect that problems within the coalition prevent the Government from bringing forward its own proposals. Therefore the proposal of the honourable member for Bligh is perfectly legitimate and enjoys the support of the Labor Party, as was demonstrated in a vote a moment ago, for bringing the legislation forward, for putting the pressure on.

While we prevaricate, a section of our community is being subjected to violence. A program broadcast on Australian Broadcasting Corporation Radio National on Sunday night spelt out numerous examples of vilification and violence being directed at gays and lesbians. This Parliament ought to respond to that. If people are being beaten up by bigots, this Parliament ought to have a response. It is legitimate that a community being discriminated against, being vilified in this fashion, should look to the Parliament for an answer. A community that is subject to violence ought to be able to do so. It is sad that the community is forced to organise its own vigilantes, in effect, to provide a level of protection. The Parliament ought to respond by passing legislation that says symbolically, "We object to this vilification and there are legal solutions to it". That is what is being proposed, and it is legitimate. Critics of this legislation will say that nothing in it will remove deep-seated community attitudes and prejudices.

We recognise that there is value in enacting a law on racial vilification. A civilised community ought to say that it is wrong to discriminate against and to vilify people because of their racial origins. A civilised community ought to say, through its legislation, it is wrong to vilify people because of their sexual orientations, and that is what is proposed in this legislation. I thought that previous statements by the former Premier - I am finding more to applaud about Nick Greiner by the minute - and indeed by the current Premier meant that legislation was to be put forward by the Government. Obviously that legislative proposal has run into opposition within the Government. It is to be expected that there will be debate at any level of the community about this matter. That entitles the honourable member for Bligh, with the support of the Opposition, to say to the Government, "If you are not prepared to proceed, then we will".

Some aspects of the legislation are worth highlighting again. The bill emphasises conciliation rather than prosecution. It recognises that education is the best way of overcoming ignorance and homophobia. It is consistent with the freedom of expression provisions in the International Covenant of Civil and Political Rights. We should note that since 1986 the Australian Broadcasting Tribunal has had a radio program standard which forbids the transmission of a program that is likely to incite or to perpetuate hatred against or vilification of people on the grounds of sexual preference. In other words, there are precedents for this type of legislation which should not restrict freedom of expression. When my party endorsed this legislation I said, by way of confirming our position:

We, the Labor Party at a State level, are supportive of the gay and lesbian community in standing against vilification and prejudice. It is simply unacceptable that people be vilified because of their sexual orientation. We are not going to have one section of our community singled out to be persecuted by bigots or threatened with violence. All the arguments against racial vilification ring true in this instance.

When I made that public statement I said that our stand would compel the Government to act. There is a real danger that waiting for the Government to act will result in nothing being done and in the violence and vilification continuing. I make the point again

that the legislation cannot stop that violence, but it can represent in itself a powerful expression by this representative forum of the people of New South Wales that we find the vilification that lies behind the violence intolerable in a civilised community. The Australian community has distinguished itself by the sensitivity, the tolerance and the intelligence of its position on AIDS-HIV.

We are a model for the world when it comes to our management of and response to this issue. It reflects great credit on Ministers from all political parties that we took early responses on needle distribution, for example, and education about safe sex practices, that were streets ahead of what was being done in the United States and Europe. That happened with the support of a National Party Minister for Health in the Queensland Government, Mike Ahern. It happened with the strong support of Neal Blewett, who has been praised by the community as the Minister for Health associated with pioneering initiatives that, politically evaluated at the time, would have been considered high risk political policies, although absolutely spot on when it came to the necessary community response to this great community health challenge. The Australian community has responded well to that issue.

The Australian community knows what is involved in this legislation brought forward by the honourable member for Bligh. A part of our community is being subjected to violence and vilification. That should not happen, because one of the distinguishing features of the Australian community is its tolerance. That has been shown to be fact on issues of migration and ethnicity. We have shown it in the past in our management of issues related to this legislation before the House. It is entirely appropriate that we, as the Parliament of New South Wales, enact legislation that says, "This violence, this vilification that lies behind it, is not on. We find it repugnant and we say to the community, "There are now legal remedies available for you to use against this entirely intolerable vilification". I applaud the honourable member for Bligh for this initiative. It is something of which she can be proud. She has seen the need to respond to a real community concern. I am delighted to say she has the support of the Labor Opposition.

Mr O'DOHERTY (Ku-ring-gai) [10.18]: I thank the Leader of the Opposition for his contribution to the debate. He calls for a clear statement by this Parliament that the vilification of homosexual men and women is something which we cannot accept in society. I am sure that all honourable members join with him in sending that message to the gay and heterosexual communities. Vilification, hatred and violence - but especially violence - against homosexual men and women are simply unacceptable. It is behaviour against society. An attack on a member of society is an attack against the whole society, in my view. It is with that strength of feeling that I join the Leader of the Opposition, the honourable member for Bligh and other honourable members in condemning acts of violence, and in particular the hatred which underlies it, against homosexual men and women. The real crime at the bottom of this is the hatred that underlies the attacks that have been taking place on homosexual men and women.

I am not sure, on the other hand, that the measure proposed by the honourable member for Bligh is the most appropriate way to deal with the problem. I must admit to having difficulty with her proposal and in some ways struggling with this question of how, or even whether, the Parliament should be legislating in this area. I would like to put some of my concerns fairly carefully. It is well known to honourable members, and to members of the community generally, that I am a Christian. This matter mostly concerns me as a Christian, and I wish to speak this morning because of my faith. It is widely regarded in some sections of the community, especially the gay community, that Christians have to hate gays. That is not true; in fact, it is quite the opposite. Christians have to love all people. The basic and fundamental teaching of Christ is to love God and to love others.

[*Interruption*]

There is an interjection from the Opposition side of the House, "Don't you draw the line somewhere?" Christ's message was that you do not draw the line anywhere. I am the first to admit that there are members of the Christian community who do draw the line and who do not live up to that most fundamental teaching of Christ, which is to love other people. Some of them exercise their concerns; some even exercise hatred against members of the gay community. It is an issue which arouses great passion within the whole community - within the gay community, the heterosexual community and the Christian community as well. It brings forward great passion on both sides of the debate.

Many members of the Christian community say and do things which are clearly against their most fundamental beliefs, and they express hatred for gay people. I condemn that attitude by members of the Christian community and by all members of society. It is my firm belief that Christ himself would condemn it, as he did according to the clear evidence in the Bible. It is very different to say that the Christian church hates gays. Some of the statements made by the Leader of the Opposition indicate that his understanding is erroneous. He spoke about the teachings of churches, particularly fundamentalist churches. There is an implication that there are some churches in which homosexual behaviour ought to be sanctioned, and many churches are reaching out to homosexual people.

As I understand it, the most fundamental teaching is that homosexual acts are quite contrary to the way God wants people to behave. My clear understanding of God's word is that the homosexual act is not the way people were designed to behave and not the way they ought to behave. The teachings of Christianity are about building strong and appropriate family relationships along the lines that God himself

would have us form. Those relationships are meant to be heterosexual and monogamous, strong family units with that fundamental basis, raising children to understand the nature of the family as God would have it understood.

Mr Scully: Who?

Mr O'DOHERTY: God. The honourable member for Smithfield may have read about God. As a matter of fact, the honourable member for Smithfield would be interested to know that God cares about even him. As I understand it, homosexual relationships, and in particular the act of homosexual intercourse, is contrary to the view expressed by God of the way in which people should conduct themselves in society. It is different from condemning homosexual people. One can condemn homosexual people, one can condemn their behaviour and even say it is inappropriate or harmful to them, without condemning the people themselves. Christians within the Christian church, fundamental or otherwise, say homosexual people need to hear this message, as do other people.

My concern with the legislation is that the homosexual community is set apart as something that it is not, which is a distinct section of society that is different in some way from others with another sexual preference. The honourable member for Bligh has modelled her legislation on the racial vilification legislation. In my view it is very different to say that somebody who comes from a different ethnic background or has a different skin colour is the same as somebody who chooses homosexual relationships as their sexual preference. Place of birth or colour of skin are different from a choice in sexual relationships.

The Leader of the Opposition spoke about a community which is being marginalised and attacked. What makes these people a community? Perhaps people do not understand the process by which the gay community has become a community. Is it a community within a community or is it part of the wider community but with a different sexual preference from the majority? In my view it is part of the wider community, in the same way that members of Parliament are part of the wider community, or people with red hair are part of the wider community - although that is genetic. I believe that homosexuality is a choice of sexual preference rather than a matter of genetic make-up. It is not something that is inherent in them or fundamental to them; it is a choice they make. That should not set them apart from the rest of the community. However, it does and it has, because the gay and lesbian community itself has chosen to make itself a political force.

There is no doubt that in the electorate of the honourable member for Bligh, homosexuals are a predominant political force, and I am sure that the honourable member is concerned for those members of her community; everybody would be. But I am not sure that they should be set apart in the way suggested by the bill, because homosexuals are part of the wider community. If they become a political identity, a community within a community, they marginalise themselves.

That may be part of the problem, because in recent years there has been a distinct and deliberate campaign - a word that is used by the gay male society - to become a political force and identity. In my view we should not enshrine them in this kind of legislation.

This Parliament should recognise that hatred and violence against any member of the wider community in its broader sense is quite abhorrent. It is clearly wrong and it should be condemned. I condemn - and other Christians I know condemn - violence and hatred against homosexual members of the community, as we do against any member of the community. But I am concerned that passage of this bill will enshrine in legislation something which is quite inappropriate. It is inappropriate, first, because it identifies a group within the community as being separate from the rest of the community and, second, because it gives that group rights, privileges and protections that are not afforded to other members of the community. It also increases the marginalisation, which is not desirable.

Hatred against all people should be condemned, not only hatred against one particular group, especially when that group does a lot to set itself apart from the rest of society. The honourable member for Bligh was at pains to say in her second reading speech that religious and, in particular, Christian comments about homosexual people would not be affected by the bill. She spoke about the ability to continue to preach sermons, or words to that effect, about homosexuals and a homosexual lifestyle, but anybody who is following the teachings of Christ will make the distinction that by condemning behaviour one is not condemning the people - one is reaching out to the people. It is quite separate.

Despite the fact that the honourable member for Bligh said that religious comment would not be covered by the ambit of the bill, the bill makes no mention of that. The proposed legislation specifies which public acts would be specially protected from the provisions of the legislation. Proposed section 49ZT(2)(c) provides that a public act done reasonably and in good faith for academic, artistic, scientific or research purposes or for other purposes in the public interest are exempted from being rendered unlawful. Where is the provision for religious discussion? It is not included in the bill. If the honourable member for Bligh wants religious discussion to be excluded, that provision should be incorporated in the proposed section. [*Extension of time agreed to*.]

If religious purposes are not specifically excluded, one must question the motivation for the bill. Considerable discussion has taken place in the public arena about whether the bill would be able to prevent comment being made such as that sometimes made by Reverend the Hon. Fred Nile in the other place. I do not always agree with what Reverend the Hon. Fred Nile says. We agree on the most fundamental things.

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Mr Knight: About fundamentalist things?

Mr O'DOHERTY: The fundamental things, the important issues. Even when I agree with what he says, sometimes I do not agree with the way he says them. He and I have had discussions and will continue to have discussions. We have those discussions as good friends. Undoubtedly, Reverend the Hon. Fred Nile has made a practice of speaking out against the activities of the gay community and in doing so has become the subject of hatred among the gay community. He is vilified. Hatred is expressed against him, his wife and his family. They have been the targets of the most dreadful and vicious acts of hatred and violence. Those acts have been directed at him because he has spoken out against behaviour that he firmly believes is contrary to the interests of the people involved.

If this bill is passed, it will enshrine provisions that will prohibit the vilification of homosexuals but will not provide for religious discussion. The vilification of Reverend the Hon. Fred Nile and other members of the Christian community who feel strongly about this issue will continue. Hatred can be expressed against them. As I said at the outset of my contribution, I am concerned that the provisions of the bill do not encompass everyone. It will set one part of the community against another. In seeking to bring about a desirable result - the prevention of hatred - it will enshrine other hatreds. That is a dangerous principle. At the very least religious discussion should be exempted from the provisions of the proposed legislation. In my view, it is unlikely that such an exemption will be made because the community that has pushed for the introduction of the bill has, as one of its purposes, an attempt to stifle religious debate on the subject.

Open, honest, careful religious debate should be allowed. No one should be vilified, but if one of the intentions of the

bill is to stifle religious discussion or public discussion about the homosexual lifestyle, I cannot support it. In some ways, society is moving to the stage where it almost promotes one type of sexuality in favour of another. I was concerned to see in magazines which are read by young adults who are going though difficult times in trying to establish their sexual identity that counselling was offered and when a young person rang the number that was advertised, he or she was put through to a gay counselling service. In my view that is putting the question the wrong way around. Unquestionably, children and adults going through puberty wonder about their sexuality. If, at that time, they are provided with a path into the gay community but not provided with balanced information, irreparable harm can be caused.

My concern is that the bill will set us on a path to a point where one group in the community is set apart - where it is being said that such a group should be exempt from being the subject of any of the discussion that normally takes place among teenagers, religious groups, adults, teachers and parents; that, indeed, the bill is suggesting that the topic should be off limits. If that were to happen, young people would be receiving information of one sort but not of another. That should not be permitted. If young people are to be given information, they should receive all the information available on both sides of the argument. The bill is itself flawed and enshrines bad principles of laws, some of which have been enumerated.

The honourable member for Bligh stated that the legislation seeks to change attitudes and will do so by emphasising conciliation rather than court action as a means of resolving complaints. The effect of the legislation will differ from the stated intent. Item (4) of schedule 1 to the bill states that the president, after investigating a homosexual vilification complaint, before endeavouring to resolve the complaint by conciliation, must consider whether an offence might have been committed under new section 49STA in respect of the matter that is the subject of the complaint. That is the section dealing with serious offences. If the president decides that an offence has been committed under the section, he must refer it to the Attorney General. At that stage the complaint becomes a serious matter indeed.

The bill will stop discussion. Society is based on discussion. The bill will set one part of the community apart from the rest of the community. By attempting to make sure that homosexuals are not elements of hatred, in a sense it will allow them to act against those who are concerned about the homosexual lifestyle. From a Christian perspective the debate is not about individuals. It is about behaviour. Christians especially should not vilify anyone; they should not act in hatred against anyone, gay or otherwise. I acknowledge that sometimes that happens. I and other Christians condemn that type of behaviour, as does the Parliament and society. Let us condemn hatred against all people and not set one group of the community apart, continue its marginalisation and set society down a path from which it will be difficult to return.

Ms NORI (Port Jackson) [10.38]: I welcome the opportunity to support the bill for it is a logical and necessary step that reflects changing attitudes in society. The proposed legislation is a logical progression from legislation passed by the House in the 1980s to legalise male homosexuality. I well remember the days prior to that legislation, when it was illegal to be a male homosexual. I recall campaigns such as the gay summer offensive, in which I participated and which I supported by handing out leaflets in Oxford Street to try to get the male homosexual community behind the move to legalise male homosexuality. I well remember the early mardi gras when one took one's life in one's hands by marching. I recall vividly the night when bashings and arrests took place and the demonstrations outside the court on the following Monday which tried to have people cleared of charges resulting from their being involved in the mardi gras. Thankfully that epoch in our history is over. However, despite the improvements that have been made and the changes in community attitudes, society has not yet reached what I believe to be the desirable stage. Still too many unacceptable attitudes prevail.

When we are talking about vilification we are not talking about people who have a difference of opinion over lifestyle issues or whether homosexuality is right, wrong, good or bad. Vilification is about incitement to murder, to violence, to grievous bodily harm, to maim people or actual intimidation of individuals. It actually leads to the destruction of the sanity of the people who are the victims. I can give a number of examples in my own electorate. I shall not mention their names or provide many details because I do not want the vilification that they endured at one particular address to follow them to the one to which they have been moved, thanks to the swift action of the Department of Housing. These people suffered a home invasion. When they left, their house was torched and items were taken. They were constantly being

abused verbally, with threats of physical violence against them. The man and his partner would ring up my office in tears asking what action I could take. I would ring the police in an effort to get them to attend.

There has been a happy ending but it could have gone so wrong; there could have been two murders in that particular part of my electorate. These men were being attacked because they were homosexuals and supposedly had AIDS - I do not know whether they did. This unbelievable behaviour occurred in the last fortnight. No human being should endure what those men had to suffer. That is just one example. Probably because of the advent of AIDS the focus of vilification has been toward the male homosexual. But let us not forget the lesbian community and the vilification and intimidation directed towards lesbians. A report entitled "Off Our Backs" is a study of violence against lesbians. I shall not quote directly because it would be unparliamentary in some instances. However honourable members will get the drift. The report stated:

> Five men wielding a broken bottle attacked a 23 year old lesbian in the street; outside a lesbian venue. The assailants stated that the right man would make her straight.

He certainly had tickets on himself. It continued:

> The survivor sustained serious lacerations but did not contact the police or medical services, fearing further victimisation.
>
> A 22 year old lesbian, whilst walking with her partner, was verbally harassed by a man yelling abuse such as "dirty . . . dyke". He then punched her to the face, causing concussion. Her partner contacted the police and was told a car was on its way to assist. Following a 2 hour wait, the woman gave up contacting the police further . . .
>
> A small group of lesbians were drinking in an inner city pub, when a group of men approached them offering to buy them drinks and offering to dance. The lesbians declined the offer and asked the men to leave them alone. The men continued to harass them and one asked if they were "lezzos". After the women identified as "dykes", the men became violent, pushing them around. A bar tender called the police but the men fled from the pub once it was known the police had been called. The assailants were not apprehended, although the lesbians were able to produce a good identification profile.

Lesbians, being both lesbian and women, cop it with both barrels. We all know about violence against women but if a woman is a lesbian, she is likely to receive an extra dose of male antagonism. These are all examples of totally unacceptable behaviour. Some members who have misgivings or are critical about this bill have asked why the gay and lesbian community should be singled out by this bill; that, surely, the criminal law is there to protect everyone. The law stipulates that one cannot go around bashing people, or intimidating or hurting others. In my view the criminal law is not enough. Nothing in the criminal law specifically addresses the reasons for, or causes of, homophobic attacks. Though white Anglo-Saxon males may be attacked in the street, they may be attacked because the assailant believes they have money in their wallets, but they are not attacked for their lifestyle or for being the intrinsic persons they are. That is the difference.

Vilification against a minority group in society and violence experienced by that group are entirely different to the "usual" crime experienced by the "usual" citizen. The quotation marks are mine. The white male is not attacked because of his choice of lifestyle or his sexual preference. This bill will seek to address ingrained fears such as the one I referred to where the man said, "the right man would make her straight". He is saying that the mere existence of a lesbian is a threat to him as a male; it threatens his ego and what he believes he stands for. The bill is seeking to overcome such irrational fears, insecurities and hatred, all of which are unacceptable in a civilised society.

I wish to digress slightly and talk about misogyny because I want to link homophobic vilification with misogyny. Misogyny is the hatred of women. It is fuelled by the same fears that people have when they fear and hate homosexual men and lesbians. It is the same fear that leads to domestic violence, and to male psychological and physical abuse of women. In my view the common profile of such a perpetrator is that of an emotionally primitive, insecure, controlling male who relies on physical solutions to all problems. They cannot verbalise their emotions properly and they wreak havoc on their wives and partners, and in many instances in the wider gay community.

We must start examining that problem. I have often turned my mind as to how we must deal with that problem because we are the public policy makers. The bill is a first step in that direction because it will make certain behaviour and emotional attitudes unacceptable. Certainly I will be working towards the development of a domestic violence policy that actually attacks the cause; the violence, in my view, has certain unacceptable aspects of the male psyche. This bill is not about confining free speech or curtailing the rights of religious leaders or those with Christian beliefs. It is not against the teachings of the Christian God, who I am not sure exists but, if there, I believe would be a she. Nothing in this bill will stop people advocating what is, in their view, the superiority of the heterosexual lifestyle. That is not my view. Nothing in the bill will stop people saying that they believe the "usual" nuclear family, heterosexual relationship and so on are superior and the way we ought to go. Nothing in this legislation will stop people criticising the homosexual lifestyle

and nothing in it will stop homophobic comments, even unacceptable comments.

The bill states that it is wrong to incite violence and to incite others to violence or to perpetrate that violence on the basis of a person's lesbian or homosexual choice. The honourable member for Ku-ring-gai referred to concerns about the rights of religious freedom. It would not be a Christian church or practice if religious leaders offended the clauses in this bill. To do so they would have to get up in church or at a public meeting and yell out some of the slogans we have seen on bumper stickers such as "Stop AIDS, shoot a poofter". No religious leader worth his salt in this country would say that. Those who do should be defrocked.

The bill does not in any way tamper with civil liberties. Leaving that aside, one should consider the civil liberties and rights of homosexual men and women to walk down the street without being harassed and harangued. Heterosexuals take that right for granted. Certainly men do. Women, whether heterosexual or not, are likely to encounter difficulties walking down the street. The bill is not a panacea but it is a start even though, in my view, there are real limits to the efficacy of the legal system and legislation as a means of changing community attitudes.

The fundamental issue remains one of how community attitudes can be changed. The key is education and promotion of tolerance. However, community attitudes will not change if the Legislature sits back and takes no notice or does not care. A combined approach is needed, a program to promote conciliation, education and more; and we need the Parliament to give its imprimatur to that. The only way that can happen is if we take a stand today; if we say, as a parliament, we believe that violence towards lesbian women and gay men is not on.

I remind the House that historically, in other lands, the State has combined with community attitudes to do the exact opposite. I do not exaggerate. To remember most vividly we need only cast our minds back to Nazi Germany when vilification of Jews, homosexuals, communists and so on was openly supported. That was one example of how things can go horribly wrong. Let us make sure that we never reach that stage. Let us take a stand right now. I support the bill.

Mr COCHRAN (Monaro) [10.52]: I speak against the bill because I do not believe it will achieve what the honourable member for Bligh, with all good intentions, has set out to do. The bill fails to address the problem and, in doing so, imposes a fundamental denial of freedom of expression for members of the community and State. An alternative legal solution exists for the problems the honourable member for Bligh wishes to correct. The community must abhor any form of violence against members of the community. Such acts are covered, though possibly inadequately, by the Crimes Act.

My main concern is that the bill will deny the freedom of expression. The intent of the bill will deny the individual the right to campaign against what he or she may claim is antisocial behaviour. It is the right of every individual to have his or her own interpretation of antisocial behaviour. It is also a democratic right of any person in this State at this time to campaign in favour of a policy or a belief that he or she supports. I am gravely concerned that this bill will deny the people of the State that right in respect of this matter. For example, as an extension of this argument, can we say that in future years, as attitudes in some sections of the community are liberalised, the acts of paedophiles will be acceptable social behaviour? In future years will some member representing the community of the present honourable member for Bligh put before this House what might be described as the anti-discrimination paedophile vilification amendment bill of 1998 or whenever it may be?

At this time there are people in the community who disagree with the social behaviour of the homosexual community. Not only do they disagree, they hold grave concerns that the activities of the homosexual community are threatening the very health of the entire community. The pedantics of the figures provided by the AIDS Council of New South Wales may be disputed but they show that in the vicinity of 90 per cent of HIV cases in the State are male homosexuals practising anal intercourse. It must ring bells with someone that the problem exists in the community and must be addressed by people who are most directly affected - the homosexual community.

Given that situation, why should individuals within this community not have the right to conduct a campaign against what they believe to be antisocial behaviour? The bill relates specifically to inciting hatred against the homosexual community. The interpretation of the word "incite" for most of us would mean to persuade, or to conduct a campaign, to have someone change attitude. If we extend the argument to interpret the word "hatred", it could mean a strong dislike or a bitter dislike. That is a reasonable interpretation. Within the argument currently existing in the community about the republican issue, many people would have a bitter hatred towards those who propose a republic.

Mr Scully: Who?

Mr COCHRAN: There would be many. Hatred may be generated in the process of persuading people against the republican issue. As part of a legitimate campaign within the community to persuade people to take a stand against antisocial behaviour such as the activity of paedophiles, an interpretation may be made that hatred of paedophiles has been incited. By extension, one interpretation of this bill could mean that a person campaigning against homosexual activity could be declared to be inciting hatred against homosexuals, and therefore in breach of the legislation. I argue strongly that this bill is a denial of an individual's right to express his or her views.

Despite the Anti-Discrimination (Racial

Vilification) Amendment Act, racial vilification still exists in the community, much as we all dislike it. Nothing in that legislation has changed the bitterness, the human attitudes or the hatred that exists in certain sections of the community, and they will not be changed with legislation. The only way community attitudes will change is through a process of education. This legislation will not do one single thing to change human attitudes towards homosexuality. Homosexuality is behaviour alien to many sections of the community and in a democratic society those sections of the community have a right to express that interest and to conduct a campaign, if need be, to change social attitudes and the behaviour of people. That right has to be retained.

Despite any legislation such as is presently introduced to this House, community attitudes will not change without a significant education campaign. People can be educated but human attitudes, bitterness and hatred cannot be legislated. I am pleased that the honourable member for Smithfield is present because, as a lawyer, he will understand that the Crimes Act protects people from the examples of violence outlined by the honourable member for Port Jackson. If the Crimes Act needs to be amended to take account of matters with regard to the vilification of homosexuals, so be it. If an amendment is needed, let us do it. But no specific piece of legislation such as this, aimed at protecting and favouring a particular section of the community, is required. People deserve, and are entitled to, the right to speak out against behaviour for which they have no regard. I feel strongly about this issue because I believe the bill amounts to a denial of a person's right to express a view and campaign in support of that view, which is fundamental to democracy. The explanatory note to the bill states in part:

> . . . by a public act, incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group.

It is the interpretation of those words and other words in the Anti-Discrimination Act that gravely concerns me. I am concerned that an individual - and that may be Reverend the Hon. F. J. Nile, the Hon. Elaine Nile, or any other person or group of people - may wish to express an opinion but in the process of attempting to change community attitudes that individual may be gagged and found to be in breach of the Act. Every honourable member of this House would acknowledge Reverend the Hon. F. J. Nile and the Hon. Elaine Nile as passive, loving people who have a high regard for individual rights. They are God-fearing people and, as the honourable member for Ku-ring-gai said, they abide by certain

religious ethics. They have a right to express their religious beliefs, and they do so in their own place of worship.

Those who regard homosexual behaviour as offensive or threatening to the community should retain the right to campaign against it. We must remember that this bill will deny them that right. I appeal to those Opposition members who share my views - and I know there are some who no doubt feel as I do, such as the honourable member for Bathurst and the honourable member for Kiama - to support what I say. I am not criticising the homosexual community for being what it is. Homosexuals have to live with that, and it is a problem for them. If an individual member of the community or a group of people want to campaign against certain activities, they must retain the right to do so. Other matters dealt with in the bill could be covered by simple amendments to the Crimes Act. The bill will make it an offence for a person, by public act, to incite hatred towards, serious contempt for, or severe ridicule of a person or group of persons. Once again it is a matter of interpretation. It is difficult to mount an argument against something about which one feels strongly without severely ridiculing it. I will give an example that may cause some embarrassment to a Government member.

I have witnessed in this House vilification that I despise. When the honourable member for Ku-ring-gai, Stephen O'Doherty, has come into this House on various occasions I have heard members on the Opposition benches - in fact, the honourable member for Smithfield - say to the honourable member, "Stand up". The honourable member, who is short of stature, has been deeply hurt and embarrassed by those comments. That is public ridicule. I contend that an interpretation of the words in the bill, when applied to the circumstance to which I have just referred, amounts to severe ridicule. What right has the honourable member for Smithfield, or any other member on that side of the House, to ridicule the honourable member for Ku-ring-gai? They have no right. Such comments are cruel and unjust. However, that problem will not be solved by introducing legislation to stamp out vilification of short people. That would not change the attitudes of the honourable member for Smithfield and others. The only way to change those attitudes is by education.

There are short people in the community. I have a son who was shorter than others at school and he was deeply embarrassed by it. He was slightly built and was tormented at school and severely ridiculed. There is no way that any rule that might have been introduced into the school would have stopped the children from ridiculing him. However, the children could have been persuaded, by education, that it was cruel and un-Christian to ridicule a person because of that person's stature. I say to the honourable member for Bligh - and I hope she is listening - that whatever is done with good intention will not change the attitudes of Sydney people towards the homosexual community. That will not be achieved by this legislation. I believe the honourable member has not protected that community. I take a cynical approach: the honourable member is engaging in a political exercise, knowing full well that 30 per cent of those in her electorate are homosexuals. That is the reason for the introduction of this bill, not the hope of a solution to the problems that the homosexual community faces. I believe the honourable member is letting them down.

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Mr BOWMAN (Swansea) [11.7]: I support the bill with enthusiasm because I believe it is a reasonable, moderate and well-drawn measure that will substantially reduce discrimination that takes the form of vilification of members of the homosexual community. I echo the words of the Leader of the Opposition in accepting that this type of legislation has to be carefully drawn and must provide an appropriate provision to deal with offences created by the legislation, otherwise there would be an untoward abridgment of the rights of free speech. In a free society a person should have the right to criticise homosexuality as a lifestyle or disagree with or condemn views put forward by the homosexual community. But that right does not extend to vilification or incitement to hatred.

This morning the honourable member for Manly proposed what some in the community would regard as a set of stringent rules that would limit the rights of smokers and, as he argued, greatly enhance the rights of nonsmokers. High passions can be aroused about this matter. Sometimes nonsmokers or anti-smokers feel that their rights have been diminished by the exercise of rights claimed by others. On the other hand, some smokers, such as I am, feel at times that scant charity is exercised in discussion of the matter by nonsmokers, who at times and in certain circumstances talk as though smokers are some sort of debilitated or depraved human beings. Most of the time the anti-smoking discussion takes place with a sufficient degree of charity and common sense. Although a bit of fur might fly at times, the community is coming to grips with trying to establish a regime in which the rights of all are reasonably assured. That is the type of model that is needed when dealing with controversial issues.

I compliment the honourable member for Ermington on his obvious sincerity. I believe he abhors vilification or incitement to hatred of homosexuals, but I cannot accept the thrust of his argument that some sort of omnibus legislation is required to deal with this issue of vilification or incitement to hatred of those who are HIV positive. The honourable member for Ermington said, "It is not appropriate to have this. We should try to fix up everything at once. The Government is anxious to confer with people of all sorts to solve the whole matter". Great. Let us get on with that process. However, I suggest that passing this measure would be a valuable part of that process. It will not solve every problem of the homosexual lifestyle or cognate matters, but it would be a valuable and relatively simple step to amend the Anti-Discrimination Act. The bill is basically congruent with the prohibitions in that Act against racial discrimination. It slots in fairly readily and, I think, takes us a step further.

Following the intention outlined by the honourable member for Ermington, it would be appropriate to carry on after this bill is passed with the sort of process to which, I believe, he is sincerely committed. To oppose this bill because Government members are having problems resolving significant differences would be a backward step. I do not wish to attack, let alone vilify, members of the Government because they may have some differences of opinion among themselves about homosexual vilification. The same applies with Independents and members of the Opposition. These matters are complex, and people have strongly held, sincere and differing opinions. I am not trying to attack the Government because it is having difficulty bringing together this package initiated by the honourable member for Ermington.

The proposed legislation is a worthwhile, moderate step forward that ought to be supported by the Government and the honourable member. I believe it can be supported by the Government in line with its basic philosophy, to the great benefit not only of homosexuals in New South Wales but of all the community. Freedom being indivisible, all of us suffer and are diminished by the hurt and injustice suffered by any segment of the community whose rights are abridged, who become a target for hatred or vilification or who do not get a fair go. In the simplest form, we can note that an injustice towards any minority in the community creates a danger that other minorities - perhaps one to which we belong - may become subject to similar sorts of discrimination.

I emphasise that this bill does not envisage heaps of people being hauled before the courts and thrown into prison. One would never guess from the speeches of Government members that the basic thrust of the bill is to make a declaration that is an example to the community. It is oriented towards the process of convincing, persuading or conciliating people or groups who might wish to conduct their arguments or express their points of view in a generally socially damaging and unjust way to a minority. Homosexual vilification poses a danger to a minority and, therefore, ultimately a danger to the good health of the community as a whole. This bill is basically about conciliation, not incarceration. It should be remembered that there is an offence of serious homosexual vilification. There could be, for example, incitement to serious violence, very serious violence or perhaps even death.

It is a matter of grave concern to all honourable members in this House that a number of homosexuals in our community have been bashed and killed. That type of serious violence, or incitement to violence of that type, would, by common consent, deserve incarceration. But, at the base level, we are concerned most frequently not with those who criticise homosexuals because of their lifestyle or argue that heterosexuality is the norm and should be treasured, but those who act, or incite others to act, harshly; not with those who, for theological or ethical reasons, argue that homosexuality is unworthy of human beings, a practice that people ought to avoid or less than human beings are entitled to, but behaviour that takes the offensive in an offensive way.

I cannot accept for a moment that the honourable member for Monaro really wants honourable members to believe that incitement to hatred could mean trying to strongly persuade someone to dislike or disapprove of something. Incite to hatred clearly has a meaning

that is much stronger than trying to persuade people to dislike or reject the homosexual lifestyle. Incite to hatred, as a package phrase, clearly means to act in such a way as to justify people taking violent action or treating a group or individual as an outcast in such a way as to make their comfort drop below a sustainable level if they are to live in the community.

These sorts of things have happened, and they are happening now, not only in the adult community but in our schools. Many young people in New South Wales schools who are aware that they are homosexually oriented are subject, at times, to serious bullying and even physical violence. Through this Parliament the community ought to make clear that it disapproves of and strongly dislikes the behaviour. I am not suggesting that we should incite, or try to incite, people to hate poofter bashers. The bill will make it clear that we strongly disapprove of such conduct. We would act in such a way as to educate them, as the honourable member for Monaro suggested, and, to a large extent, that is what the conciliation process is.

In the most serious cases, where people are probably chargeable under other statutes as well, the bill particularly lays down a procedure for the treatment of those who act in such a way as to make violence, rioting and perhaps serious destruction of property quite likely outcomes. The conciliation process is the heart of the bill. The honourable member for Monaro did his argument little good by surmising that the honourable member for Bligh might next seek to bring forward legislation that would legitimise paedophilia or justify the prohibition of vilification of paedophiles.

When homosexuality was decriminalised in New South Wales a clear line was drawn between adults and minors. The honourable member for Monaro has scurrilously suggested that the honourable member for Bligh might take that further step. I congratulate the honourable member for Bligh. I hope all honourable members will support this bill. It is not good enough for Government members to say that the Government has a package coming. I welcome that suggestion, but I believe we have to do something now. We can do something now. That would be a most valuable step. Other matters can and should be addressed, but that will be facilitated by the passage of this bill into law.

[*Personal Explanation*]

Mr Scully: I wish to make a personal explanation. Earlier in this debate the honourable member for Monaro impugned my good name.

Madam DEPUTY-SPEAKER: Order! The honourable member for Smithfield can make a personal explanation only when no question is before the House. He will have to wait until this question is resolved.

Mr Scully: I wish to challenge those remarks.

Madam DEPUTY-SPEAKER: Order! There is no provision that enables the honourable member for Smithfield to give notice of his intention to do so.

Mr KERR (Cronulla) [11.21]: The honourable member for Bligh, when introducing this bill, wanted the House to "make a statement that lesbians and gay men have the right to live free of violence and vicious, homophobic abuse". She specified at length the disturbing prevalence of violent behaviour against homosexual people, in particular, physical violence, although she also mentioned verbal abuse and other harassment. She later stated, "Legislation is intended to make people think twice before saying things which feed into the violence against lesbians and gay men". The honourable member for Bligh wants to discourage the thought that violence, though normally seen as a crime and as unacceptable, is acceptable and even condoned against homosexuals. I would have thought that every honourable member would subscribe to that philosophy.

Ms Moore: I hope so.

Mr KERR: I also hope so. That is why we have amended the Crimes Act at various times. As I have said, I believe there is consensus in relation to this legislation. That would be the mark of a civilised society. The honourable member for Bligh also spoke of misconceptions and concerns expressed about the bill. She stated that it was neither the intention nor the effect of the bill to prevent the expression of moral views or to stifle debate. I trust that is still her view. She went on to say that the bill will not make it illegal for people to talk about homosexuality; to state that they disagree with or approve of homosexual lifestyles; to state their belief that homosexuality is a sin; and to quote from the Bible to support their argument. I believe I am correct in saying that the honourable member was at pains to assert that religious and, by implication, particularly Christian comment about homosexuality, will be protected.

Mr E. T. Page: Except from themselves.

Mr KERR: The honourable member for Coogee says, "Except from themselves". I am not sure what he means by that.

Mr E. T. Page: If you were a Christian, you would not criticise them.

Mr KERR: The honourable member for Coogee seems to have an extraordinary view of the Christian church. One would certainly criticise people who murder others. One would certainly criticise those who physically assault others. That is what is known as sin.

Mr E. T. Page: Turn the other cheek.

Mr KERR: The honourable member for Coogee says, "Turn the other cheek". I do not believe the honourable member for Bligh is advocating that society turn the other cheek in relation to violence done to homosexuals. But she might like to discuss this matter later with the honourable member for Coogee. There is a significant omission in the proposed legislation when it specifies which public acts are expressly protected. Proposed new section 49ZT(2)(c) states:

(c) a public act done, reasonably and in good faith, for academic, artistic, scientific or research purposes or for other purposes in the public interest, including discussion or about and expositions of any act or matter.

So those acts are exempted from being rendered unlawful. The legislation says nothing about exempting public acts for religious purposes.

Ms Moore: Or other purposes.

Mr KERR: As I have said, they are not specified in the bill. This could only be regarded as a deliberate omission.

Ms Moore: Other purposes.

Mr KERR: The honourable member for Bligh says, "Other purposes", but why did she not specify those purposes? What possible objection could there be to specifying those purposes? I would be interested in the honourable member's view about amending the legislation in relation to that matter. The honourable member for Bligh stated that the legislation had criminal penalties for acts that threaten violence or incite others to threaten violence against lesbians or gay men because they are lesbians or gay men. She said that these proposed sections in the bill are strongly worded - inciting hatred or serious contempt, threatening harm - but they are not intended to catch every homophobic comment. Once again it appears as though the actual effect of this bill is different from the intent, as stated by the honourable member for Bligh. Proposed new section 49ZTA, which covers the offence of serious homosexual vilification, states:

(1) A person may not, by a public act, incite hatred towards, serious contempt for, or severe ridicule of -

The term "severe ridicule" is very interesting. I would be interested to know from the honourable member for Bligh what precedents there are for that terminology. I should also like to know what consideration has been given in relation to any cases. Proposed new section 49ZTA(1) continues:

- a person or group of persons on the ground of the homosexuality of the person or member of the group by means which include:

(a) threatening physical harm towards, or towards any property of, the person or group of persons; or

(b) inciting others to threaten physical harm towards, or towards any property of the person or group of persons.

Only the threatening of physical harm or the incitement of others to threaten physical harm are expressly mentioned as examples of a means of committing the offence of serious homosexual vilification. The wording of the bill implies that other public acts are not excluded from the status of criminal offence. Thus any public act that promotes or expresses hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the ground of the homosexuality of the person or members of the group, though not actually threatening or inciting the threatening of physical harm, may still make one liable for prosecution for an offence. No wonder the Leader of the Opposition expressed serious concern in regard to civil rights. The intention of the honourable member for Bligh appears to have been to apply criminal sanction particularly or only to those public acts that threatened or incited others to threaten violence. The explanatory note, which summarises the bill, states:

> Proposed Section 49ZTA provides that vilification of homosexual persons involving threatened violence (including inciting others to threaten violence) is a criminal offence.

However, the actual effect of the legislation is far wider. The honourable member for Bligh and the honourable member for Swansea said that this legislation seeks to change attitudes and that it would do this by emphasising conciliation rather than court action as the means of resolving complaints. Once again, the actual effect of this legislation is different. Schedule 1(4) to the bill, which has as its subtitle, "Prosecution for serious homosexual vilification", states:

> 89C. (1) The President -

I presume that refers to the president of the Anti-Discrimination Board:

> (a) after investigating a homosexual vilification complaint; and
>
> (b) before endeavouring to resolve the complaint by conciliation,
>
> must consider whether an offence may have been committed under Section 49ZTA in respect of the matter the subject of the complaint.
>
> (2) If the President considers that an offence may have been committed under Section 49ZTA the President must refer the complaint to the Attorney General.

Once again, that is the commencement of the criminal process. This proposed new section has the potential effect of forcing one to the possibility of prosecution as often as possible. The president of the Anti-Discrimination Board - I am not talking about the present incumbent, but about the future indefinite - whenever he considers that an offence of serious homosexual vilification may have occurred, must refer it to the Attorney General, who will either give or refuse consent for the prosecution.

A great deal of power is placed in the hands of the public official, and this occurs before conciliation. This is particularly significant given the wide definition of the offence of serious homosexual vilification, which I have outlined to the House. If the honourable member for Bligh is serious about conciliation and about changing attitudes, the potential for a punitive approach should be restricted as far as possible. I wish to suggest a few amendments. I appreciate it is the honourable member's bill and she can do with it as she wishes. The honourable member might consider inserting in proposed new section 49ZT(2)(c) the word "religious" somewhere into the phrase "academic, artistic, scientific or research purposes".

The honourable member might consider amending proposed section 49ZTA(1) by replacing the words "by means which include" with the words "by the following means". This restricts the criminal

offence of serious homosexual vilification, to cover only public acts which threaten violence or incite others to threaten violence. The third suggestion I make relates to proposed section 89C(2), to replace the word "must" with the word "may". This would leave discretion with the president to proceed to conciliation rather than prosecution in regard to complaints which may technically fall into the criminal category of serious homosexual vilification. As I said, that is a very wide territory when considering severe ridicule.

Talking about conciliation is really talking about encouraging changes of attitude. The honourable member for Bligh said in her second reading speech that the legislation will encourage education about and discussion of the issues. I think the honourable member would realise that the conciliation provisions are directed to this end; that is the whole purpose of conciliation. Likewise, by making it a criminal offence to threaten or incite others to threaten violence, she hopes to demonstrate that society in no way approves of or condones violence towards homosexuals. If the honourable member is seriously interested in discouraging certain behaviour, the amendments I have suggested are a sensible approach to alleviating some of the concerns about civil liberties. It is a great pity that this matter has been called on now, and there is a rush for judgment, because very serious problems should be addressed to reach a commonly agreed goal. [*Extension of time agreed to.*]

There is room for a good deal of subjectivity in relation to the criminal offences which result in imprisonment. Before the State takes away anyone's liberty, citizens should know where they stand before the law. Public officials should be restricted in commencing processes at their discretion which lead to the imprisonment of citizens. As legislators, we have a responsibility in that regard. The honourable member for Bligh might inform the House whether the late Professor Fred Hollows would have infringed the legislation, when it comes into effect, with his comments against the inadequacy of safe sex campaigns, his call for clearer advertising about the dangers of anal sex, and his criticism of the gay lobby for clouding such issues. I would be interested to hear her comments on his right to make such statements, whether she believes what he said was correct, whether it was worth saying, and whether his statements could have been breaches of her proposed legislation.

It is a pity that these issues could not have been dealt with by the House by the normal process. Honourable members attended ready to debate the Oaths and Crown References Bill. Suddenly they are confronted with this bill. I do not cavil with this change in program. The honourable member used the forms of the House and she had the numbers, but as a result a number of serious issues, with which I believe honourable members on both sides were concerned, about the power of the State over citizens, have not been fully addressed in debate. Honourable members could have consulted had they known this debate would take place. Each of us has a great many responsibilities, including committee work. I understand that the charter provides for consultation with the Government in relation to any legislation introduced by Independent members. All honourable members subscribe to the basic philosophy that the honourable member for Bligh says underlines this bill, that homosexuals should not be subjected to physical abuse. However the road to hell is often paved with good intentions. It would be a great pity if the honourable member for Bligh went down as one of the great road makers of history in relation to this legislation.

Mr KNIGHT (Campbelltown) [11.36]: The honourable member for Ermington led for the Government in the debate. He made the cry that is becoming very familiar of late. He said, "Generally the Government supports doing something in this area, but this particular piece of legislation is flawed and the Government has really got a better bit of legislation if only you can wait, because we really care". That is the same story we have heard on environmental bills brought before the House by Independent members and members of the Opposition. It is the same story we have heard about the HomeFund fiasco and the bill brought by the honourable member for Heffron, It is the same story we get today about homosexual vilification. The reality is that the Government has given up controlling the legislative agenda in this Parliament.

Mr Hartcher: It is private members' day. How does the Government control the agenda on a private members' day?

Mr KNIGHT: The Government does not control the agenda on Government days, let alone on a private members' day.

Mr O'Doherty: On a point of order. The ambit of the bill does not permit debate on whether or not the Government controls the legislative agenda, especially as this is private members' day. I ask you, Madam Deputy Speaker, to instruct the honourable member to return to discussing the bill.

Madam DEPUTY-SPEAKER: Order! I accept that the remarks of the honourable member for Campbelltown were introductory and in response to an interjection. I ask the honourable member to proceed with the debate.

Mr KNIGHT: It would be irresponsible for members of the Opposition and members on the crossbenches not to fill the legislative void that now exists in this Parliament under the temporary Premier, John Fahey. Before I address some remarks to what this bill says, I wish to address my remarks to what the bill does not say. Members of the Government do not appear to have read the bill or to understand is provisions. This is not a bill to legalise homosexuality, as some Government members may think. That has been done before, and I am proud to say I was in the Chamber and voted in support of that legislation at the appropriate time. It is not a bill that promotes a homosexual lifestyle, and it is not a bill that promotes homosexuals.

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Considering the crowds of heterosexual citizens and their families that attend as spectators at the gay and lesbian mardi gras, the homosexual community is doing a very good job of promoting itself without any assistance from the Legislature. The bill is not about endorsing homosexuality as a preferred lifestyle. It is certainly not about preventing free speech, nor - as the honourable member for Monaro seems to think - is it a bill supporting paedophilia and paedophiles. It is not about gagging the church. It is not about censorship of any kind. And it certainly does not seek - as some honourable members seem to think - to prevent parents talking to their children.

What the bill does is summed up simply in its title. It is the Anti-Discrimination (Homosexual Vilification) Amendment Bill. It is not a new type of law or even a new Act that mirrors an existing law. It is an exact extension of the existing anti-discrimination law to include a category apart from racial vilification. That additional category is homosexual vilification. The bill says that the Parliament and the community find the inciting of violence, the spreading of hatred and actual violence, unacceptable; that the Parliament and the community have taken a stand against that type of vilification, that sort of hatred and that sort of violence. There is a simple but sad reason for having a bill of this nature. It is not, as the honourable member for Ku-ring-gai attempted to suggest, that people with red hair do not have a special bill and therefore it is not necessary to have a special amending bill for people who are homosexual.

The reality is that roving gangs of people are not beating up people with red hair. We do not have a bashing problem with people who have red hair, in the way that we have with the homosexual community. Homophobia is a serious problem that has tipped over the edge into hatred and violence. It is an irrational and crazy form of behaviour. When one stops to think about it, when gangs of male youths beat up alleged homosexuals in the street and accuse them of spreading the HIV virus and beat people who might be HIV positive until they bleed and shed their blood on the people doing the beating, it is not only violent but is incredibly stupid, and irrational to boot.

Some Government supporters have suggested that the problem should be dealt with under the Crimes Act. They have argued that the problem can more suitably be dealt with under the provisions of the Crimes Act than the anti-discrimination legislation. They argue that bashing people is illegal and a remedy is available in the Crimes Act. The important difference is that it is not individuals who are being bashed; it is people who belong to a class. The nature of the bashing is not related to the behaviour of the individuals or any interpersonal relationship between the person being bashed and the person doing the bashing. These people are being bashed and treated in this manner because they belong to a certain class. That is what happened to people from certain racial backgrounds. That was why it was necessary to introduce legislation in 1989 to deal with racial vilification. The debate is about a class of people.

The honourable member for Monaro attempted to say that other people are discriminated against; he introduced the notion of people who were somewhat shorter than the average. In particular he mentioned the honourable member for Ku-ring-gai, who is, as all members will know, a shorter than average member of the Parliament. To follow on from the terminology used in Andrew Denton's "The Year of the Patronising Bastard" I should refer to him as being vertically impaired rather than short. If shorter members of Parliament, such as the honourable member for Ku-ring-gai and the honourable member for Ermington, were bashed by people in the street, that would be terrible. One hopes it would be an isolated incident that could be dealt with under the Crimes Act, as it should be.

The distinction is not that people in the homosexual community are being bashed for individual reasons. The analogy would be with people who started making public statements vilifying short people. What if they took Randy Newman's song, "Short People" literally and went around saying that short people have no reason to live? What if there

were roving bands of people over the height of six feet who went around screaming, "Bash the shorties" and kicked them until they bled and were bruised and broken on the footpath? What should be done in that situation? If one took the injunction of the honourable member for Ku-ring-gai, one would say that it was terrible; I would say "I really love short people, but they chose to be short, and if that incites problems, it is their fault". That is the difference. The analogy that Government members seem to draw about shorter people -

Mr ACTING-SPEAKER (Mr Tink): Order! I call the honourable member for Cronulla to order.

Mr KNIGHT: The analogy that they seek to draw relates to individuals. The honourable member for Bligh is seeking to proscribe an activity that involves a distinct class of people who are being attacked solely because they belong to that class. That is a different proposition. That is the proposition the Opposition supports. I shall turn briefly to deal with the remarks made by two members opposite in this debate. The honourable member for Ku-ring-gai gave the House a long analysis of his religious position in which basically he put his view that homosexuality is unnatural. That is not a view with which I agree, but it is one that the honourable member is entitled to hold. I understand that he holds that view deeply and genuinely. This is the wrong debate for the honourable member to put forward that view.

The question of whether homosexual behaviour should be legalised has long since passed through both Houses of this Parliament, long before the honourable member for Ku-ring-gai came to this place; indeed, on his own admission on other occasions, long before he formulated the views he now holds. His notion of homosexuality as being a choice is rather peculiar. He takes the attitude that a person suddenly one morning wakes up and says, "I think I will become a

homosexual", as though it were a free choice, a choice made after considering the options and saying "What is there? There is heterosexuality, celibacy, homosexuality, bisexuality. Homosexuality looks good today." The honourable member treated the matter with that degree of flippancy. As I said in the debate on homosexual law reform, as a self-confessed practising heterosexual, frankly I do not understand why people become homosexuals. It is not a lifestyle or sexuality that particularly attracts me.

I have read many texts; I have read Freud. After reading Freud I always thought that polymorphous perversion referred to a Cabinet meeting rather than a state of sexuality. Notwithstanding my personal lifestyle and the way in which other members of Parliament may live their lives, the debate is not about whether people want to be homosexuals, whether it is good to be a homosexual, or whether one wants to bring up one's children as homosexuals. The debate is about the precise area of whether it is appropriate for people to bash homosexuals, to incite violence and hatred against homosexuals. That is what the Parliament should take a strong stand against. I shall deal briefly with the remarks of the honourable member for Monaro. This has been a remarkable debate. Today the honourable member for Monaro came out of the closet. I had always thought that he was a hard-core redneck, that he was intolerant, bigoted and not open to persuasive argument.

Ms Moore: And anti-environment.

Mr KNIGHT: And anti-environment, as the honourable member for Bligh said. But under that hard, bitter, rough exterior is a sensitive, New Age man, a man concerned about free speech, a man concerned about due process, a man concerned about all the proper and appropriate forms of law. We have found out today that it is clear the Government will go to any lengths to prevent this piece of legislation being voted on today and being passed. I and other members of the Opposition support the bill and urge all honourable members to do likewise.

Ms MACHIN (Port Macquarie) [11.50]: I do not agree with the honourable member for Campbelltown, which is not unusual, when he gives his interpretation of the Government's position on this legislation. First, the Government is not trying to filibuster. It has a genuine interest in the issue. The common thread throughout debate is that everyone would like to see an end to the type of behaviour described by a number of honourable members in this debate. We are at one in that. As the honourable member for Cronulla so ably put it, honourable members cannot understand why this legislation is being rushed through the House. Though it has been around for a while, to my knowledge extensive consultation has not taken place. The Government was expecting to debate the oaths and affirmation legislation.

The Independents readily express their disapproval of the Government rushing through legislation, yet this bill has

been brought on with great urgency. The honourable member for Cronulla made an excellent contribution in identifying some of the legitimate problems with the legislation. All honourable members, including my colleague the honourable member for Monaro - who is entitled to have his personal view, as is the honourable member for Ku-ring-gai - would not condone the type of behaviour the honourable member for Bligh is seeking to address by her bill. I am sympathetic to that and have no problem with a person's choice of lifestyle or their sexual preference. The whole issue is about community behaviour.

The honourable member for Swansea referred to incidents of bashings and homosexual killings. No one would condone that behaviour. Those perpetrators should be - and I presume were - dealt with under the normal processes of the law, presumably the Crimes Act, for that behaviour. However, concerns have been raised by many people that a particular group in society is being singled out and given legislative protection. That has been done on a number of occasions for different reasons. The honourable member for Campbelltown referred to a distinct class of people, namely, the homosexual community being under threat of attacks from people who do not agree with homosexual behaviour. Should we look at specific problems and enact legislation for every group in society that has a problem? Legislation should cover the whole of the community. We should not condone this type of behaviour against any person, regardless of their colour, sexuality, religion or whatever. That is the point the Government is seeking to make. Homosexuals - in fact, everyone - should be subject to the same law and order system of this State.

Mr Bowman: So logically you do away with the Anti-Discrimination Act altogether?

Ms MACHIN: No. That is a silly thing to say. Anti-discrimination law applies to all in the community. I do not agree with my colleague the honourable member for Monaro, because my view is that the Anti-Discrimination Act, as with most legislation, should apply to all people in the community. That is the issue we are debating and it is the issue with which some honourable members have concerns. The honourable member for Monaro referred to short people, to quote the song. What about, for example, the disabled? Recently we passed significant legislation in respect of the disabled. I do not believe this issue is addressed in the legislation. I have a disabled sister, and when I was young I well remember people ridiculing me, my sister or others who were disabled. Perhaps we should be considering legislation to stop vilification and ridicule of those intellectually or physically impaired in some way. Perhaps that is even more important because those people cannot look after themselves. One should ask why that is not being done. It is equally not on to poke fun at someone who has that type of disability.

The right to free speech should not enter this debate in depth; that is not the full intent of the legislation. However, problems of definition arise.

The honourable member for Cronulla sought the meaning of "severe ridicule". On my reading, the bill does not define the term and how it is applied. Likewise, the definition "public act" includes any form of communication to the public, and it lists a whole range of such communications. It defines a public act as including any conduct observable by the public, including actions, gestures and so on. I refer to a further point raised some time ago by the Hon. Elaine Nile, a member with whom I do not always agree. However, it was fair comment when she said that her husband is subjected to vigorous and sometimes violent vilification because his views happen to be contrary to the views held by the gay community. This bill does not protect his rights.

Mr Bowman: What about the Anti-Discrimination Act?

Ms MACHIN: That is not being applied. If one reads the bill the reverse could apply equally to Reverend the Hon. F. J. Nile. Though it denies him the right to take that stance, apparently it is all right for people to demonstrate violence against him. I do not agree with that. He should be able to have his say in a free society. The measure somehow implies that the behaviour directed against him is condoned. That should not be the case. I do not think the bill will achieve its objective. Though a number of people do not care about a person's sexual preference, they resent the legislation because it singles out one group and treats it differently from another. In their view the law should treat everyone the same. If someone is illegally attacked, injured or vilified, the perpetrators should be punished accordingly. I hope all honourable members agree with me. The legislation is directed towards a particular group in the community which is seen as a powerful political lobby. Probably that is behind the urgency. It would seem that the honourable member for Bligh has had pressure from her electorate to expedite this legislation.

Ms Moore: It has only been around a year!

Ms MACHIN: The bill has been around a year, but suddenly the honourable member moved urgency today to bring the matter on. The honourable member for Cronulla, as a lawyer, pointed out a number of legitimate problems in terms of the application of this Act, and those matters should be addressed. This bill should not be brought on and debated urgently; it should be debated in an appropriate and proper manner. The honourable member for Ermington made the excellent point that the real problem should be examined, without reaching a political solution, because the honourable member for Bligh has a large group of homosexual people in her electorate. The more we try to proscribe human behaviour, the more we are in danger of limiting people's rights and freedoms. We should be legislating for the whole of the community, ensuring that violent behaviour is not condoned and that anyone who engages in that activity will be punished according to the law.

Mr GAUDRY (Newcastle) [11.57]: I congratulate the honourable member for Bligh on introducing this bill and being prepared to confront this enormous discrimination in our community. The honourable member for Port Macquarie referred to discrimination against disabled people. There is no doubt that form of discrimination exists. The fact that members of the gay and lesbian community in this State have been subjected to vicious attacks, to vilification in the media and to overt and covert attacks upon them has led the honourable member for Bligh to bring forward this bill to amend the Anti-Discrimination Act 1977. The bill relates particularly to gay and lesbian people who have been the subject of attacks by individuals and of premeditated and organised physical abuse and vilification.

The bill does not state that after enactment it will be illegal to dislike gay and lesbian people; that the community will have to agree with their sexual preferences and their method of expressing themselves; or that any member of the community will have to subject himself or herself to any of their particular practices. The bill does not make comments of that nature. The bill provides that it will be unlawful for a person to vilify another person or group of persons on the ground of homosexuality and, consequently, will enable a complaint to be made concerning the vilification of homosexual persons. The bill will enable a person to be prosecuted for an offence in a serious case of vilification of homosexual persons involving threatened violence, including inciting others to threaten violence.

Inciting others to threaten violence can be done in many ways. The bill clearly details the sort of public acts of homosexual vilification that constitute different forms of violence. This does not mean a comment cannot be made in the newspaper about homosexuals, that there cannot be a cartoon in the paper about homosexuals, that there cannot be a comedy skit about homosexuals, or that one cannot put on a shirt an emblem referring to gay or lesbian homosexuals. The bill provides that by any of those processes one cannot incite someone else to vilify, physically abuse or ridicule those people on the basis of their homosexuality.

The bill was not brought forward lightly; it was brought forward as a result of clearly demonstrated acts of vilification, abuse and physical violence - physical violence of a most vicious nature against people, for no other reason or known behaviour other than that they had openly declared their homosexuality. Those people were subject to vicious attacks purely on that basis. The fear of homosexuality and the need to prove manhood by overt displays of anti-homosexual behaviour is deeply rooted in our society, particularly among the male society.

Mr Cochran: This bill will not change that.

Mr GAUDRY: The honourable member for Monaro says this bill will not change that. I understand the bill will not change that fear. What will change that belief is education and, over time,

acceptance of the fact that there has to be tolerance towards people in terms of their sexual preferences just as there is tolerance - or should be - on the basis of race, religion or any other form of human behaviour. The Anti-Discrimination Act was passed in 1977 and gives people rights under the law. This bill is extending those rights because of demonstrated behaviour toward homosexual people.

I am sure the honourable member for Monaro acknowledges that there is in our society this deeply rooted fear of homosexuals, based on ignorance in many cases and, I imagine, in some cases based on deeply held religious belief

and, in other cases, on a fear of loss of power, particularly in matters involving lesbian feminists. In all those cases the reaction has been quite violent, whether in the form of ridicule, shunning those people, taking action against them publicly, or the ultimate form of physical violence in one form or another. The object of the bill is to clearly spell out the limits of behaviour in terms of subsequent attacks upon homosexual people. It is a matter of incitement; the act has to contain incitement.

Mr Cochran: Give us an interpretation.

Mr GAUDRY: It means you have to involve yourself in inciting action.

Mr Cochran: You mean persuade?

Mr GAUDRY: It has to be public. Unfortunately, there are many people who in public would not appear to have any feeling about homosexual people but in private, having had the benefit of education about human behaviour and relationships, have a right to maintain that feeling if they desire. But when a person enters the public arena and uses that private feeling to incite others to join in committing a public act of vilification against homosexuals, such people fall within the leave of this bill. When the bill becomes an Act of Parliament the community will be subject to it.

One of the saddest things in my life has been to see personal friends who belong to the gay and lesbian community severely bashed and hospitalised for no reason other than that they presented themselves on a public street, committing no provocation except to be themselves, and were subject to premeditated attack. The persons who took part in those premeditated attacks will be dealt with by the Crimes Act. Anyone who commits an assault will be dealt with under the Crimes Act. But what we are talking about here is attitudinal change being created and incited in other people.

No doubt we live in an age where incitement has been increased or generated. Many of us have had a period of education on AIDS but many others, because of the fear associated with that disease, have increased the level of their homophobia to epic proportions. They use that as a mechanism to incite in others a severe and extreme hatred of members of the gay and lesbian community. This shows an ignorance of the fact that the disease is extensive in the heterosexual and homosexual communities and is a disease that can be approached, first, by understanding and, second, attacked by understanding its mechanisms and taking precautions. The levels of education on and awareness of this issue are much higher in the homosexual community than in the heterosexual community. [*Extension of time agreed to*.]

Unfortunately, in many cases the heterosexual community uses this disease to engender a feeling of missionary zeal in the approach taken to the homosexual community. Much of the debate about the homosexual community relates to the insecurity of males who feel extremely threatened by the fact that the heterosexual community does not allow for close personal relationships between males. Often that fear incites violence. We should all be against discrimination of any kind in this State. We should be against incitement to violence of any kind in this State. We should be against vilification in any form in this State. This bill will protect a group of people who have been disproportionately singled out for the most vicious attacks. The bill does not say that we must like homosexuals. I am sure that the honourable member for Monaro knows that, and I am sure that he understands the bill will not stop him or any other honourable member maintaining beliefs they have, although I am not commenting on his beliefs. It will not force him to change attitudes but it will protect a very important section of our community from being publicly ridiculed and attacked both verbally and physically.

Mr Cochran: Racial vilification still occurs, despite the legislation outlawing it.

Mr GAUDRY: It may not stop it; yes, I agree with what the honourable member says.

Mr Cochran: Attitudes must be changed.

Mr GAUDRY: Attitudes are hard to change but they can be changed in time. This bill is part of the process of changing attitudes because it will heighten and highlight unacceptable behaviour in the community. However, it is behaviour to which people have taken a blinkered approach because of their attitudes towards homosexuality.

Mr Cochran: People will not know about the bill; attitudes must change first.

Mr GAUDRY: They will know about it because the Act will be brought to their attention by the processes of the courts. I agree, as the honourable member opposite said, that we are looking at a long-term goal, that is, to increase tolerance in the community. This bill is only part of that. Eduction is also part of it, and so is recognition by the community of the tremendous contribution to society by homosexual members of the community. There are many very worthwhile members of the community, that is, from both the heterosexual community and the homosexual community, working in this place and in the general community for the betterment of the people of New South Wales. Homosexuals have the right to live in the broader
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community without being subjected to violence and vilification that would not be meted out to other members of the community. In my view, this bill goes towards that goal.

Mr E. T. PAGE (Coogee) [12.16]: Much of today's debate has not related to this bill. There has been much debate about homosexuality. It is a biological fact that a group of people in the community have a sexual preference that is not the same as others in that community, and I understand that that group accounts for about 10 per cent of the population. There is no society that does not have a group of people with homosexual preferences. In different societies that group is handled in different ways. Invariably, when that group has been persecuted it has been in a totalitarian system, either of the left or of the right. In civilised communities the group is regarded as a normal part of the functioning community. I was a member of the Government which voted to amend the Crimes Act to decriminalise homosexual activity. There was support for that move from both sides of the House, though that support was not proportionately the same throughout the House and certainly more people from my spectrum voted in favour of the amendment than those from the conservative side.

Mr Hartcher: The free enterprise side; you are the socialists.

Mr E. T. PAGE: I might say that some of those from the free enterprise side included the former Premier, the former member for Ku-ring-gai. As I recall, the Minister for State Development voted as I did. It is not as though I was in bad company in voting for that change. I think it would appear that the Minister for the Environment would not have voted in that fashion.

Mr Hartcher: On a point of order. The honourable member has no right to impugn other members of the Parliament or to refer to how they might have voted had they been members of this Parliament. I ask that the member withdraw the remark.

Madam DEPUTY-SPEAKER: Order! I do not believe there is any need for the honourable member to withdraw the remark but I suggest that he is out of order in reflecting on a previous debate in this House and I ask him to return to the bill.

Mr E. T. PAGE: This bill is not about homosexuality. It is about vilification. I raised this issue before in order to get the debate in perspective; it is about vilification. Reading the explanatory note -

Madam DEPUTY-SPEAKER: Order! I call the honourable member for Monaro to order. He has had his chance to speak in this debate.

Mr E. T. PAGE: And made a mess of it. This amending bill will do three things: first, it will make unlawful the vilification of any person or group of persons; second, it will enable a person to be prosecuted for vilification and third, it will provide for the making of vilification complaints under the Act. It is all to do with vilification. I am surprised that people who have spoken against this legislation are speaking in favour of vilification. They do not believe that people in our community should be castigated because they want to vilify some other group. I am also surprised at those people in the Government who put themselves forward as great Christians. They are the ones who stand and say that they follow the Christian ethic - and I guess they do follow it, until they open their mouths and speak. They do not want to be Christians in terms of their associations and views of other people. They want to take a totalitarian attitude, which would

have appalled the Jesus Christ whom I read about when I was at school, the one about whom I read in the Bible. Those honourable members have no idea that the essence of the Old Testament is the Ten Commandments and the essence of the New Testament is the eight beatitudes. They completely ignore that.

I am absolutely amazed that these people get up and say, "I am a Christian and I want to look at this issue from a Christian viewpoint" and then speak against everything for which their Christ lived for the time he was on this earth. I am also rather amazed that one of my colleagues was castigated for allegedly referring to someone's stature. At worst that reference could be said to be insensitive. Certainly in my time I have been criticised for various parts of my anatomy; the fact that I am ugly and various other things, but I would not say that was vilification. At the time I would not have been particularly pleased by it but it certainly was not vilification. Society has to realise that there is an entrenched -

[*Interruption*]

The honourable member for Monaro should exercise his right to speak somewhere else.

Ms Moore: Like outside?

Mr E. T. PAGE: Yes, far outside. This Parliament has to remember that there is a strain in our community which is promoted by various groups, and I would suggest that some of those self-indulgent Christians are part of this, to encourage people to take violent action against people in the gay community. We read quite regularly about gay men, particularly, being bashed, and many bashed to death. I knew a homosexual named John Russell, who grew up with two of my children at Bondi. John was bashed to death near Bondi baths and thrown over a cliff. His body was a hell of a mess. To date no one has been tried for that particular murder. There is no doubt that the people who committed that crime would have been encouraged by those who run about casting aspersions and who vilify and harass people in the gay community.

I believe this legislation is an attempt to overcome that activity. Education has been mentioned and it has a great role to play in this issue but the statute books must recognise that this sort of activity is not part of our civilised society. I ask those who

believe that somehow the gay community should be ignored, that somehow they are not a legitimate part of our society, to look at the alternative, to consider what happens when people feed off their prejudices, the people who go out and systematically bash people and, in some circumstances, kill them. There is no doubt that in my upbringing - I will not go into any great detail - in my religious and educational background that I had it fed into me that somehow the gay community was different from the rest of our society; it was to be looked down upon, not denigrated, but the general idea was that you could impose restrictions on certain patterns of behaviour in the gay community which were not the norm in the Christian community in which I was raised.

I found it a bit difficult to come to terms with that philosophy, but after a period of time I realised that the people who were teaching me that were anti-Christian, not me. It is important to have this sort of legislation making this statement to our community, the community we represent. Whether we wish to believe it or not we all have gay constituents. There is no electorate anywhere that would not have gay constituents. There are people in this Chamber, our peers, who are members of the gay community. That does not worry me but it might worry some other people. I do not believe they should be treated differently from anyone else.

This is important legislation. It is about vilification. I do not believe anyone in our community, no matter whether I agree with their politics, the colour of their skin, their religion, their sexual preference, should be open to vilification. It is different, that is all. This legislation does not say that I or anyone else must agree with a particular lifestyle. One can disagree with it, one can frown upon it, one can talk against it but the bill says one cannot vilify people because they have a certain sexual preference. It is a simple thing. This is a very Christian piece of legislation. It certainly fits with my reading of the eight beatitudes and the Ten Commandments. I suggest to those who claim they are good Christians, but cannot see it my way, that they cannot assess what the Bible and the life of Christ was all about. I urge all honourable members to vote for this legislation on the basis that it deals with vilification of people in our community who, I believe, do not deserve, any more than other groups in the community, any vilification.

Mr MILLS (Wallsend) [12.27]: I am very pleased to speak in support of the bill and to join with the Leader of the Opposition in congratulating the honourable member for Bligh for introducing this legislation. One of the speakers on the Government side of the House claimed that the problem related only to the Bligh electorate. That is not so. Gays and lesbians in my electorate have been the victims of violence and hateful assaults. The purpose of this bill is to attempt to give a lead to the community to do something about that violence and that hateful assault.

The honourable member for Ermington showed a genuine concern for eliminating discrimination against homosexuals. However, his Government has not moved, as it said it would. I do not see why we should have to wait another 12 months, or more, for the Government's package to deal with this problem. The honourable member for Monaro was arguing that if he criticised someone or disagreed with their words or actions one must be free to ridicule them. He gave the example that ridicule was frequently used in relation to short people and he mentioned the honourable member for Ku-ring-gai. I can think of a Minister in the Government who occasionally gets told "stand up". I know a backbencher in the Labor Party who is often told to stand up. A Federal parliamentarian from the Hunter years ago told me how, when he stood up in Federal Parliament, the other side said to him, "stand up".

That is ridicule but it is mild. Plenty of people receive that sort of ridicule. Even on that point the honourable member for Monaro is a hypocrite because I have frequently heard him making animal noises in this Chamber when frontbench Labor women and even a backbench Labor woman get up to speak or to interject. The honourable member for Monaro is a hypocrite because he ridicules women in this place. Ridicule has its place in this Parliament but that is not vilification. I know it is trite to read what the *Macquarie Dictionary* describes as the meaning of vilify but it states that to vilify is to speak evil of, to defame or traduce.

Being an amateur, I had to look up the meaning of the word traduce. It means, "To speak evil or maliciously and falsely of; slander, calumniate, or malign". We were told that this bill would stop religious discussion. Churches will still be able to say that they believe a sin is evil. That is fair debate. But can we still call an organisation a church if a preacher urges the bashing of people or the burning of houses? That is not church work. No one in this place would dare to attribute that kind of motive to churches.

This legislation is needed because vilification is almost universally associated with assault with extreme violence. Through this legislation we can prevent that sort of violence. If we do that, we will have achieved progress. This morning it was also argued that the gay and lesbian community should not be singled out for special treatment. It is alleged that this bill singles out that community. Frankly, the bashers and perpetrators of violence have already singled out homosexual men and women. Honourable members have heard that there are 40 cases of homophobic violence each week in Sydney. People concerned about the impact of this bill should note that the anti-vilification legislation, which relates to racial vilification, has been a resounding success. A few years ago it went through this Chamber with bipartisan support.

People in New South Wales and in Australia generally, where similar racial vilification provisions apply, have been spared the upsurge in racial violence that has occurred in many places around the world. A bit of the credit for that should go to the racial vilification legislation passed by this Parliament.

Over the past two years, many of the so-called civilised, western or capitalist societies, where people are well-off, have experienced racial violence. Madam Deputy-Speaker, you said in debate that the Anti-Discrimination Act should apply to everyone. It is interesting to note that the Anti-Discrimination Board has recommended the introduction of this legislation. Honourable members should also note that the techniques for overcoming vilification, that is, conciliation and education, are to be extended by this bill to discrimination against homosexuals - the same sorts of processes that apply in racial vilification.

Madam Deputy-Speaker, you also implied in debate that this bill would threaten Reverend the Hon. F. J. Nile and the free expression of his views. I was disappointed to hear that because, frankly, I do not attribute to Reverend the Hon. F. J. Nile any views that amount to an incitement to commit violence against homosexuals. He is firm in his views and strong in the manner in which he expresses them. But I do not believe he has said anything that would incite violence or the kind of hatred that would lead to violence. One of the aims of the bill is to prevent that. While referring to the racial

vilification legislation I should also note that people such as Professor Blayney, Mr Bruce Ruxton and a range of television comedians have not been sent to gaol under that legislation. They are still free to express their views. I imagine one or two of these people might have modified their views as a result of that racial vilification legislation so they no longer threaten to incite people to violence on racial grounds.

We need legislation that will make it an offence to perpetrate hatred and incitement to violence against homosexuals. The bill will allow complaints to be made to the Anti-Discrimination Board. The Attorney General's consent is required before a prosecution can be launched. The main point of disagreement between the reasonable Government members and members of the Opposition is the speed with which this reform is being introduced. I have already addressed that issue by saying that we should not have to wait another 12 months or more for the Government's package. It is important to reiterate that the bill emphasises conciliation rather than prosecution. It recognises that education is the best way of overcoming ignorance and homophobia. I assert that the bill is fully consistent with the freedom of expression provisions in the International Covenant on Civil and Political Rights. I have pleasure in supporting this bill, and I urge all honourable members to adopt it.

Mr SCULLY (Smithfield) [12.35]: Madam Deputy-Speaker -

Mr Hartcher: You are trying to stop Clover from talking.

Mr SCULLY: That is not so. It has been suggested by the Minister for the Environment that this legislation is directed primarily at the Bligh electorate. I find that quite silly. Government members appear to be suggesting that the homosexual community is located primarily in the Bligh electorate. There is a gay community in the Smithfield electorate, so I wish to say a few things in the debate on the Anti-Discrimination (Homosexual Vilification) Amendment Bill. I commend the honourable member for Bligh for the good work she has done in bringing forward this legislation. I dare say that I have criticised the honourable member for Bligh on other matters, but I congratulate her on bringing forward this legislation.

Graham Tessier, a good friend of a friend of mine - I believe he is also a good friend of the honourable member for Bligh - has brought to my attention a matter that I had not really thought about, that is, the expression "sexual preference", which a lot of people in the gay community find offensive. On reaching sexual maturity members of the gay community do not vote and say, "I shall be a heterosexual", or, "I shall be a homosexual". Homosexuality is a biological fact.

Mr Hartcher: Orientation.

Mr SCULLY: Not even that; it is a fact. Graham Tessier complained that the Australian Broadcasting Tribunal had not directed its attention towards requesting the media to talk about biological fact rather than sexual preference. I had never thought about that. I had always thought, "These people have decided to be homosexuals. Good luck to them". Now I do not believe that they decide to be homosexuals. If that is the case - and I believe it to be so - it makes this sort of legislation even more important. I know that there are penalty provisions in the legislation but I believe it is seeking to change the mindset of the community, our attitude towards homosexuals. The legislation fits in well with the direction taken by the pathfinding anti-discrimination legislation way back in 1977. That legislation was a bit of a shock for many people in the community. People who, 10 or 15 years ago, would have made suggestive remarks and done improper things at the workplace, now realise that there are laws against sexual harassment.

Comments used to be made by people in an attempt to vilify certain ethnic communities, but I now hear people saying, "You cannot say those sorts of things any more". It is appropriate for us to extend the anti-discrimination legislation to the vilification of homosexuals. The honourable member for Monaro suggested that I had made a comment about the height of the honourable member for Ku-ring-gai. As that matter was raised earlier in debate, and as I had intended to make a personal explanation, I will now say that, given that the honourable member for Monaro impugned my good name -

Mr Hartcher: The honourable member should tell the truth. I have heard him make remarks about the honourable member for Ku-ring-gai when he stands up.

Mr SCULLY: You ask the honourable member for Ku-ring-gai. If you are suggesting that I said that, you are a liar.

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Mr Hartcher: Tell the truth.

Mr SCULLY: You are a liar. The honourable member for Ku-ring-gai stood up -

Madam DEPUTY-SPEAKER: Order! I ask the honourable member for Smithfield to withdraw the phrase "you are a liar"; it has long been regarded as unparliamentary.

Mr SCULLY: I withdraw that factual statement.

Madam DEPUTY-SPEAKER: Order! The honourable member will withdraw the phrase unreservedly.

Mr SCULLY: I withdraw it unreservedly. The honourable member for Ku-ring-gai got up in question time on one occasion - and it is a well-known matter of fact that he is not of great height - and someone within the Chamber shouted out, "Stand up". There was great mirth. That person was not me.

Mr Hartcher: It was you, and everyone knows it.

Mr SCULLY: It was not me. I said to the honourable member for Ku-ring-gai, "The redneck from Monaro has made an accusation that I said _stand up' to you. Do you recall me ever saying that?" He said, "No, I don't". Go and ask him.

Mr Hartcher: That does not alter the fact that it was you who called it out.

Mr SCULLY: It was not me, and don't lie any more, you scoundrel.

Mr Hartcher: I ask the honourable member to withdraw those two remarks.

Madam DEPUTY-SPEAKER: Order! I ask the honourable member for Smithfield to withdraw his remarks.

Mr SCULLY: I will not respond to any more interjections. I will withdraw it. I think I have dealt with the redneck from Monaro. I cannot understand people suggesting that it is un-Christian to support this sort of legislation. That is a paradox. I have always thought that Christians speak of tolerance and understanding.

Mr Hartcher: That is why you are not one, I suppose.

Mr SCULLY: I do not profess to follow a faith; I do not hide that at all. I proudly say that I follow no faith. I was reared to follow a faith, and I know a lot about the beliefs and traditions of the Catholic Church. I was taught about tolerance, love and understanding. I am surprised to hear honourable members say that Christians should be able to virtually malign people because of a certain biological circumstance. I will not take much more time; I will allow the honourable member for Bligh to wind up the debate. I am surprised that the limitation on the prosecution - which is proof enough to honourable members opposite - is not directed at preventing fair comment, that individuals or organisations cannot pursue prosecutions against individuals and that it must be done by ministerial fiat. I would be happy if that went further, but it is obviously included for good reason.

The honourable member for Bligh is more concerned about changing mindset and culture and less concerned about witch hunts and vendettas against the likes of Reverend the Hon. F. J. Nile. I have seen the actions of a group called the Sisters of Perpetual Indulgence. In caucus some members said they have certain beliefs and that people in the homosexual community have offended those beliefs and have offended decency. I have suggested that they do what the honourable member for Bligh has done. I suggest to my colleagues in my own party, to members opposite and to

Reverend the Hon. F. J. Nile that the opportunity is there. I would be happy to support in my party room and I am confident that my own party would support an amendment to the Anti-Discrimination Act to make it unlawful to vilify people for their religious beliefs. We have to move away from a society that vilifies people.

Mr Tink: You would have to retire from it.

Mr SCULLY: You were at the mardi gras.

Mr Hartcher: He is the biggest vilifier in the State.

Mr SCULLY: It is outrageous to be accused of being a vilifier. I am not sure whether that impugns my good name as a member of Parliament. I will not go so far as to suggest that the remark should be withdrawn, but the Minister has hurt my feelings by suggesting that I am not statesmanlike. I have always thought that my contributions to debate are statesmanlike and not vilifying. Read the *Hansard*. I will obtain some photocopies of my more statesmanlike speeches and hand them around to Government members. I am delighted that this amendment has been brought before the Parliament. Proposed new section 49ZT provides that it will be unlawful for a person, by public act, to incite hatred, serious contempt or severe ridicule. It could be said that those words mean what they say. I dare say that if a prosecution occurs, the courts will have to give an interpretation of the words. I notice that the honourable member for Bligh -

Mr Packard: This hypocrite. He is one of the most foul-mouthed hypocrites in the place.

Mr SCULLY: Here we go, the used car salesman. You do not know what the word means.

Mr Packard: That is a 180-degree turn on what you just said.

Mr SCULLY: You get up here and speak on this. I do not mind having a go at your political beliefs.

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

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Mr SCULLY: These hypocrites think that someone vilifying a person's sexual reality, or vilifying a person's race, or not giving them a job because they are female, or patting them on the backside at work, is okay, but if I robustly attack in this Parliament -

Mr Packard: Vilify.

Mr SCULLY: All right, you can use that word. You are the last person who should suggest that I may have done something improper in bringing to the attention of the people of New South Wales the disgraceful practice you have engaged in. I am astounded that the honourable member for The Hills could suggest -

Mr Packard: You are a hypocrite.

Mr SCULLY: I am absolutely speechless. This man does not know when to stop. By saying that it is wrong to vilify a person because of his homosexuality he thinks that I cannot robustly say that he is almost a crook. He knows what he engaged in. That means he will go home and say, "Carl Scully vilified me. He is a hypocrite because he says you should not vilify a person because of their skin colour or because they are homosexual". He is the hypocrite. That is the most ridiculous thing I have ever heard.

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

Mr SCULLY: This man belies reality. I cannot understand what is in his head. He can seriously suggest that a member of this Parliament cannot criticise firmly, cannot malign the disgraceful things he has done, then suggest that it is

hypocrisy to say people should not be vilified for some other reason. The honourable member should look up the meaning of the word hypocrisy.

[*Interruption*]

Has the honourable member for The Hills spoken to this bill? Is he saying it is all right to vilify a person because of his homosexuality or ethnic background? I cannot believe this. I do not think for a moment that Mr Speaker would believe that robust criticism of a person's political beliefs is the same as vilifying a person because of his homosexuality. This is what the honourable member for The Hills has put to the House. I hope Hansard gets it on record that this listening device from The Hills has suggested that there is a connection. It is absolutely ridiculous. I am delighted to have participated in this debate. I dare say that some members of the Government will have the conscience to do the right thing. I do not think the honourable member for The Hills will do that; he is too concerned with his hypocrisy and his listening devices, but I hope there are some decent folk -

Mr Packard: Say it outside.

Mr SCULLY: I do not mind talking about you outside, because the sort of person you are is on the public record.

Mr Glachan: On a point of order. The honourable member is not debating the matter before the Parliament; he is going into all sorts of other areas. I would be delighted if you brought him back to the scope of the bill.

Mr Scully: On the point of order. It is an ancient tradition of the House, and I have heard you rule on many occasions, that notwithstanding that a member is speaking outside the ambit of the bill, he is entitled to respond to an interjection, silly as it may be. That is what I am seeking to do. If the honourable member continues to make inane interjections, I am entitled to dispatch them to the boundary.

Mr SPEAKER: Order! It is a rule of the House that a member may respond to interjections. On that basis I reject the point of order but warn the honourable member that he was bordering on being tediously repetitive, though at this stage of the debate that might be irrelevant. He should confine his remarks to the question before the House.

Mr SCULLY: This is the first occasion in the three years that I have been a member of this House that I have engaged in tedious repetition. I accept your ruling, Mr Speaker, that my remarks were tedious and repetitive. [*Time expired*.]

Dr REFSHAUGE (Marrickville - Deputy Leader of the Opposition) [12.50]: The Opposition strongly supports the Anti-Discrimination (Homosexual Vilification) Amendment Bill. This debate is not about whether people have a right to be homosexual or the merits of homosexuality. The debate is about discrimination. Government members have suggested that omnibus legislation will be introduced that deals with anti-discrimination, not solely homosexuality or sexual preference but a range of issues that are included already in the Anti-Discrimination Act, to bring it into line with anti-vilification legislation. The Opposition will support that omnibus legislation, as it is supportive of the present bill.

Obviously the introduction of special legislation dealing with vilification is a contentious issue. It involves freedom of speech, of which I am strongly supportive. People should be able to say what they want to say. In a mature society anything that is said is acceptable, unless it leads to violence or vilification. Our society would be much more mature if it accepted differences and accepted people's abilities for what they are and did not pick on people for a spurious reason. We should use our intelligence to avoid any form of violence or vilification. Freedom of speech is an important part of this debate. Why should laws be introduced that impinge in any way on the right of people to make speeches or say what they believe in a free and democratic society? Our society is not as mature as one would like it to be. Gay bashing occurs; gays are killed as a result of homophobia, a hatred of gays. That violence must be stopped. Because society is immature and people are incapable of handling differences, and possibly because of the fears of individuals, unfortunately legislation must be introduced that restricts freedom of speech in some respects.

I hope that the stage is reached where the proposed legislation becomes irrelevant and becomes a piece of legislation that has outlived its time. The problem is that society has not yet reached the stage where tolerance is exhibited. Gays and many others are not able to walk around without fear of the homophobic community. It is a disaster that this type of legislation has to be introduced. Similar legislation was introduced to deal with racial discrimination. Some people in the Australian community are still racist and almost Hitleresque. As responsible members of the Parliament it was necessary for us to pass racial vilification legislation. The words of the present bill have been changed only to the extent that it deals with another group in society that is still suffering from the immaturity of people and their inability to be responsible. Another aspect of the legislation deserves attention, and that is my concern that people can be put in gaol for attempting to incite vilification of homosexuals. I do not accept the concept that people should be gaoled because of what they say. That is an unfortunate sign of a society that is unable to cope with transgressions. Putting people in gaol is the wrong way to go.

The present bill is exactly the same as the legislation dealing with anti-vilification on racial grounds. It is important as a matter of symbolism that one part of the community is not considered to be less valuable than another. For that symbolism and for reasons of symmetry it is important to have similar legislation dealing with homosexual vilification. One hopes that it will be possible to get rid of all of these pieces of legislation and that they will become redundant as society matures. While society remains immature and these problems continue - not the problem of people feeling uncomfortable but rather problems caused by the fear of physical violence - it is important that a clear message is conveyed. The bill imposes a condition that must be met before someone is put in gaol for inciting homophobia or violence against the gay community. Any proposed action must be approved by the Attorney General. In my 10-year period as a member of this House not one of the Attorneys General of this State would have acted inappropriately. I hope that attitude will continue and future Attorneys General will behave in a way that brings respect to their high office.

People should not be put in gaol because of what they say. The Parliament has a conciliatory role, an educative role that will ensure that specific groups in society are protected. The legislation is not about putting people in gaol but rather about protection. I have highlighted the important aspects of the bill. Many people have strong opinions about homosexuality. Some of those opinions are absolutely wrong. However, the proposed legislation is not about the acceptance of homosexuality or whether people have a right to have a sexual preference that is different from that of honourable members who have spoken in this debate. The bill is not about homosexuality; it is about anti-discrimination, vilification and people dying. It is important that I put on record my support for the gay community, to ensure that my concerns about the form of the legislation do not convey the impression that I believe the gay community does not have rights or that I do not totally support members of that community. Society must have a mature understanding of homosexuality.

Again I bring to the attention of the Parliament the well-produced anti-gay video that is being distributed from the United States of America to all members of Parliament. In no way would that video be covered by the legislation. The video puts forward a point of view with which I disagree, which may feed the fears of many members of Parliament. However, in no way could that anti-gay video be regarded as vilifying homosexuals. I issue a warning to honourable members that there is a strong move, especially generated in the United States, against people being able to have a sexual preference, and particularly against those who choose to be gay.

The matter has arisen from a report of a recent study that challenged the Kinsey report. Whereas the Kinsey report suggests that of the order of 10 per cent of the population are homosexuals the more recent report suggests it is of the order of 1 per cent. I do not think any honourable member could assert that it makes any difference whether homosexuals make up 1 per cent, 10 per cent, 50 per cent or even 100 per cent of the population. There is no doubt about the issue of whether gays should be vilified or not. That video would not be banned by this legislation. Many points raised by honourable members in this debate would not trigger the legislation.

Mr SPEAKER: Order! It being 1 p.m., pursuant to sessional orders debate is interrupted.

REGULATION REVIEW COMMITTEE

Report: Tabling of Regulations

Debate resumed from 27th April.

Mr YEADON (Granville) [1.0]: I support the eighteenth report of the Regulation Review Committee. Honourable members will realise when they examine this report that the committee has considered a large number of regulations - well over 1,800 since the committee commenced operating. One matter that continues to concern the committee is that, with monotonous regularity, each meeting of the committee learns of a large number of regulations that have not been tabled in the Parliament even though many of them were published years ago. The committee has attached to this report a list of all regulations that are now subject to disallowance. This list demonstrates that some regulations dating back to 1988 have not yet been tabled. These include regulations under the Dairy Industry Act, the Education and Public Instruction Act, the Egg Industry Act, the Horticultural Stock and Nurseries Act, the Justices Act, the Payroll-Tax Act and the Treasury Corporation Act - and these are only those made in 1988. It does not take into account the great number that remain to be tabled for the years between that time and the present.

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The committee has recommended that the Government take a number of initiatives in order to remedy this constant problem. The first is that the Government urgently proceed to implement reforms to the tabling procedures to ensure that regulations are tabled automatically after they are published in the *Government Gazette*. The second initiative recommended by the committee is that the material that must be produced before a regulation is made under the Subordinate Legislation Act should be made available to both the Regulation Review Committee and the Parliament immediately upon publication of a regulation. Finally, and most important, the committee recommended that Ministers should now take note of the outstanding regulations in the list attached to the eighteenth report of the committee, and should take immediate steps to ensure their prompt tabling.

Report noted.

[*Mr Acting-Speaker (Mr Chappell) left the chair at 1.3 p.m. The House resumed at 2.15 p.m.*]

QUESTIONS WITHOUT NOTICE

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DIRECTORATE OF CONSERVATION DIRECTOR

Mr CARR: I direct my question without notice to the Minister for Conservation and Land Management. Did the former director of conservation, Mr Graeme Wickham, object to the Minister's demand to vet his assessment of Forestry Commission environmental impact statements? What are the problems the Minister has referred to in program areas within his ministry?

Mr WEST: There was no difficulty between the former director of conservation in program areas within my department in terms of reports that he and the department had completed.

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

Mr WEST: In regard to the reason for the delay, I sought the Premier's approval to terminate the contract of the director general of the department. It was clearly because of the differences we had about the direction in which the department was headed. When the department was formed it was made very clear by me and by the Government that this was to be a service oriented organisation and that the conservation programs were to be an essential part of natural resource management. Those differences were unable to be resolved and the result was the inevitable conclusion to the matter.

DOMESTIC VIOLENCE VICTIMS ASSISTANCE

Dr KERNOHAN: I direct my question without notice to the Minister for Police. Can the Minister inform the House of the progress made by the Police Service in assisting victims of domestic violence?

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

Mr GRIFFITHS: The honourable member for Camden shows continuing interest in an issue which affects her constituents and, indeed, those of every member of this House. Her question is particularly relevant as this week commenced with National Stop Domestic Violence Day. We can all be justifiably proud of what the Fahey Government has achieved by increasing community awareness of this previously hidden problem. Too often in the past these victims were left isolated in their communities, too threatened to complain to police, too ashamed to admit the existence of the problem within their own home, and too scared of social and economic stigma to attempt to escape from a vicious cycle of violence. For many years there were calls for the police to become more involved in protecting victims of domestic violence and their children. Perhaps those calls were not without some justification as police may have been reluctant to intervene in what was then seen as a private matter.

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

[*Interruption*]

Mr SPEAKER: Order! There is far too much interjection from both sides of the House and it is unacceptable. I warn the honourable member for Cabramatta, in case he did not hear, that he is now on two calls.

Mr GRIFFITHS: Well, let us put the parking ticket on the table.

Mr SPEAKER: Order! The type of behaviour we have just witnessed is totally unacceptable. The Minister for Police will answer the question he has been asked and not endeavour to provoke further interjection.

Mr GRIFFITHS: I do not believe this attitude was confined to the Police Service.

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

Mr GRIFFITHS: This reluctance to become involved was more a reflection of prevailing community attitudes than anything confined to the Police Service.

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

Mr GRIFFITHS: The lessons that have been learnt in the past decade tell us that domestic violence is not solely a matter for police.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber. Members who wish to converse should do so outside the Chamber in places which are far more suitable for that purpose.

Mr GRIFFITHS: It is interesting to note that the Leader of the Opposition and other members of the Opposition are not interested in such a sensitive issue, one of real concern to the community.

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

Mr GRIFFITHS: The Government has adopted an effective cross-portfolio approach involving police, justice, the Attorney General, health, housing, community services, and the Minister Assisting the Premier on the Status of Women.

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

Mr GRIFFITHS: Recently we have seen the establishment of the Domestic Violence Advisory Council, a major recommendation of this Government's domestic violence strategic plan.

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

Mr GRIFFITHS: The council draws together various community groups and government bodies to provide sound, broad based advice on strategies aimed at dealing with domestic violence. The establishment of the council was one of 315 recommendations from the strategic plan, most of which have been implemented. Other initiatives include a range of interpreter services giving non-English speaking women access to help for domestic violence. If there are any true measures of changed attitudes within the community and within the Police Service, one may be the comparison between the number of times police officers seek the protection of the courts for victims and the instances when victims do so on their own behalf.

I am pleased to report to the House that statistics collected since May 1992 show that applications by police for domestic violence orders are now more common than applications made by victims. During that 10-month period police applied for more than 6,000 orders, compared with about 5,250 applications made by victims. The importance of this point should not be lost. In the cycle of fear generated by domestic violence victims are often too emotionally battered to take the vital step towards legal protection. The fact that police are increasingly involved in this positive step can also reinforce the serious nature of the crime to the perpetrator.

The statistics also show a steady increase in the number of persons arrested for domestic violence offences. Though the trends indicated by these early figures are encouraging, it must be noted that they represent only a very small sample. They are by no means definitive and it can be noted that the number of incidents attended by police has remained steady, even if, in my view, still unacceptably high. The indications are that the performance of our police has improved in giving protection to victims of domestic violence. Recently I attended a parade of new police recruits at Goulburn. The parade was covered by an excellent feature article in the *Sunday Telegraph* in which several of the new police officers were quoted. A clear indication of the changing attitudes of our police can be found in the comments of one new officer, a 34-year-old probationary constable, who said:

> The most pressing issue in the Police Service is domestic violence, and general duties police are right out there at the coal face.
>
> I think the whole Police Service has done a turnaround: as a police officer you are also an arbitrator, a negotiator, councillor and care-giver.

The face which police present in 1993 has changed, and for the better. For that I commend not only the new recruits but all the officers of the New South Wales Police Service. They are meeting the challenge of providing effective protection to domestic violence victims and they are meeting it with strength and compassion. They do so in circumstances which can be physically dangerous, emotionally sensitive and, above all, involve the welfare of children. I look forward to keeping the House informed of further developments on this matter.

POLICE SERVICE REVENUE TARGETS

Mr ANDERSON: I direct my question without notice to the Minister for Police. Does the Minister's administration set revenue targets for traffic and highway police? Is the Minister aware of the existence of any documents which ostensibly set yearly revenue targets for special traffic operations?

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

Mr GRIFFITHS: Under my administration there are no targets set for revenue raising. A direction issued by the Premier and action taken by Treasury clearly indicate there will be no tie to revenue raising. Therefore, there are no targets set by this Government for raising revenue on particular offences.

PRISON SECURITY

Mr SCHULTZ: Has the Minister for Justice and Minister for Emergency Services received advice about recent Opposition claims concerning police security, in particular an attempted escape from the John Morony Correctional Centre?

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

Mr MERTON: I thank the honourable member for his question and welcome the opportunity to set the record straight -

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

Mr MERTON: - on prison security, following a recent campaign of lies by the Opposition.

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

Mr MERTON: I am aware of a foiled escape attempt in March at the John Morony Correctional Centre. I am advised that prison officers caught the two inmates who attempted to escape while those inmates were still within the grounds of the institution. I am sure all members of the community would congratulate the prison officers for preventing this escape. Not so the honourable member for Peats who, according to an article in the Penrith *Star*, called for an inquiry into this foiled escape attempt. I remind honourable members that the two inmates were caught by prison officers before they got to the prison walls, yet the honourable member for Peats billed this failed escape as the biggest break-out since Steve McQueen jumped a motor bike over the barbed wire. The honourable member described the successful action by the prison officers as highlighting the total failure of the prison security system and demanded that taxpayers fund an inquiry into the unsuccessful escape. I know this Opposition is inquiry crazy, but that is beyond a joke.

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

Mr MERTON: Such comments prove that two comics have come out of Woy Woy - Spike Milligan and the honourable member for Peats.

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

Mr MERTON: But this is no laughing matter.

Mr SPEAKER: Order! The Chair is pleased to note that honourable members are happy in their work. However, despite the obvious good will round the Chamber, I ask honourable members to conduct themselves with decorum, recognising their position in the community as members of Parliament. The Minister for Justice has the call.

Mr MERTON: Thank you for the excellent ruling, Mr Speaker. The honourable member for Peats is conducting a deliberate campaign to undermine public confidence in the justice system by spreading distortions, half-truths and outright lies. In doing so he recklessly sullies the reputations of hundreds of dedicated men and women who work each day in extremely difficult circumstances to protect the community. In recent weeks the honourable member for Peats has

claimed that an escapee from a juvenile centre was a murderer. He was not. Wrong, Tony. Now he has claimed that Junee Correctional Centre faces a funding shortfall, even though it operates under a fixed price contract. Wrong again. He has claimed that dangerous prisoners were on work release, when they were not. Wrong, wrong, wrong! With the same disregard for the facts he casts a slur on the prison officers who prevented the escape from John Morony Correctional Centre. These officers deserve to be congratulated, not denigrated, and I want to put on the record my personal commendation for their effort. It is action such as theirs which has brought down the escape rate from the scandals of the Wran and Unsworth governments when, in just 12 years -

Mr Doyle: Wrong.

Mr MERTON: It is not wrong. In just 12 years there were 1,877 escapes. Is the Labor alternative government proud of that? Where is the noise now? There is absolutely none.

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

Mr MERTON: Yesterday the honourable member for Peats cast a slur on prison officers at Silverwater who prevented mobile telephones being brought into the prison. When the honourable member for Peats asked the question the Leader of the Opposition said, "Good one, Tony". It is a good one, because the honourable member for Peats fed the Leader of the Opposition a pup, just as he fed the media a pup. He was silly enough to sacrifice his own integrity for cheap political gain, point-scoring. He is a lemon, too. As for the Leader of the Opposition, I suggest he should take driving lessons because that white car will not come to his place for much longer.

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

Mr MERTON: The allegations were a deliberate attempt to mislead the public over the operations of New South Wales prisons, and another slap in the face for the State's hard-working prison officers. As usual, the honourable member for Peats got it wrong. For the record, I am advised that the inmates did not have -

Mr SPEAKER: Order! I call the honourable member for Bulli to order. I ask honourable members to co-operate and maintain silence. I ask the Minister for Justice and Minister for Emergency Services, who has been on his feet for quite some time, to complete his answer as quickly as possible.

Mr MERTON: Prisoners did not have a mobile telephone within the correctional centre but this did not stop -

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

Mr MERTON: The Opposition is absolutely devoid of policies. All that its members want to do is interject. The fact that there were no mobile telephones within the correctional centre did not stop the honourable member for Peats from spreading lies about how the mobile telephones may have been used - and I quote from his press release, which is horrific - "to organise escapes, holdups, even drug deals". Without one iota of evidence! But the Opposition does not need evidence in its process of

denigrating and maligning people. I challenge the honourable member for Peats and the Leader of the Opposition to support these serious allegations - to put up or shut up. But I doubt if we will ever hear anything from the honourable member for Peats because he knows he is spreading lies. The facts are that two work release inmates were caught attempting to smuggle mobile telephones into Silverwater Correctional Centre on 14th March. They were confiscated and the two inmates were immediately removed from the work release program. This is a straightforward case of two inmates attempting to smuggle contraband into a correctional centre and being caught.

Mr SPEAKER: Order! I call the Deputy Premier to order.

Mr MERTON: Yet the honourable member for Peats has attempted to turn it into some sort of global conspiracy in the trade of hot aircraft parts. The Commissioner for Corrective Services advises me that he has no evidence to sustain

this allegation by the honourable member for Peats. If the honourable member for Peats or the Leader of the Opposition have any information about stolen aircraft parts, I urge them to go to the police. Yesterday's shameless effort was the latest in a series of attempts by the honourable member for Peats to deliberately mislead the people of New South Wales about prison security standards. My message to the people of New South Wales and the hard-working correctional staff throughout the State is: ignore the honourable member for Peats and treat him with the contempt he deserves.

It is an open secret that he would never be let anywhere near the frontbench in the unlikely event of Labor winning government. It is time the Leader of the Opposition publicly acknowledged that fact and sacked the irresponsible shadow minister before he does irreparable damage. The honourable member for Peats is unfit to be on the frontbench. His reckless indifference to the truth brings dishonour on the Opposition and he should be sacked immediately. That is what the Leader of the Opposition would do if he had the guts, but we all know the Leader of the Opposition does not do much at all these days. He is a paralysed leader, frozen in the spotlight like a startled kangaroo, with the honourable member for Liverpool looking down the sights.

FORMER STATE RAIL AUTHORITY EMPLOYEE Mr V. NEARY

Mr LANGTON: I direct my question without notice to the Minister for Transport. Did a member of his staff approach the National Director of Whistleblowers Australia in Canberra on 9th April claiming he had been misled by the State Rail Authority over the sacking of a senior State Rail Authority engineer, Mr Vince Neary? Will he now admit that Mr Neary's allegations about corrupt practices within the SRA are legitimate, and immediately reinstate Mr Neary?

Mr BAIRD: It is particularly interesting that the honourable member for Kogarah has once more fallen for the hat trick.

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

Mr BAIRD: Mr Neary has a track record and his case has been discussed with a number of people in the House who have been concerned with it, particularly the honourable member for South Coast, who has approached me on a number of occasions about it. But the reality is that Mr Neary, who worked in the signalling area of State Rail, had his opportunity to outline his case about signalling. He did so, and I think any Minister faced with allegations of concern about signalling would take the action I did. An independent consultant came out and looked at it not once but twice, when the allegations were brought into the House again by the honourable member for Kogarah.

Honourable members might remember that I said the Government should obtain the services of the most senior person in signalling in the world to investigate the claims made by Mr Neary. The vice-president of the European Signalmens Association conducted a complete investigation into all the allegations made by Mr Neary. At the end of the day two things were established. First, the report of that inquiry stated, "While these allegations were true five years ago" - that is, when the previous Labor Government was in power.

[*Interruption*]

That is what the independent consultant said in his report.

[*Interruption*]

That is what Whistleblowers of Australia is about. The report continued, "Those allegations are no longer true because of the amount of money that has been spent on the signalling system". It is important to recognise that Mr Neary refused to participate in the investigation. The honourable member for Kogarah has been running round supporting Mr Neary.

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

Mr BAIRD: Mr Neary made these allegations. I would have thought that, if he had a genuine concern, he would

have participated in the investigation.

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

Mr BAIRD: But in every case he refused to participate in the investigation.

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

Mr BAIRD: The Government was satisfied with the two independent reports it received concerning the general safety of our signalling system. Mr Neary believes that, in some sense, he is a martyr. He is now vice-president of the Whistleblowers Association. Mr Neary refused to go

to work and, despite repeated requests by the State Rail Authority, he refused to have a medical examination.

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

Mr BAIRD: He refused to have a medical examination until further action was taken. If honourable members opposite wish to support Mr Neary, they should go right ahead.

Mr Anderson: Tell us about your staffer?

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

Mr BAIRD: I have confidence in my staff at all times. The opportunity is still available to Mr Neary to substantiate his claims. He has had an opportunity to put matters right. The honourable member for Kogarah came into this Chamber and made a number of allegations which were proved untrue.

Mr Langton: No they were not, and you know it.

Mr BAIRD: What I am saying is correct.

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

Mr BAIRD: The Government could do nothing other than employ the services of independent people. The allegations made by the honourable member for Kogarah were proved to be untrue.

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

Mr BAIRD: Mr Neary simply refused to participate in the investigation.

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

Mr BAIRD: If honourable members opposite want to run with Mr Neary they may do so. I have confidence in the management of the SRA and I have confidence in the ability of my staff. I also accept the independent advice received concerning Mr Neary.

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

NATIONAL HEALTH SUMMIT

Mr FRASER: My question without notice is directed to the Minister for Health. Will he be attending the National Health Summit this week? If so, how will this summit assist the New South Wales health system?

Mr PHILLIPS: I thank the honourable member for Coffs Harbour for his question and for his constant representations to me on behalf of people in his electorate in regard to the health care needs of people on the North Coast.

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

Mr PHILLIPS: The honourable member for Coffs Harbour is aware of the broad health care issues that confront Australia. In October 1992, during negotiations with the Federal Government on Medicare hospital funding, I indicated the need for a national health summit to address fundamental problems in our health system. These problems were hindering the development of a more efficient health system. Australia has no coherent health policy - a policy which we can work towards to improve the health of all Australians. Australia does not have a real forum in which to have a sensible and open debate with State and Federal governments to address those issues.

The National Health Summit, which will commence in Sydney tomorrow, will go a long way towards addressing those issues. On 3rd April - about three weeks ago - I announced an agenda of reform to improve the health outcomes of the people of New South Wales. We will address structural problems and get our house in order so that we can negotiate with and speak to State and Federal governments in an attempt to improve the health of the people in our nation. The National Health Summit is an important part of that process of reform. I am sure that all health Ministers, both past and present, have clearly identified a significant number of management problems, which have been caused by structural problems and policy problems and which have prevented us from improving the health system. The National Health Summit will also address those problems.

These health problems are not peculiar to New South Wales. All State governments have problems managing their health systems. Health systems are manipulated to take advantage of funding arrangements. This health debate is about buildings and beds rather than health outcomes and improving the health of the community. Every State government has to fund its own health system and consider the needs of an ageing community. The health debate also concerns demographic changes in our society, equal access for ethnic communities, health needs of people with cancer and asthma and health needs of the Aboriginal community. These are problems that all State governments have in common. The Federal Government also has problems with those parts of the health system that it manages, which it tries to fund and deliver.

Those problems cannot be addressed in isolation by any State or by the Commonwealth Government. There are restrictions in the Constitution, constitutional responsibilities for the States, and moral responsibilities of the Commonwealth. Only by the States and the Commonwealth working together to lay the problems on the table and making decisions to change the structure for reform in health will do that. This national health summit is about getting co-operation, and creating the forum in which the States can address it.

Many honourable members have said that delegates to the forum will retreat into their political ideological bunkers and start throwing bombs at each other, and that all the States will want to argue for a

bigger share of the cake. They will want to blame the Commonwealth for everything and the Commonwealth will blame everybody for everything else. Australia has a real window of opportunity for reform in health. Except for South Australia, no government in Australia will face the polls for at least two years. The Commonwealth Government and all other States are free from an election. Therefore, it is an opportunity to put the normal thrust of politics aside and to address reform and make structural changes.

A positive message has come to all the States from the Commonwealth Government with the appointment of Graham Richardson as Minister for Health. He comes into the health portfolio without ideological blinkers on the best way of delivering health care services. He is a doer. He has the power within the Cabinet and within the Federal Government to actually deliver. Graham Richardson will attend the national health summit. All States will attend the summit. I believe there is a feeling of good will to address the changes. Health in Australia is not in crisis, there is absolutely no question about that. No one doubts that there are problems in the system and structural problems need to be addressed. Overseas countries such as England and New Zealand, because they have not addressed their problems early enough, are faced with major structural changes, revolutionary changes in their systems. Because of its funding

difficulties, Victoria is faced with major structural changes and radical change to its health care system which is destabilising and upsetting to the community.

Australia has an opportunity for incremental change, to make decisions that will ensure that New South Wales and Australia are not faced with radical structural changes in our health system over the remainder of the decade. The opportunity is there now and it should not be allowed to pass by. I believe the national health summit is the way to do this. This is the climate for reform. For example, the question of a republic is clearly on the table and the community is prepared to address and debate it and to decide whether it wants to go down the republic path and how it should be done. The question of industrial relations reform is also on the table to be discussed. This national health summit has put health reform on the agenda for the governments of Australia. I am looking forward to a very successful health summit and a plan to pave the way to ensure that our goal in health is to improve the health of the community.

NEPEAN HOSPITAL TRAUMA CENTRE

Dr REFSHAUGE: My question without notice is directed to the Minister for Health. Can the Minister confirm that Nepean Hospital casualty, one of the State's new trauma centres, has closed 23 times in the past three months? Why are trauma patients regularly turned away from the trauma centre at Nepean Hospital?

Mr PHILLIPS: Opposition members obviously have short memories about the type of health system the Government inherited in 1988 on coming to power.

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

Mr PHILLIPS: When the coalition came to power in 1988 Minister Collins, with Premier Greiner, embarked on one of the most revolutionary reconstruction changes in the health system. They really embarked on coming to grips with the capital requirements of resources for people in the west. This Government is spending $200 million on a new hospital at Liverpool, upgrading it to a major teaching hospital. The Government is spending $100 million on expansion and upgrading of Nepean Hospital.

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

Mr PHILLIPS: The Government is spending $300 million on building a state-of-the-art international standard children's hospital at Westmead, where the Camperdown Children's Hospital will be located. The Government is addressing the question of capital development for the growing population on the North Coast. Over the next two or three years the Government will need to find about $175 million to open up those new facilities in western Sydney, to give people an opportunity for equal access to health care services - health care services that the Opposition did not deliver in the 12 years it was in power; health care services that this Government is delivering because the Opposition failed to do so. Health is at the top of the priority list. Issues such as where to get the money in future years, the increasing demands on health care services and burgeoning costs will need to be addressed at the national health summit, and the Government will continue to do so. The Government is doing the job for the people of western Sydney, which is more than I can say for the Opposition.

EVELEIGH INNER URBAN RENEWAL PROGRAM

Mr SMITH: I address my question without notice to the Minister for State Development. When will work resume on the first stage of the inner urban renewal program at Eveleigh? Will the site provide new industries and job opportunities for the State's economy as well as provide new housing?

Mr COLLINS: I thank the honourable member for Bega for his interest in the advanced technology park which is to be established at Eveleigh and the impact it will have on the State's economy and employment prospects. I am pleased to be able to announce that tomorrow work will start on clearing the site for the first stage of the inner Sydney urban renewal program at Eveleigh South. Public Works Department contractors are moving in to clear the disused site of

rubble and derelict structures to improve its safety, appearance and potential for development while ensuring that important heritage items are appropriately managed. The clearing work is the beginning of a new era for the revitalisation of the inner Sydney area. The work is being funded over four years, as part of an $11 million allocation from the Federal building better cities program.

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Late last year the Minister for Planning in another place signed an agreement on behalf of the Government that attracted partial Commonwealth funding of infrastructure and other works to assist in the redevelopment of the Eveleigh precinct. This agreement requires that the precinct be redeveloped to improve the urban amenity of the locality; to promote opportunities for the retention and creation of jobs; and, generally, to improve the environment. A major part of the funding has been allocated specifically to support the redevelopment of a site of about 14 hectares near Redfern railway station which the State Government intends to make available for the development of an advanced technology park. The advanced technology park is to be developed by the University of Sydney, the University of New South Wales and the University of Technology, Sydney, together with industry. Its purpose will be to provide new opportunities for commercialisation of research and the development of new export opportunities. It is estimated that over the next seven to 10 years development of the advanced technology park will attract investment to the value of $300 million, as well as provide for a potential work force of 5,000 people.

The Eveleigh precinct forms part of the Department of Planning's city west urban strategy. In addition to making provision for the site for the advanced technology park, the Eveleigh area strategy provides a four-year program to initiate long-term development of the precinct and focuses on, first, redeveloping government land as it becomes available for a range of uses, including housing; second, conserving items of heritage significance from the New South Wales railway system; and, third, providing new community open spaces, physical and social facilities, pedestrian paths and cycleways for the benefit of the community. In announcing site clearing works I give an assurance about the future operation of Paddy's Markets at Eveleigh. I assure honourable members, on behalf of the Department of State Development and the Minister for Agriculture that the Eveleigh site works will not prevent the continued operation of the markets prior to their return to Haymarket later in the year. Having visited advanced technology parks in Germany and Korea last year, I can say that the establishment of our own advanced technology park at Eveleigh will not happen a moment too soon. It will secure this State's position in a worldwide grid of research and development incubators from which tomorrow's ideas and products will come.

COMPUTERISED RAILSIGNALLING SYSTEM

Mr PRICE: My question without notice is addressed to the Minister for Transport. Has the company Ferranti Computer Systems (Australia) Pty Limited been released from a $26 million contract to provide the State Rail Authority with a modern computerised signalling system for Sydney? Did the State Rail Authority pay the company more than $21 million prior to its being released from the contract? Why is there no new signalling system to show for that $21 million?

Mr BAIRD: I thought that the honourable member was going to ask a question about Warabrook, in which he has been showing a two-sided interest, one to the media at Newcastle -

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

Mr BAIRD: - and the other in his discussions with people in my office. In regard to signalling, it is clear -

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

Mr BAIRD: - that the Government has a good record in regard to signalling, on which it has spent about $450 million, as the honourable member for Kogarah will know.

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

Mr BAIRD: I am sure I can provide the honourable member with precise details of the contract. The reality is that, on any basis, the record of the Government and its expenditure on signalling can be compared favourably with the amount spent by the former Labor Government. In one year the former Government spent about $5 million. This Government's track record has been outstanding. As for the individual details that the honourable member for Waratah has been scurrying around to obtain, I am happy to provide them to him. I hope that we will hear one voice from the honourable member for Waratah about Warabrook station, rather than two as has happened so far.

Later,

Mr BAIRD: Earlier today in question time the honourable member for Waratah asked a question in relation to Ferranti Computer Systems. The first part of his question was:

> Has the company Ferranti Computer Systems (Australia) Pty Limited been released from a $26 million contract to provide the State Rail Authority with a modern computerised signalling system for Sydney?

This is obviously a hospital pass from the honourable member for Kogarah. The answer is, absolutely no. To illustrate this point in terms of a question earlier from the honourable member for Kogarah, this would seem to have come from Mr Neary himself, who is submitting freedom of information applications, seeking information about this whole question. I suspect the honourable member for Kogarah has got it wrong again. The answer to the first question is no, Ferranti Computer Systems has not been released from a $26 million signalling contract with State Rail. The second part of the question was:

> Did the State Rail Authority pay the company more than $21 million prior to its being released from the contract?

Null and void; it is not applicable. It is easy to recognise these hospital passes. The honourable member for Kogarah flicks it over to one of the backbenchers and if it does not quite work out, he can

pretend it was not his. The third part of the question was:

> Why is there no new signalling system to show for that $21 million?

Again, this shows the lack of understanding of the honourable member for Kogarah, or whoever put it together. It is about a software system, and the hardware is mainly train describers. There are 46 equipment cubicles comprising computer processors and associated equipment for installation at 23 locations throughout Sydenham, Strathfield and the Sydney signal box area. The answer to the question is quite clear. The honourable member for Kogarah will often do these hospital passes to his mates and it can be suspected, by the fact that it is No. 6, that he was not sure of it himself -

Mr Langton: It was five.

Mr BAIRD: Before you start running around and dumping these questions and exciting people, try and get it right. The honourable member for Kogarah got it wrong. The company has not been released from its contract at all, and the work is in progress. It is about a lot of equipment, both hardware and software, which is being delivered. The rest of the question is nonsense and highlights the fact that Mr Neary once more has given the honourable member a dump. A check has been undertaken of the allegations of Mr Neary and, if the honourable member for Kogarah continues along this path, he will continue to be embarrassed. Today we have had a repetition of what has happened before. The question clearly came from the honourable member for Kogarah, and he got it wrong once again.

SENIORS CARD

Mr PHOTIOS: Can the Minister for Community Services and Assistant Minister for Health provide the House with information on the progress of the Seniors Card scheme since it was introduced in New South Wales last year?

Mr LONGLEY: The honourable member for Ermington shows a consistent interest in this topic. The New South

Wales Government is leading the nation in achievements and initiatives for the senior citizens of our community. Some of the achievements to date are: the abolition of compulsory retirement; the introduction of the mature workers program and the establishment of the mature workers task force; the release of the white paper on age discrimination; the age-adds-value campaign; and the work of the elderly abuse task force. The list goes on and demonstrates this Government's commitment to senior citizens. One of the more important and successful initiatives, which is directly resulting in a better quality of life for senior citizens, is the Seniors Card scheme. The success of the Seniors Card has been extremely impressive in a short time. During Senior Citizens Week in March, less than one year after the introduction of the card, I had the pleasure of presenting the 500,000th card. That means that half a million people in New South Wales are now enjoying the benefits of the card. This is the largest scheme of its kind in Australia.

The Seniors Card was introduced on 1st July, 1992, to encourage the private sector to offer discounts on goods and services to older people. By including in the Seniors Card the Government's more than 60 transport concessions, there is an opportunity for older people to get out and about to maximise their involvement in all aspects of community life. So far more than 1,000 businesses are participating in the scheme. This represents between 5,000 to 6,000 outlets across the State and covers 50 categories of consumption as wide-ranging as eating out and hearing aids, to security and chemists. This is the largest number of providers on any Seniors Card in Australia.

The 1993 State directory will be launched in July. I am told that it will include even more providers than in 1992. It is clear from this high level of interest that businesses are recognising the importance of the seniors' market. The use of local directories of participating businesses, in addition to the statewide directory, which all cardholders receive, will ensure that older people and small business throughout the State will have the best possible access to the scheme. Regular newsletters are now sent to providers by the Office on Ageing to update them on the progress of the scheme and to evaluate business satisfaction with the Seniors Card.

I was proud to announce during Senior Citizens Week that the New South Wales directory is this year taking major steps towards extending the scheme on a national basis. We have approached the major national providers in the scheme asking that they extend their seniors' concessions to travellers who hold a Seniors Card from New South Wales. In turn interstate seniors visiting New South Wales could similarly take advantage of their discount offers while travelling. I am pleased to inform the House that the response to this proposal has been overwhelmingly positive and signals an exciting development for the New South Wales Seniors Card. It is an important first step towards achieving mutual recognition of the Seniors Card schemes operating in other States. The New South Wales Government will be considering how to implement this broader scheme in the 1993 directory.

The Seniors Card in New South Wales has clearly been a winner for all. For seniors there is the opportunity to purchase goods and services at discounted prices and, for private sector providers, the Government has mobilised opportunities for them to access the large and growing seniors' market. The feedback from the providers is that the card is generating significant business opportunities for companies such as Jax Tyres Pty Limited, Cigna Insurance Australia Limited and Hoyts Cinemas. Their involvement with the Seniors Card has been an outstanding success. The New South Wales Seniors Card, in conjunction with the Government's many other achievements and initiatives for seniors, is delivering the goods for that most valued group in our community - our senior citizens.

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

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**.

Pyrmont Heliport

Petition praying that the Government not proceed with the proposed central business district heliport at Wharf 8, Pyrmont, received from **Ms Nori**.

Company Liquidations

Petition praying that the Government make legislative and administrative changes to ensure that workers receive their wages and entitlements in company liquidations, received from **Mr Gibson**.

Industrial Regulation of Public Vehicles and Carriers

Petition praying that the Government preserve the industrial regulation of public vehicles and carriers and strengthen the minimum protection available under the Industrial Relations Act 1991, received from **Ms Allan**.

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**.

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**.

Sydney Casino Slot Machines

Petition praying that the House not allow the proposed Sydney casino to operate slot machines, received from **Mr Face**.

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**.

War Toys

Petition praying that the Government legislate to ban the sale of war toys in the State of New South Wales, received from **Ms Allan**.

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**.

BUSINESS OF THE HOUSE

Printing of Reports

Motion by Mr West agreed to:

That the following reports be printed:

Banana Industry Committee, for the year ended 30th June, 1992.
Hunter Catchment Management Trust, for 1992.
Administration of the Survey Co-ordination Act 1949, for the year ended 30th June, 1992.
Local Government Boundaries Commission - Dubbo/Narromine Public Inquiry, dated 16th December, 1992.
National Companies and Securities Commission, for the period 1st July, 1991 to 31st July, 1992.

COMMITTEE UPON THE GOVERNMENT PUBLICITY CONTROL BILL

Report

Mr TINK (Eastwood) [3.6]: I bring up and lay upon the table of the House the report of the Legislation Committee upon the Government Publicity Control Bill 1992.

Ordered to be printed.

BANKS AND BANK HOLIDAYS (AMENDMENT) BILL

Message

Mr Speaker reported the receipt of a message from the Legislative Council acquainting the Legislative Assembly that it had this day discharged the order of the day for the second reading of the Banks and Bank Holidays (Amendment) Bill.

ANTI-DISCRIMINATION (AMENDMENT) BILL

Message

Mr Speaker reported the receipt of a message from the Legislative Council acquainting the Legislative Assembly that it had this day discharged the order of the day for the second reading of the Anti-Discrimination (Amendment) Bill.

HOMEFUND COMMISSIONER BILL

Second Reading

Debate resumed from 28th April.

Mrs GRUSOVIN (Heffron) [3.7]: I indicate on behalf of the Opposition that after long negotiation we have before the House a piece of legislation which in fact will finally address the problems of HomeFund

borrowers. It has been a long battle. I want to place on the record in this Parliament that my prime concern always was justice for HomeFund borrowers. I am happy to let perusal of my record on that matter stand. There have been people at the heart of this problem; families at the heart of this problem. In the past 18 months or more that I have been heavily involved in this matter, with the help of Peter O'Keeffe, Suzanne Kennedy and previously my researcher, Christine Atkins, my office has dealt with more than 5,000 calls from all over New South Wales and some calls from families outside New South Wales who had lost homes and moved away. It has involved interviews and cups of coffee for hundreds of borrowers, many of them grown men and women in serious emotional trauma, some in tears. It has not been an easy experience. Today, after enormous pressure, the Government is responding, finally accepting that the HomeFund

program was indeed the problem that the Opposition attempted to point out to the Government back in 1991.

My sadness is that if the Government had listened, and if the then Minister had listened and had been prepared to evaluate the questions being asked, we could have saved a great deal of pain and suffering and extended trauma for many families. In the second reading speech in the other place I noted that there was much talk about the national recession and the adverse effect it had on the HomeFund program. My major concern in all of this and the question of justice for borrowers was that loans that were flawed and faulty were still being promoted by the Government at a time when the necessary factors for any success in fulfilling the commitments in the contract were no longer present.

The economic circumstances in Australia did change. At the time that change became evident there was no response from the then Minister or the Government to accept that because of those changing economic circumstances families would be placed in jeopardy if they undertook HomeFund contracts which in fact they would have no chance of fulfilling. The three ingredients so necessary for any chance of success in the HomeFund program were that real wages had to continue increasing - and I emphasise real wages - by 6 per cent a year for the life of the loan; that inflation would have to continue between 7 per cent and 14 per cent at a time when the Federal Government was committed to the reduction of inflation in this country; and that there had to be a continuing escalation in the value of the property, the home, by approximately 9 per cent to 10 per cent every year for the life of the loan.

It has been said that HomeFund was a religious scheme and that only belief in God would make it work. Certainly even God could not make such a scheme work in the recessionary period Australia was experiencing at that time. The ludicrous situation persisted. Families were still being targeted by an advertising campaign that carried through this period to which the questions relate. Those families were being told, "You can do it. Home loans from the New South Wales Government". That campaign heightened my sense of outrage. As a former Minister for Consumer Affairs I know the kerfuffle that proceeds if a faulty product goes on to the market, for example an electric kettle. There are product recalls, lots of press releases and press conferences. All sorts of things happen to make the public aware that there is a problem; the manufacturer or the wholesaler-retailer is required to withdraw the products; consumers are encouraged to return the products for a refund, in most cases, or a replacement.

What concerned me throughout this period was that we had something so infinitely important to families - the great Australian dream - and the fact that families who thought they never would be able to own their own homes were being encouraged to believe they could when it was an impossible dream and the cards were stacked against them. My sense of outrage increased further because the loans were under the auspices of the Government - "Home loans from the New South Wales Government". In 1991 I called on the then Minister for Consumer Affairs, Peter Collins, to direct the Department of Consumer Affairs to look at the HomeFund program because I was concerned about possible breaches of the New South Wales Fair Trading Act and the Commonwealth Trade Practices Act.

The battle has been long. I do not intend to take up the time of the House because there has been far too much talk about HomeFund and the problems it brought to the community. We certainly have not had enough action to assist borrowers. The battle has been worth while; we have won relief and a measure of justice for HomeFund borrowers. Though perhaps one does not always achieve all that is hoped for in such a process, it is important that in this matter we have had the compassion of those Independent members who are frequently castigated for the powerful role they are able to play in determining matters of government. Those members have played an important role in determining a matter of justice. I wish to place on the record my thanks to the honourable member for Bligh, Clover Moore, the honourable member for Manly, Peter Macdonald, and the honourable member for South Coast, John Hatton, for their understanding and compassion for the people who did not, in many cases, have the ability to speak for themselves.

After all, as members of Parliament we have a responsibility to speak for the people in the community who are less able to take up the cudgels in matters relating to justice or injustice. After having families come through my office and having spoken to them on the telephone over a long, long period, I am pleased to know that at last there will be somewhere to send those families in the knowledge that they are going to be listened to, that they will be given information, that they will be helped and supported in obtaining mediation relief or, in cases where there has been a loss of legal contractual rights or they have been not granted, those matters will be looked at and determined by the HomeFund Commissioner. The Minister has strongly emphasised that the Government

believes the HomeFund Commissioner will be an appointment of a highly respected person of outstanding integrity who will play an enormously important role in determining that the people receive justice.

There is no doubt that consumers have suffered ripoffs that have severely disadvantaged them, in many cases in monetary terms, in having lost a home, and unfortunately in many cases having lost a family, a partner or children who could not cope with the pressures to which those families were subjected. We have certainly come a long way from the early days in 1991 when we first began to realise the number of people who were confused, suffering and felt they had been let down. Before I refer to some of the matters resolved in the legislation between the Government, the Independents and the Opposition, I wish to pay tribute to Suzanne Kennedy and Peter O'Keeffe, who were the subject of a very cowardly attack by the Premier. I want to place on record my appreciation for the resources they provided to borrowers. Unfortunately they cannot be here in the House to observe the passage of this legislation because they are in Canberra as guests of the Federal Bureau of Consumer Affairs. They were invited to travel to Canberra to attend a luncheon at which they received the Syd Einfeld Active Consumer Award.

[*Interruption*]

Well, I was interested to receive a fax from the Attorney-General's Department in Canberra notifying them of their travel arrangements today in order that they could reach the function in time to receive well-earned awards. When matters of credibility are at stake, when people's names are mentioned and those people do not have the opportunity to speak out for themselves, it is important that those of us who can speak out should express confidence in their credibility and pay tribute to them for a superhuman effort in providing their time and commitment to sorting out so many problems. People within the Department of Housing and some in the Department of Consumer Affairs would know well the amount of work and preparation that went into helping borrowers to make an approach either for relief or justice - justice which, until today, in many cases has not been available.

I should have preferred this legislation to contain an uncapped amount for compensation to borrowers. The Minister said that we should have total confidence in the abilities of the HomeFund Commissioner, the appointment of whom is yet to be announced, although it will be an eminent person. For that reason I believed that, when talking about matters of justice, one could be very confident of leaving to the HomeFund Commissioner the task of ensuring that what was justly due to borrowers was given to them. Some days ago the Government announced that the amount would be capped at $20,000. I thought that was a very low amount in view of the fact that HomeFund borrowers have so far sold 450 homes - and there are many more in the pipeline - and that they were sold at a loss of $8 million. If one does the arithmetic, it works out to an average loss of $18,000 a home, leaving a fine margin between what was realised for the home and what was owing on it. In many cases the difference was considerable.

For some time borrowers have been living with the fear that, where there was a shortfall, they would be pursued. Certainly the FANMAC guidelines indicated a responsibility on a co-operative to pursue a borrower when there was a shortfall in the sale of a property. Co-operatives had to pursue those borrowers for a period of up to three years, to the extent of garnisheeing their wages. That is difficult to live with, although in many cases the borrowers took the attitude that, as they had nothing, they could give nothing. In many cases the borrowers left their homes and sought rental relief and subsidies for rental bonds and in many cases joined the end of the public housing waiting list. For some it was a real tragedy because they were not far down the public housing waiting list, after years of waiting, but had been encouraged to take up the option of home ownership. I am pleased the Minister has indicated that former public housing tenants or those who had been on the waiting list will be reinstated to their position on the list or, if they had public housing, will be rehoused in public housing. The Opposition welcomes that move.

Most important of all, although the Government has retained a cap on the amount of compensation - and that has now been lifted to $30,000 - the Government has now conceded that the commissioner will have power to make a recommendation to the Minister for Consumer Affairs when the commissioner believes that amounts in excess of that $30,000 should be awarded to borrowers. I take that to be recognition by the Government that it is about time these borrowers received not just a small measure of justice, but justice. I am pleased also to note that where a borrower obtains an award against a co-operative, the borrower will not be left out on a limb. In that case it will not be for the borrower to pursue that matter through the legal system, with all the additional costs that that involves. There will be provision for the borrower to be paid the sum ordered and the Commissioner for Consumer Affairs will pursue the debt. I

believe that to be a far better way to go about that. It would have been tragic if, at the end of this long road, borrowers found themselves facing another hurdle at a time when they thought the Government was responding to their plight.

Where orders are obtained by borrowers against other parties - whether that is the legal fraternity, real estate agents or developers - the commissioner will pursue payment of that amount on behalf of the borrower. That is another strength of the legislation, and I am delighted about it. I am pleased also that the Government was willing to delete section 38(3) of the Act. That is important because it would have left a situation where the commissioner may not have taken action unless he was of the opinion that special circumstances existed. The Opposition believes that those who have lost their homes or are in difficulties have a right to have their matters resolved. I am pleased with the improvement of measures available to borrowers.

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I understand the Minister's reasoning for including a cut-off date for applications to the HomeFund Commissioner. I understand that date will be three months from the date to be nominated by the commissioner upon that appointment being made public. I would have wished for a further extension of time, not to prolong matters and not because I doubt that borrowers are anxious to have their applications dealt with as soon as possible, but because I know that a number of families involved will need help, even to prepare a simple letter. However, I am heartened by the Minister's commitment that the commissioner will have discretion to deal with matters if they come to light after that three-month period. Again, I think, it is a strengthening of what the Government was originally proposing. There has been a lot of talk for too long, and I do not believe that I should delay this matter any further.

I have every hope that these relief measures will finally provide access to the justice system for borrowers. I believe that the relief measures will work. However, I intend to continue monitoring the situation. I will be grateful if borrowers do not, as they have in the past, return to my office seeking further help. These borrowers have been through more revolving doors than one could count. It is a great tribute to their resilience and their determination that they have been prepared to keep going in an attempt to have someone listen to them. I believe there is now a will to address the problems of HomeFund. There will be somewhere to go, and the Minister has assured me that sufficient resources will be made available to ensure that these borrowers are dealt with in a speedy way. Mediation will provide a cheap and effective form of resolving many of these problems. The Opposition has always sought to achieve that.

On behalf of the Opposition, I am pleased to support this legislation. I foreshadowed there will be one amendment on the basis that if caps are placed on the amount available to borrowers, perhaps administrators of the scheme should have their remuneration capped. I think more will be said on that matter. At times I did not think that the Opposition would ever be debating legislation before this House to finally provide the measure of justice for which it has been fighting so long.

Mr SMITH (Bega) [3.32]: It gives me great pleasure to support the HomeFund Commissioner Bill. I commend the shadow minister for housing, the honourable member for Heffron, for her support of the bill. However, I do not accept that she has run this campaign for the people in need. In my opinion it has been a political campaign and those who are suffering have been the least of the worries of the Opposition. Generally speaking, honourable members recognised that the collapse of HomeFund was never the fault of either side of this Parliament or the people who introduced it, the Labor Party or the Independents; it was due to the recession which, of course, lies directly at the feet of the Prime Minister and the Federal Labor Government.

Many other people are suffering in the same way as HomeFund borrowers. I feel sorry for anyone who can no longer afford to repay his borrowings at this particular time, and HomeFund borrowers particularly, because there is no doubt that both the former Government and this Government promoted that scheme and encouraged people to take part in it. This bill will overcome that problem. We should also have great sympathy for people who have borrowings with other lending institutions because a great number of people today are in financial trouble.

Apart from the stance taken by the Government, the only other people in the Parliament who could take credit for the introduction of this bill are the honourable member for Manly and the honourable member for Bligh, who, at least when a scurrilous attack was made on the former Minister for Housing, showed the courage and thoughtfulness to give the former

Minister the benefit of the doubt and allow him to present his case to a parliamentary inquiry. The HomeFund scheme was initially set up in 1987 by the Labor Government under Premier Unsworth and the Minister for Housing at that time. It is interesting to note that former Premier Barrie Unsworth in promoting the scheme in the fourth issue of "House and Home", a bulletin from the Minister for Housing, said:

> Many thousands of public housing tenants will now be able to buy a home of their own, thanks to a new Government policy.
>
> Easy repayment loans are immediately available to all eligible tenants to finance the purchase.
>
> The Premier, Barrie Unsworth, announced the new policy recently. The generous finance offer will help many New South Wales families break from the rental cycle and buy either the Department home in which they are living or one bought on the private market.

It is obvious that HomeFund was a popular scheme but, unfortunately, no one foresaw the recession. Suddenly, after 60 years of continuing inflation, rising housing prices and rising wages, the country was plunged into a deflationary cycle. The HomeFund borrowers, together with those who obtained loans from many other institutions, were hit with deflation, the collapse of the housing market and deflation in wages. One should feel particularly sorry for all those involved, not just the HomeFund borrowers.

I should have preferred that the title of HomeFund Ombudsman remain, but no doubt there is good reason for the Minister's changing it to HomeFund Commissioner. The public has great faith in the title ombudsman. It gives the public confidence that they will get a fair hearing. The community has great faith in the Ombudsman in this State. Apparently it was thought that there may have been some confusion between the New South Wales Ombudsman and the HomeFund Ombudsman. Therefore, it was decided to change the title to HomeFund Commissioner. However, there has been enough publicity about HomeFund and I know that honourable members on both sides of the House will be intent on ensuring that those people who have difficulties will publicise them and ensuring that

everyone has faith in the new bill and the new commissioner. I am sure the commissioner will be given the utmost respect and that the people will trust him. I believe he will do an excellent job for those experiencing problems.

An independent body will be set up that will have direct responsibility to the Parliament and the Minister for Consumer Affairs and Assistant Minister for Education. It will have sufficient resources to enable the commissioner to carry out his duties and ensure that those who avail themselves of his services are not hindered by any lack of resources. The legislation states explicitly that the commissioner will receive assistance. The bottom line in all this is the speedy resolution of problems. The commissioner will need special investigators and experienced financial counsellors to back him up.

This legislation will address the legitimate concerns of borrowers. If the commissioner is not able to assist borrowers, he will direct them to other departments or statutory authorities that will be able to help. If borrowers have a legitimate and legal complaint about the formation of a contract or the way in which it was sold to them and their case can be separated from the many thousands of people who have borrowed through other institutions, the commissioner has the power to determine whether those borrowers should receive any compensation. The Minister said in her second reading speech that this compensation would be capped. I believe she will move an amendment to that provision in the legislation in Committee.

Generally speaking, this bill will address all the problems HomeFund borrowers are experiencing. The commissioner will be able to give them an option to sort out their problems so they will be able to get on with their lives. If HomeFund borrowers are in difficulty, they should approach the HomeFund Commissioner to sort out their problems. Even if they do not believe they have a legal problem, they will still be able to get direction. If they have been dealt with unjustly, I am sure the commissioner will assist them. I presume that the shadow minister for housing, the honourable member for Heffron, will withdraw the bill she has before the House. It is a most dangerous bill. It sets precedents in which no honourable member should be involved. The honourable member for Heffron could have presented her bill this morning.

Mr SPEAKER: Order! I caution the honourable member for Bega. He should not enter into debate on a matter that is currently before the House.

Mr SMITH: Forty per cent of HomeFund borrowers have already refinanced. Ninety-two per cent of those remaining are meeting their commitments without any problems at this stage. That compares favourably with other banks and institutions that lend home finance. Over the past few weeks honourable members have heard a lot of hype in this House. A number of honourable members said that many of the problems can be attributed to the economic climate. But the HomeFund scheme is not performing any worse than the loans of many other borrowing institutions. However, we should sympathise with those people who are struggling and help them in every possible way. I congratulate the Minister on bringing forward this legislation. I support the bill.

Mr KNIGHT (Campbelltown) [3.45]: Though the Opposition believes the bill is less than perfect, it supports it because it will provide some relief for struggling homebuyers who have had difficulties with the HomeFund scheme. It is not a panacea, but it is certainly much better than anything the Government was offering a week ago. I am sure that it will be even better after the Minister for Consumer Affairs and Assistant Minister for Education has moved amendments in Committee - amendments that were agreed to in negotiations between the Opposition, the non-aligned Independents and the Government.

There are three reasons for the introduction of this bill. First and foremost is the plight of the borrowers - something about which members of the Opposition have been aware for a long time. Struggling homebuyers who have had difficulty with their HomeFund loans have come to the electorate offices of Opposition members for quite some time. Though I am sure that few people would have gone to the offices of certain Government members who live in the leafy North Shore suburbs, I am surprised that those members have not been more strongly lobbied by people such as the Chief Secretary and Minister for Administrative Services, or the honourable member for Camden, who would have been inundated with constituent problems but who, apparently, have had little effect in drawing those problems to the attention of the Government.

Second, this bill is before the House because of the efforts of the honourable member for Heffron. The honourable member for Heffron has carried the can in the Parliament, in the media and publicly in the community for a long time. At times, in the beginning, even in my own party, she was alone, although she quickly convinced others of the importance of this issue and the plight of borrowers. But she has been vilified by the Government. Even today the honourable member for Bega vilified the role that she has played in attempting to ensure justice for homebuyers. The Minister for Sport, Recreation and Racing, the former Minister for Housing, claimed that there was no problem. According to "Good on you, Joe Schipp", everything was sweet, everything was apples, and there were no problems. However, I must say that I was more impressed with the position taken by the Minister for Sport, Recreation and Racing than that recently taken by the Premier, who sought to blame the victims, accused them of wasting their money gambling and generally being reprobate characters.

Third, this bill is before the House because of the action of the non-aligned Independents. Notwithstanding the efforts of the honourable member for Heffron, the efforts of other Opposition members,

and the fact that the bill was put on the notice paper by the honourable member for Heffron to provide relief at the Commercial Tribunal, which forced the Government into action, I am sure nothing would have happened without the support of the honourable member for Manly, the honourable member for Bligh and the honourable member for South Coast. From time to time members of the Opposition get cranky with the non-aligned Independents, as I am sure members of the Government do. But no one who has been through this process can doubt their sincerity or the time and effort they have put into many meetings and discussions to try to resolve this problem.

I should say, without being churlish, that though we disagree politically with some of the positions taken by the Minister for Consumer Affairs and Assistant Minister for Education, who is in the Chamber, I compliment her. Throughout what has obviously been a difficult process for any Minister or any political party, she has displayed unfailing good humour. As I said at the outset, this bill is not perfect. I want to draw to the attention of the House some of the areas of most concern to the Opposition. No one will get a remedy from the HomeFund Commissioner unless he or she

has an entitlement to a legal remedy elsewhere. I understand the reason for that. The Opposition accepts it.

It is important for honourable members to understand that many people who are in difficulty with their HomeFund loans will not get relief from this bill. People may well be excluded if they were encouraged to take out a loan that was inappropriate for their circumstances but, once they took out that loan, all the rights and obligations were fulfilled within the conditions of that loan. People in the community who are falling over and who are having great difficulty in meeting their mortgage repayments will not be provided with relief because of the narrow, albeit understandably narrow, nature of this bill.

The second matter that is of some concern is what is known colloquially as the horse's birthday clause, the cut-off date of 1st August, when people must lodge an application. As has been indicated by the shadow minister, the honourable member for Heffron, a number of people who are in difficulties with HomeFund loans are not experienced in dealing with the legal system, and are not experienced in dealing with the bureaucracy. While many honourable members might find it quite easy to make an application by 1st August, it may not be quite so easy for all people who are in need. Indeed, those who face the greatest difficulty, who have the least skills, are the people who will be least likely to apply by that date for the relief.

I am heartened that the Minister has offered to amend that clause to provide some relief by extending the date to three months after the commissioner is appointed, and also to give the commissioner power to waive the application date. I hope the Minister makes a commitment publicly, as she has indicated privately, to initiate a proper education campaign for the borrowers, because if relief is available and people do not know it is available, it may as well not be available at all. Relief you do not know about is no relief at all. Certainly there is a need for a direct mail campaign to each of the individual borrowers, many of whom, when they were public housing tenants or on the waiting list, certainly received direct mail from the Government to try to get them into the scheme. Any direct mail must be in very simple English, must not be in convoluted bureaucratic terminology and should include other community languages as well as English.

Another area of concern is that some borrowers may not obtain relief under the Act because the parties that they have the most problem with do not agree to be bound. The Department of Housing, to the Government's credit, will be bound by all decisions of the tribunal. Borrowers will be bound by decisions of the tribunal where they agree with the decision and agree to be bound. The Opposition supports that and thinks it is very sensible. A number of other potential parties, such as real estate agents, solicitors and particularly housing co-operatives will only be bound if they choose to be bound. A number of borrowers have disputes with co-operatives and allege that they were misled by staff at individual co-operatives. Many may want to attempt to join the Department of Housing, claiming they were misled in the information they should have been provided by the Department of Housing. Unless those co-operatives agree to be bound, there is a real problem with these cases being dealt with. There is a problem getting beyond the co-operative to the Department of Housing, which may be the villain, because the intermediate party does not agree to be bound and therefore does not participate in the commissioner's process.

A further concern relates to damages. That falls into two areas. First, the damages are restricted to financial loss. A number of people have lost their homes, on occasions lost their marriages, and suffered serious emotional difficulties and trauma directly as a result of what has happened to them with the HomeFund situation. I think of the situation in which a person did not get his or her contractual rights; lost his house as a result; in the ongoing stress suffered a marriage breakup; may well have suffered other catastrophes which flowed directly from the failure to be given his legal rights and entitlements in the first placed; yet will receive no damages for pain and suffering.

Moreover, these people will be restricted to a cap of $20,000 in the bill, although I am pleased that the Minister has indicated that she will move in Committee to amend that figure to a higher level of $30,000 and to give the commissioner power to approach the relevant Minister to seek a higher award in individual cases where the party believes that to be appropriate. The Opposition is still concerned with the level of capping. It is still concerned that it is being told this process will be adjudicated on by an eminent person of great experience, great clout, great integrity; that the Government will not allow that

person to make an award which it feels meets the appropriate level of justice if it exceeds $20,000. It is strange that such an eminent person as the Government intends to appoint cannot be trusted to dispense justice fully but must have

that cap.

There is also a concern about proposed section 38(3), which effectively stops people who have already discharged their loan, in many cases through refinancing and in many other cases through completely giving up the keys, getting out of the loan, losing the house and losing everything because they are unable to have their case considered unless the commissioner decides that special circumstances exist. I am pleased that the Minister has indicated, again following negotiations, that she will amend the Act, or propose in Committee, with the support of all parties and the Independents, to amend the Act by deleting that provision and allowing all borrowers fair and equitable access to the commissioner's decision.

The Opposition is also concerned about the recovery of money. In the case of co-operatives, if the homebuyer chooses to be bound and an award is made against him, he, a person who is probably penniless as a result of the process, has to initiate separate legal action for the enforcement of the debt. Again, amendments have been suggested, and I understand agreed upon, that will allow the Department of Housing and the Government to provide those funds immediately and charge them with the responsibility of trying to recover those funds. The thought of recovering funds from co-operative building societies is quite bizarre. Co-operative building societies do not have funds, they do not have big investments, they do not have big cash reserves. Co-operative building societies are owned by the borrowers. [*Extension of time agreed to*.]

To recover money from the co-operative building societies, the loans of existing borrowers must be loaded up, which seems to be somewhat inconsistent with the proposal to provide assistance to struggling borrowers. In those circumstances, the Opposition would like to see the Government agreeing to pick up the tab, full stop. The Opposition does not wish to see the other borrowers, through the co-operative societies - or indeed the co-operative societies management, and particularly the boards that serve in a part-time honorary capacity from the community - become another set of victims in this sorry HomeFund saga. At the end of this process there is still the question: what happens to people who cannot get an equitable decision or who cannot get what they believe to be an equitable decision from the commissioner?

What happens to those people when either they do not get the decision they regard as fair, or the parties with whom they wish to deal - be it the co-operative, the real estate agent, or the solicitor - decline to participate? Where do those people go? The only solution which the Government allows is the solution that existed prior to the bill. That is, off to the Supreme Court, which is an incredibly expensive, difficult and time-consuming process. The Opposition would have far preferred some marriage between the Minister's bill and the shadow minister's bill to at least give people who were unable to have their matter determined by the commission or who were unhappy with the nature of the determination, to have had their matter dealt with by a quicker, cheaper and more functional jurisdiction, in the case of the Commercial Tribunal, than the Supreme Court.

The last matter of concern relates to the commissioner's remuneration provisions in the schedule. I foreshadow that in Committee I will move an amendment which is known colloquially amongst the Opposition as the Gyles amendment. It is surprising and disturbing that the Government seeks to place a cap on the justice that borrowers can receive. The Government says: we are going to cap how much justice you get. But when it comes to the salary and related package for the commissioner, there is no cap. They say in the legislation: it shall be on such terms and conditions as the Minister decides. Honourable members saw what occurred with the Royal Commission into Productivity in the Building Industry in New South Wales. Commissioner Gyles, a royal commissioner, took $1.5 million of taxpayers' money to conduct an inquiry which the Opposition believes was worthless anyway. But even if someone accepts the value of the inquiry, it could easily have been carried out by a judge of the Supreme Court or by an acting justice of the Supreme Court and paid for at that rate.

The Opposition intends to move that amendment. Opposition members do not seek to say that the Minister must pay the commissioner a specified amount, but will seek to put a cap on the amount. We accept the Government's desire to appoint an eminent person as the chairman, but if an eminent person sits as a judge on the Supreme Court bench, that person gets the salary that is payable to a Supreme Court judge. That should be the maximum entitlement for anyone carrying out the responsibilities of the HomeFund Commissioner. I shall deal briefly with the matters mentioned by the honourable member for Bega. He picked up the old Government chestnut of trying to blame the former Labor

Government for the Liberal Party-National Party Government's self-inflicted problems with HomeFund. There is an old axiom: those who do not learn the lessons of history are condemned to repeat it. In the case of the honourable member for Bega that should be extended to say: those who try to rewrite history will never learn anything.

The former Labor Government set up a small scheme known as premier low start loans. That scheme dealt with a niche in the market. Those who remember pre-bank- deregulation days will recall that it was extraordinarily difficult for people to get a loan from a bank. After deregulation the banks threw money at anyone who wanted it. There was a gap in the market for people whose incomes were above the level at which they could get subsidised loans from the terminating building societies and under succeeding programs, yet were below the level at which the banks would lend them money. Nevertheless, they had a capacity to pay a loan.

Premier low start loans, which were initiated by the former Labor Government, targeted that group of people. It was a small targeted scheme. With the subsequent changes in the economy, the scheme would have had problems.

No one on this side of the House would deny that, since some of the assumptions that the scheme was founded on at the time have changed and others have not come to fruition, the scheme would have needed adjustment. But it would have been a small scheme with manageable problems which, if we had still been in government, could have been adjusted. The difference between that scheme and the HomeFund scheme under the present Government is that the Government took a small scheme that met a targeted niche in the market, expanded it willy-nilly, encouraged people out of public housing, encouraged people from the public housing waiting list, pushed in borrowers for whom the scheme was inappropriate, and when the warning signals sounded the Government failed to make the necessary adjustments. Indeed, on those occasions when it tried to make adjustments, the adjustments either further diminished the circumstances of borrowers or panicked the bondholders, as occurred with the opting out encouragement the Government was given at one stage.

That is a potted version of the real history of the problem. The Opposition does not walk away from the origins of the scheme or from the fact that the change in economic circumstances would have led to difficulties with the scheme. We believe those difficulties could have been addressed and would have been addressed. That would have solved a lot of the problems the Government has brought upon itself. With those concluding remarks and with the reservations I have indicated, many of which I hope will be addressed at the Committee stage by way of amendments, I support the bill.

Mr O'DOHERTY (Ku-ring-gai) [4.5]: My remarks shall be brief, as it is essential to move the bill through its various stages. I am grateful for the Opposition's support for the bill, which is a sensible solution to a problem that potentially could blow out of all proportions but will be contained by the measures provided by the HomeFund Commissioner Bill. I shall refer briefly to the lessons of history given by the honourable member for Campbelltown, for it is important for the community to understand the reason for the introduction of the bill. I shall come to that in a moment. First, the lesson of history, which is, that one either accepts - as the Opposition has argued - or does not accept that the loans in general were morally wrong because they were made to low income earners. If one accepts it, the blame for it must begin with the former Labor administration. There can be no other conclusion. The honourable member for Campbelltown said that the HomeFund scheme began as premier low start loans and was tapping a niche in the market. The honourable member for Heffron and the honourable member for Campbelltown have argued in the last couple of years that it was in some way a niche to which the loans should not be made, that there was something morally wrong with that.

Mr Knight: It went beyond that.

Mr O'DOHERTY: The member for Campbelltown interjects to say it went beyond that, and that is right. But he cannot have it both ways. He cannot argue on the one hand that the Government ought not to be involved in trying to get low income earners into homes and on the other hand say that it should, because the Labor Government started the scheme for a niche in the market. The two propositions are contradictory. The reason the bill has been introduced is that the Minister for Consumer Affairs was concerned, after inquiries and investigations, that some HomeFund loans were poorly originated and that allegations had been made about deceptive, misleading and unfair conduct in respect of the promotion, origination and management of HomeFund loans. That is the reason the bill is before the House. I commend the Minister for Consumer Affairs for her investigations in the matter and the fair way she has looked at the broad range of allegations and the number of heart-rending cases that have come before her department. She has been

able to cut through all of that and realise that some HomeFund loans may have been poorly originated and that serious allegations were outstanding about deceptive, misleading and unfair practices and conduct.

That is the guts of the matter and that is what the bill attacks. As legislators we have a responsibility to make sure things are put right. I commend the honourable member for Heffron for the work she has done in the past two years. As a journalist I interviewed her about HomeFund on many occasions and am aware of the genuineness with which she has taken up the cases of many hundreds of HomeFund borrowers. I do not for one moment doubt her sincerity or her concern for those people. But members opposite do not own those concerns. All members on this side of the House share those concerns with their constituents. The Minister for Consumer Affairs feels the pain of those who have lost their houses, through whatever means. I reject what the honourable member for Campbelltown said about members from the so-called leafy North Shore who do not have people coming to them with problems about their homes.

As a member who represents an electorate on the leafy North Shore I have had people come to me with problems about their homes - not because of HomeFund. They have lost their jobs and had trouble meeting their mortgage repayments. They are people who set out to invest in the property market in the middle of the boom. In one case people had moved out of the family home and moved into another investment property. When their business started to collapse because of the recession they tried to arrange things with the bank so that they could move into the investment property and convert the investment loan

to a mortgage. The bank would not do that and wanted to charge them fees of up to $30,000. They could not afford to pay.

These are the everyday problems of families in Australia. It is not only HomeFund borrowers who face these difficulties. It is a misreading of history and a deliberate misrepresentation of the facts to say that the recession has not caused many of the problems people are experiencing. Members on this side of the House feel that just as much as do members opposite. Members should not simply listen to arguments that highlight the most sensational cases, breakdowns in families and so on, and pretend, first, that the Government does not care, and second, that it is the result of something that is specific and unique to HomeFund. That is not right. The important thing the Minister for Consumer Affairs has done is to cut through all of that and get to the nub of the problem by introducing a bill that addresses specific areas of concern about the legality of the scheme.

The honourable member for Campbelltown seemed to imply there should be ways in which the Government could open up compensation to people who may have understood what they were doing, who had their loans explained to them, yet when the economic circumstances changed found themselves in trouble. I would love to be able to say that the Government ought to do that for HomeFund borrowers, for the people in my electorate who have lost their jobs or for anyone else who faces difficulty with their mortgage. It would be great if the Government could do that, but the honourable member for Campbelltown and others know that is simply not the role of government. It would be irresponsible for the Government to do that. As much as our hearts say we should, our heads must say that we cannot. However it is responsible to establish whether there has been any illegality or deliberate misrepresentation involved in HomeFund loans and ensure that those people receive justice. This bill clearly does that, and I support it.

Dr MACDONALD (Manly) [4.10]: Initially, I should like to make a few political comments and observations on the process reached at this point. Also, I should like to pick out a couple of snapshot areas within the bill that highlight the direction of debate. I preface my comments by drawing a metaphor that this is similar to a Greek tragedy. Over the past year or two there has been the euphoria that HomeFund was operating well. Last week we had the tragedy and pathos featuring a vitriolic debate regarding the future of a Minister. In a sense out of those ashes we have seen a phoenix rise. For that reason I support the bill and commend the Minister for progressing it to this stage.

This one-stop-shop individual commission where matters can be dealt with and determined is only one of a number of elements that seek to help the borrower. The question of refinancing has not been touched and is worth mentioning. Last weekend comment was made in the media about this matter. The total refinancing package of HomeFund should be examined. I hope the Government will take a strong position and liaise with the financial world in an endeavour to reduce the fixed interest rate of 15 per cent to single figures. I believe that is what we all seek. The Government is being circumspect about that issue, but I hope it will soon make a decision.

We will be debating also a bill relating to a new authority which will help to manage HomeFund more effectively and take over the role of the Home Purchase Assistance Fund. That again is another element to this package. Last week the debate relating to the former Minister focused on the past and, more important, involved the setting up of an inquiry. The present debate is focusing on the present and future. I hope that inquiry does not degenerate into anything political. However, I understand some honourable members would like to white ant it. I put them on notice that continual attacks will raise the ire of the Independents, who have sought to be as constructive as possible. I shall not refer to any honourable member in particular because a number of honourable members are seeking to destabilise that process.

The so-called rescue package could be seen equally as a rescue package for the Government. In the past week the Government's credibility on whether it will address the issue of assistance to borrowers has been shaky. As the debate involving the former Minister has concluded and an inquiry has been set up, I can understand the Government's desire to rescue its own image and to have this matter brought rapidly to fruition this week. The commission and the determinations of the commissioner will bring many tales. I am sure we have not heard half of it yet. The honourable member for Heffron has alluded to many over the past few months but there are many more tales to be told. The full extent of the tragedy will be disclosed to the commission in the next six to 12 months. It may be appropriate for the commissioner to report certain matters to the inquiry. I am not sure of the timing because the inquiry may well complete its task before the commissioner has had much to say. However, the association may be useful.

The manner in which this bill has been brought to this point is worthy of note. It has involved extensive conciliation, mediation and, ultimately, consensus. I appreciate the remarks made about the Independents. The honourable member for South Coast, the honourable member for Bligh and I have been involved in the process. However, I do not seek to take credit. Rather, I credit the fact that we have a balanced Parliament which enables that course to be followed. Consensus of this type would never happen in a majority Parliament. The issue seeks to bring together both sides of the debate. It disappoints me that politics become so adversarial, and I am sure people in the community agree with that view. There should be less fighting and more mediation and consensus. I believe this bill seeks to achieve that aim.

On 19th April press release was put out by the Minister for Consumer Affairs. Indeed, 10 days is a long time in politics because in that time significant

changes and modifications have been made. I believe there are improvements and, quite apart from the political outcomes and the political satisfaction some may gain, at the end of the day the outcome is improved. The democratic process should be about quality of decisions. The process commenced earlier because on 7th April the Independents met at a round table conference. That is when the Independents became particularly alarmed about news we were receiving. Since then we have had several briefings with Ministers and in the past 24 hours we have had two or three mediation meetings with the Minister, shadow spokesperson and others.

This process has resulted in a remarkable bringing together of diverse views. Initially it was characterised by great distrust, that has changed. The meeting this morning involved a large element of trust and that was a remarkable transition recognised by those who have been a party to the proceedings. Also, I acknowledge the work carried out by the Redfern Legal Service, and Mr John Basson, in particular. He has guided honourable members in legal and technical matters. It is interesting to refer to a submission dated 20th April - the day after the announcement of the HomeFund Ombudsman proposal. That submission raised a number of issues. It is a prophetic document which refers to a range of complaints, how they should be submitted, resourcing, responsibility of the HPAF to pay the panel, matters of determination and questions of capping. These matters were anticipated by the Redfern Legal Centre and by Mr Basson make interesting reading. In fact, many of the determinations have been incorporated in this legislation.

I wish to follow up on the Greek tragedy metaphor to characterise the work of the honourable member for Heffron. She reminds me of Sisyphus in the Greek tragedy who kept pushing the boulder up the hill but never actually got anywhere. Up until last night the honourable member for Heffron must have felt like that. She has made a remarkable contribution. It is unfortunate that certain honourable members still regard her role cynically. She has received pressure resulting from the introduction of her bill, which may become redundant, and pressure from the community, media and, finally, the Government to take steps to help. This is the result.

Two areas of contention included capping and pursuing the debt. In support of a capping, the Minister put forward a good case that the advice received was that $20,000 was adequate as most claims would come in around that figure. That being so, it is difficult to defend an argument that a lot of claims could come forward in excess of that figure. For that reason, we shifted to the position that the commissioner should be able to directly recommend any excesses to the Minister. The Minister believes that because those excessive cases will be few she can defend her position to Treasury.

The question of dealing with excesses has gone through a process of change. The original proposal put forward 10 days ago was silent on that question. Indeed, I believe the intent was that matters unresolved, not determined or disputed should go to the Supreme Court. It was pointed out to the Minister, particularly by the honourable member for Heffron, that that was unsatisfactory. The Australian Labor Party suggested including in the bill a clause that would allow reference to the Commercial Tribunal. Further progress was made in discussion from that point. Last night I put forward a suggestion that perhaps the commissioner could recommend legal assistance in the Supreme Court for those who wished to take the matter from the commission. The Minister has finally provided the satisfactory suggestion that the commissioner should have the discretion to make recommendations regarding excesses. These procedures will stop what was contemplated as a possible judicial black hole, where people could just fall off the edge and be trapped inescapably, as some already had been for years.

The other question is that of pursuing the debt. Amendments to be moved by the Government do not include pursuing the debt and, therefore, we are relying on assurances from the Minister. On page 11 of the bill, the question of pursuing the debt is dealt with by the words, "Such an amount ordered to be paid may be recovered as a debt in any court of competent jurisdiction". That statement caused alarm, dismay and concern that the borrower, having received a determination, could end up no better off because he had then to seek such recovery in a court of competent jurisdiction. Assurances given by the Minister reveal that will not be the case.

This type of situation would occur particularly where someone is seeking recovery from real estate agents, developers and solicitors in the housing co-operatives. In matters involving the co-operatives, the Government has given an undertaking that it will take over the action, pay the borrower and will then sue the co-operatives, the argument being that the co-operatives were part of the origination process and the Government and the Home Purchase Assistance Fund have a responsibility. The pursuit of debts with solicitors of the real estate agents will be facilitated by the Commissioner for Consumer Affairs who will enforce those debts at no cost to the borrower. Once again, that situation leaves everyone happy.

The tribunal appears to provide an opportunity for justice. It confers a great responsibility on the Commissioner. We will rely on his wisdom and hard work to make it a success. In addition to his wisdom, the tribunal will require from the Government adequate resourcing and sufficient staffing. Any matter that seeks to impact on the selection of the commissioner, particularly the amendment the Australian Labor Party moves to seek to limit the terms and conditions under which the commissioner will work, will not have my support. Ultimately, the process in relation to the amendments will be a public process. It is unfortunate that the Australian Labor Party is moving that amendment because it lies at the margin of debate and is not one of the main thrusts of the bill. I support the bill and commend the Minister

and the Opposition spokesperson for the work put into the matter. I am pleased to see a balanced Parliament produce this type of consensus bill.

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.24], in reply: I thank all honourable members for their contributions to the debate. It has been a difficult process and one that has taken some time over the past few days. It needs to be said very clearly that the Government has been, is, and will continue to be concerned about HomeFund borrowers. The process we have been going through in recent days will ensure that borrowers get the best deal they possibly can to get the relief they need. We have been conscious at all times that the borrowers need to get quick and easy access to justice.

In my view, there is little doubt that the bulk of the problems currently faced by the HomeFund borrowers do result from the adverse economic circumstances - circumstances that were or are beyond the control of individual borrowers. The Government understands and has put in place various relief measures to assist persons in difficulties. The

honourable member for Campbelltown implied that the Government has not been taking into account the interests of borrowers or looking at the HomeFund scheme. That is clearly not the case. The Government for some time has been looking at the scheme. The Government appointed Mr McMurtrie to investigate the scheme last year. Mr McMurtrie brought down a report and the Government has acted on the recommendations.

At the same time, the Government has been providing relief provisions, the ability to access financial counselling, assistance in providing information about refinancing, and waiver of stamp duty. The Government also accepts that in some cases the difficulties borrowers have been facing have arisen through poor loan origination. The Trade Practices Commission and Mr McMurtrie in his investigation into the HomeFund program recognised those problems. Honourable members should have no doubt that the establishment of the HomeFund Commissioner, the one stop shop for HomeFund borrowers, is aimed at addressing the difficulties.

Access will be provided to borrowers for relief measures for hardship but borrowers also will be given access to a non-litigious alternative dispute resolution process to establish breaches of contractual or other legal entitlements. In my second reading speech I said that a range of interested parties had expressed concern about the provisions of the bill. Some of those reservations have been accepted and, as foreshadowed, in Committee the Government will move five amendments to the bill. Those amendments will respond sensibly and fiscally to the concerns expressed by the Independents and community groups such as the financial counsellors in the Redfern Legal Centre.

My aim and the aim of the Government always has been to assist individual borrowers. The bill is a continuation of that commitment. The amendments deal with a number of areas. For example, concern has been expressed about the time in which borrowers are required to lodge a complaint. One amendment will directly address this point, but I assure honourable members that every effort will be made administratively to ensure that borrowers are aware of the existence and role of the commissioner. HomeFund borrowers will be individually notified by mail, and advertisements will be placed in newspapers, including the ethnic press. The honourable member for Campbelltown raised an issue dear to my heart: that the letters and the advertisements be in plain English. I assure him that that is the intention, though the wording of the advertisements is clearly the decision of the commissioner.

The question of resourcing the commissioner's operation was raised in discussions with other parties. I assure honourable members that the HomeFund Commissioner will be sufficiently resourced to enable his or her operations to be efficiently and expeditiously undertaken. The honourable member for Campbelltown and the honourable member for Heffron questioned the result where a determination made against a housing co-operative remains unsatisfied. I understand that concern, particularly where the reserves of the particular co-operative may not be sufficient to meet monetary orders. The Government proposes in those circumstances to meet the payments to borrowers on condition the legal assignment of the borrowers' rights is given to the Government.

The honourable member for Campbelltown and the honourable member for Manly expressed concerned about moneys that may be recovered as a debt in any court of competent jurisdiction; that borrowers might find the obligation too onerous to recover the debt. Again, the Government accepts that in the unlikely event orders are not satisfied, the requirement to recover the debt could put borrowers to expense in enforcing their entitlements. I am assured by the Commissioner for Consumer Affairs that the department will assist borrowers faced with those circumstances without any cost to them.

The honourable member for Campbelltown raised concerns about the cap. On the advice I have received I believe that the majority of monetary compensation claims will be below the $30,000 cap and that we will be providing for the commissioner to have a discretion to recommend to the Minister that that be an amount in excess of $30,000. There has been some concern expressed about the role of the HomeFund Advisory Council. I should clarify that clause 37 makes it clear that the panel is there to assist the commissioner in exercising his or her functions. It may be that a borrower's complaint may be satisfied by access to various relief programs offered by the Department of Housing. If that is so, the commissioner will refer the borrower to the Department of Housing for assistance. The monitoring of this process and reviewing of cases of dissatisfied borrowers is the principal role envisaged for this panel. Of course, it will have any other role that may be determined by the commissioner.

I should like to take this opportunity to thank Betty Weule, Lyn Gain and Michael Gill for agreeing to be part of that panel. In conclusion I should like to thank the honourable member for Heffron and the Australian Labor Party for agreeing to the Government's amendments. I also take the opportunity to thank the honourable member for Campbelltown for his kind words about me. I thank the Independents for their involvement and contribution to the debate, as well as their contribution to the discussions over the past few days. It has been an interesting experience for all of us. I believe that we have a bill that will stand in the interests of the borrowers. I commend the bill.

Motion agreed to.

Bill read a second time.

In Committee

Clause 10

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.32]: I move:

Page 5, clause 10(2), line 8. Omit all words on that line, insert instead:

(2) Complaints must be made within the period of 3 months ending on a day nominated by the Commissioner and notified by advertisement in newspapers circulating in New South Wales. However, the Commissioner may accept a complaint outside that period if of the opinion that special circumstances exist.

Mrs GRUSOVIN (Heffron) [4.33]: I am pleased that the Government has moved this amendment. The Opposition would have liked a longer period to ensure that there was fairness for people making approaches. However, the Opposition is pleased that the Government has amended the bill so that the commissioner may have that special discretion to deal with a complaint lodged outside that period. I am quite sure there will be circumstances in which the amendment will prove to be necessary and valuable in ensuring that borrowers receive justice.

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.33]: I thank the honourable member for Heffron for the Opposition's support of the amendment. The Government believes that three months is sufficient time for borrowers to lodge complaints. To be absolutely sure that a full three months is available, the three-month period will be nominated and advertised extensively by the commissioner. This means that borrowers will have a full three months in which to lodge a complaint. To ensure that borrowers who are unable to lodge a complaint within that period are not unfairly disadvantaged, it is proposed also that the commissioner have discretion to accept a complaint outside that period if he or she is of the opinion that special circumstances exist.

Dr MACDONALD (Manly) [4.34]: I agree with this amendment. This is an example of a balance reached between the concerns of the Australian Labor Party about fairness of access and opportunity for complaints to be submitted, and the Government's concerns about this turning into a process that will not only make the commissioner's job harder but also could mean that the whole process becomes extremely lengthy. This will ensure that there is a finite period within which it can be dealt with. If that provision were not available, complaints could take one to two years to be dealt with and I do not believe that anyone would want that to happen. Provided that there is a safeguard, as there is, that the commissioner shall have leave to consider late submissions in special circumstances, this is a necessary check and balance to provide for those who slip between the cracks, where nominations are not lodged within the specified period. I support the amendment.

Amendment agreed to.

Clause as amended agreed to.

Clause 12

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.35]: I move:

Page 6, clause 12(3)(c), line 1. Omit "or was".

In deciding whether to investigate or continue an investigation, clause 12(3)(c) allows the commissioner to consider whether there is or was available to the complainant an alternative, satisfactory and readily available means of redress. Concern has been expressed that past availability of redress may unfairly disqualify a borrower from lodging a complaint. The Government accepts this and has moved the amendment so as to remove this potential barrier.

Amendment agreed to.

Clause as amended agreed to.

Clause 26

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.36]: I move:

Page 10, clause 26(2), line 36. Omit "$20,000", insert instead "$30,000".

Page 10, clause 26. After line 39, insert:

(3) However, the Commissioner may, if of the opinion that special circumstances exist, include in the determination a recommendation to the Minister that a specified amount in excess of $30,000 be paid.

The bill imposes a $20,000 ceiling on the amount of monetary orders that may be determined by the commissioner. It has been argued that there should be no ceiling on monetary orders and that the amount suggested would be too low in some circumstances. The Government believes that the cap is essential but is prepared to lift that cap to $30,000. The Government accepts that in exceptional cases $30,000 may not be sufficient to compensate for financial loss and the commissioner will have a discretion to recommend accordingly.

Dr MACDONALD (Manly) [4.38]: I see these amendments as probably the key amendments being moved by the Government. In all the discussions I

had to which I was party with both the Opposition and the Government, it was quite clear that there will be those in special or exceptional circumstances who would require monetary compensation beyond $30,000. It is not clear how many that would be, but there would be a number. How would they be dealt with? Were they to be left wandering in the desert, going through the various processes of seeking legal aid, going to the Supreme Court, the District Court and commercial tribunals? This amendment seems to close the loop, to close the circuit that might otherwise not have been closed.

The Opposition believes that there may be some claims beyond the limit of $30,000. This amendment will allow the commissioner to use discretion in such circumstances. It is enormously important that there is such a safeguard. There is an element of the unknown in this debate. That has come through in remarks by Opposition members and Government members. It is not known how many claimants there will be. We do not know the statistics. I was cognisant of the wish of the Minister to set a cap. I understand it is traditional in courts and tribunals that that is the case. The Minister was able to satisfy that process, but this amendment is a let-out that has the support of everyone and will give the commissioner discretion.

Mrs GRUSOVIN (Heffron) [4.39]: The Opposition also felt that this was tremendously important. The Opposition's concern all along in questions of justice or what it believes the Government is proposing, a limit on justice, was that although the Government was saying that borrowers who felt they had not been given a fair go had the opportunity to go

to another jurisdiction, either the Supreme Court or the District Court, those borrowers had no real resources to go to those jurisdictions. Undoubtedly there will be some cases - the Minister has indicated the Government is not sure of the number and the Opposition does not have a definite estimate - where the ceiling, which was originally $20,000 and is now $30,000, would have meant that only limited justice could be delivered by the HomeFund Commissioner.

The Opposition did not believe that was appropriate. These borrowers already are being denied any recompense for pain or suffering and the fact that they have lived in fear or great difficulty for a long time. This amendment by the Minister means that at the end of the process, if the HomeFund Commissioner believes that a higher amount should be ordered for that borrower, that will occur. The Opposition will be watching with great interest to see the number of occasions on which that recommendation will be made to the Minister.

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.41]: The Government is firmly of the opinion that the $30,000 cap will cover the vast majority of cases of people who are seeking financial compensation for loss. However, we have accepted the concerns raised by the honourable member for Heffron and the Independents and, therefore, the Government has agreed to those amendments and will keep a close eye on it to see how it is used.

Amendments agreed to.

Clause as amended agreed to.

Clause 38

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.42]: I move:

Page 14, clause 38 (3), lines 13-18. Omit all words on those lines.

A question has been raised of whether clause 38(3) is necessary, given the terms of clause 12. The Government accepts that this provision should be deleted, thus enabling all borrowers to have access to the commission.

Amendment agreed to.

Clause as amended agreed to.

Schedule 1

Mr KNIGHT (Campbelltown) [4.43]: I move:

Page 17, schedule 1, clause 3. After line 24, insert:

(2) The rate of remuneration is not to exceed that for the time being payable to an acting Judge of the Supreme Court.

As I have indicated in the second reading debate, the Opposition believes it is inappropriate to have a cap on what the borrowers can get in terms of justice, yet allow an open ended commitment to the commissioner. Roger Gyles, the commissioner who conducted the inquiry into the building industry, received a fee of $1.5 million. The Opposition regards that as a scandalous abuse of public funds. The Opposition wants to ensure that that does not happen here. The Opposition notes that the name of Mr Justice Rogers, an eminent judge from the Commercial Division of the Supreme Court, has been bandied about as the potential holder of the position. The Opposition would not want to bring about a situation in which Mr Justice Rogers would be forced to take a pay cut should he decide to take this position rather than the offer of a position from Mallesons, but it certainly does not think he should receive a large pay rise, either. What is good for a judge of the Supreme Court is good enough for the HomeFund Commissioner.

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.44]: The Government opposes this amendment. It is critical to the success of the scheme that a person of outstanding ability and calibre accept the position, although I understand that this is a particular political position taken by the Opposition. The Government needs to be in a position to determine the conditions of employment to ensure that it secures the services of a person whom it regards as vital to the success of the scheme. That individual will be a person of outstanding calibre and of high standing in the community. The Government insists on its right to determine those conditions.

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Mr KNIGHT (Campbelltown) [4.45]: Without reiterating what I said, I am disturbed that the Minister is clearly foreshadowing a situation where the Fahey Government will provide for the HomeFund Commissioner a substantial sum of money over and above that paid to a Supreme Court Justice. I am also disturbed that not only is the Minister foreshadowing implicitly a sum more than $165,000, but also that she is not prepared to tell us what that sum is.

Mrs CHIKAROVSKI (Lane Cove - Minister for Consumer Affairs, and Assistant Minister for Education) [4.46]: I am not foreshadowing anything about what the Government may decide in relation to the terms and conditions. All I am saying is that the Government believes that it is its right to determine those terms and conditions.

Amendment negatived.

Schedule agreed to.

Bill reported from Committee with amendments, and report adopted.

Bill read a third time.

Message

Message sent to the Legislative Council agreeing to the bill with amendments and seeking the Council's concurrence with the amendments.

SELECT COMMITTEE UPON THE ADMINISTRATION OF STATE OWNED COAL MINES

Report - Evidence

Mr CHAPPELL (Northern Tablelands) [4.50], by leave: I desire to lay upon the table of the House the second report and minutes of evidence of the Select Committee upon the Administration of State Owned Coal Mines concerning an inquiry and report upon the proposed offer to lease the Newvale mine.

Ordered to be printed.

Mr CHAPPELL, by leave: The committee met for a concentrated period in order to satisfy the needs of the Newvale miners and the company they represent. They sought to lease Newvale mine for a period of three years and get it back into operation in order to guarantee their jobs. They wanted to enter into an arrangement with Pacific Power that would enable them to reopen the mine and produce coal for the spot price export market. The committee tried to determine whether that proposal could be justified. It put the most optimistic interpretation it could on all the facts and figures presented to it, but at the end of the day it found that there was no way in which that mine could open and operate without a subsidy and without considerable risk to Pacific Power and, therefore, to the people of New South Wales.

From the point of view of the miners and their families it is regrettable that the committee has had to report in this way. The charter of Pacific Power and ENC Management Pty Limited requires those organisations to act in accordance with commercial principles. The committee could not recommend that they should enter into non-commercial contracts with these miners simply to keep the mine open. If they did so, the mine would have to be subsidised, while other mines

with which the Newvale mine competing would not. That would be unfair and it would put at risk other mines and the employees in those mines. I commend the report.

HOME PURCHASE ASSISTANCE AUTHORITY BILL

Bill received and read a first time.

Suspension of certain standing and sessional orders agreed to.

Second Reading

Mr COLLINS (Willoughby - Minister for State Development, and Minister for Arts) [4.54]: I move:

That this bill be now read a second time.

The purpose of this bill is to establish the Home Purchase Assistance Authority as a statutory corporation. This bill is one of several measures that the Government is taking to improve the administration of HomeFund and assistance to home purchasers in general. To understand the need for this bill it is necessary, first, to explain some of the fundamental principles of HomeFund lending and why recent difficulties have arisen. We cannot tackle present problems without understanding their sources.

HomeFund schemes were developed in the mid-1980s to tackle a basic dilemma of housing policy. The dilemma is that people with the lowest incomes tend to live in rented accommodation, yet in the long run renting seems to be more expensive than buying. Buying offers greater security of tenure, tax-free capital gains and security in retirement. Moreover, in the conditions of inflation in the 1970s and 1980s, the real costs of buying houses went down year by year whereas real renting costs either stayed the same or increased. The problem was, and is, that the initial costs of buying - for deposits and repayment in early years - are much higher than renting. This prevents people on low incomes from getting a start in home ownership.

HomeFund programs offer such people loans which do not cover interest in the early years, so initial repayments are low - often close to the level of rents. These loans have escalating repayments. At first repayments were set to rise at 6 per cent per annum; more recently, 4 per cent per annum has been the escalation rate. Eventually, for each borrower, total repayments cover total costs except for the built-in subsidies of the various schemes. The escalation in repayments is an inevitable consequence because HomeFund lending offers larger amounts relative to incomes and property values than can be offered under usual mortgage loans with monthly repayments that are fixed as long as interest rates do not change.

One of the major difficulties faced today is that the 1990s are proving very different from the 1970s and 1980s. Incomes are not rising as rapidly as they did before. Some HomeFund borrowers now find it

difficult to meet their escalating repayment obligations. HomeFund programs depend upon housing co-operatives to originate mortgages. Their responsibility is to ensure that loans are made to borrowers who are eligible and that they are made for suitable dwellings. The rapid growth of HomeFund programs placed strains on the ability of the housing co-operatives to do this well.

As there are several HomeFund schemes, the housing co-operatives face a difficult task. Problems have arisen concerning the two main schemes - low start loans and affordable loans. The latter were for people on lower incomes than the former. They offer higher subsidies, particularly because they protect borrowers from income loss by setting repayments at no more than 30 per cent of their incomes over the life of the loan. When repayments reach 30 per cent of income, borrowers with affordable loans can request a review of repayments and a rescheduling of them to 27 per cent of household income. As this scheme is expensive, it was not feasible to offer this degree of protection to borrowers with higher incomes.

A major innovation in HomeFund was the method of raising finance for the mortgages. FANMAC was established to issue bonds at fixed interest rates for this purpose. Mortgage rates are fixed because borrowers with low incomes and high loan-to-value ratios have little capacity to absorb interest rate increases, either by paying more or by extending their loans. Fixed mortgage rates are, in turn, funded by fixed rate bonds. However, many HomeFund borrowers have been able to take advantage of recent falls in interest rates by refinancing their loans without penalty. This is an unusual benefit for a fixed rate mortgage. Investors in the FANMAC bonds take the risk that the bonds will be prepaid before their maturity by refinancing, but bondholders are guaranteed payments of interest by the Government on all outstanding bonds. The Government takes the risk when HomeFund borrowers are unable to make their scheduled repayments or there is a shortfall on sale of the property and discharge of the loan. Any shortfall in interest or principal due to the bondholders is met from government funds.

I have spent some time describing HomeFund because it is a complex program that offers different benefits to different participants. HomeFund grew very rapidly because these benefits were appreciated at that time. Borrowers wanted early access to housing. They wanted to be able to live in their own homes as soon as possible. Investors appreciated the opportunity to buy long-term bonds with a good yield and a government guarantee. It is important to remember that it suited everyone to expand the scheme before the recession. What we now understand in retrospect was not known then. Last year, the Minister for Planning and Minister for Housing realised that severe problems were emerging and he asked John McMurtrie to review the whole program. Mr McMurtrie reported in December 1992.

Mr McMurtrie's report first recognised the scale and importance of HomeFund. By September 1992, 55,000 loans had been made. The vast majority assisted borrowers who wanted home ownership, but could not afford it on the terms then offered by banks and building societies. Mr McMurtrie also reported that a major cause of recent difficulties has been the unforeseen length and depth of the current recession and its effects on incomes, house prices, interest rates and, especially, unemployment. Falling interest rates have made HomeFund loans seem expensive. This is despite the fact that HomeFund loans generally had lower interest rates when they were originated than bank home loans. It is also despite their low start structures.

Over the years, escalation has raised levels of repayments faster than many incomes. As market interest rates have fallen, 20,000 HomeFund borrowers have taken the opportunity to refinance their loans without any extra costs. They have benefited by being able to move into a house early, and yet they have not paid high interest rates for very long. Unfortunately, many other borrowers cannot meet banks' refinancing criteria and are now finding repayment difficult. Due to the recession many have lost jobs or overtime, and this makes their difficulties worse.

Third, Mr McMurtrie advised that the complexity of the program and the many different participants worsen the difficulties that are due to the recession. An example of confusion was that because the arrangements for financing were complex, there was a 10-day gap between a borrower making a repayment and that repayment being entered into his or her account. Mr McMurtrie confirmed that this practice was legal, but borrowers remained highly critical of these arrangements.

Since receiving the McMurtrie report, the Minister has introduced a number of measures to further assist HomeFund borrowers. He has arranged to close the gap between repayment dates and the date at which amounts received are credited to borrowers' accounts. He has extended the levels of mortgage assistance available, and has organised the provision of advice and counselling on refinancing and other means of meeting HomeFund difficulties. There remain, however, problems of HomeFund's organisation. These are being tackled in three different ways by the new legislation introduced into the Parliament this week and by discontinuing new lending through the HomeFund programs.

I turn to the question of solving HomeFund's organisational problems. First, the establishment of the Home Purchase Assistance Authority will simplify the management of HomeFund and improve accountability by creating a single authority dedicated to its administration. Second, the HomeFund Commissioner Bill, also to be introduced into Parliament this week, will establish the position of HomeFund Commissioner. He will receive complaints from individual HomeFund borrowers and

determine solutions. The Home Purchase Assistance Authority will provide guidelines for the HomeFund Commissioner.

Together, the two bills provide the means to solving the past problems. Those that have arisen on a case-by-case basis will get individual attention. Changes of administration that the McMurtrie report identified will be implemented to improve the general management of the HomeFund portfolio. New loan financing by HomeFund has been discontinued. Methods of assisting home purchasers in ways more appropriate to today's economic environment will be developed by the Home Purchase Assistance Authority. The authority will also manage the existing HomeFund loans which, of course, have many years to mature.

The Home Purchase Assistance Authority will be a small statutory corporation, reporting directly to the Minister. He will be able to appoint a chief executive officer who can concentrate on the administration of HomeFund and new programs to assist home purchase. The Home Purchase Assistance Authority will have an independent board chaired by a person other than the chief executive officer. The board, made up of part-time members and the chief executive officer, will determine the policies and long-term strategic plans of the authority. It will oversee the management of the authority and advise the Minister on matters relating to its functions and activities.

The board will be chosen from persons with experience in public sector policy, consumer affairs, finance, housing, commerce, law and economics. The Minister will therefore be able to draw together more varied management skills than previously to develop effective home purchase policies. The functions of the Home Purchase Assistance Authority will enable it to efficiently manage the Government's existing programs for home purchasers and allow it to develop effective new programs. The Home Purchase Assistance Authority will develop guidelines for eligibility for assistance. The authority will determine terms and conditions of loans; it will provide information; it will be responsible for managing loans and investments.

The Minister will approve the budgets of the authority. He will use funds available from the Home Purchase Assistance Fund, presently managed by the Department of Housing, and grants from funds provided by the Commonwealth and New South Wales governments under the terms of the Commonwealth-State housing agreement. Financial and performance reporting and external audits will ensure the accountability of the Home Purchase Assistance Authority.

There will be many benefits from the establishment of the Home Purchase Assistance Authority. The authority will: avoid duplication of effort and resources, for instance between Treasury and the Department of Housing; encourage professionalism in the development and management of policies to assist home purchasers; and sharpen the process of fixing objectives for home purchase programs as the authority will have to justify its recommendations and have them approved by the Minister. Above all, the establishment of this authority will centralise responsibility for home purchase assistance.

As we look to the different economic environment of the 1990s, it is clear that a new approach to home ownership policies will be required. The Minister for Planning and Minister for Housing has indicated in his speech in the Legislative Council that in the past these policies have been developed without adequate accountability. Complex structures have obscured responsibility and hidden the risks being taken by borrowers, investors and the Government. The Minister recommends that a new single purpose statutory corporation, the Home Purchase Assistance Authority, be established to manage the existing HomeFund loans and develop a new, more accountable, way of assisting people with home purchase. I commend the bill to the house.

Mrs GRUSOVIN (Heffron) [5.5]: I do not intend, on behalf of the Opposition, to speak for very long on this legislation. The Opposition welcomes it. It has been a long time coming, and the Minister opposite came to the crux of the matter in the last few moments of his speech. All honourable members are aware of the problems of the HomeFund programs and the fact that there was an attempt over a long period to cover the dimensions of that problem and the input for both the borrowers and the Government. It is not necessary to canvass those problems. It has taken a long time for the Government to finally accept that borrowers need a fair deal and need to be given justice in these matters.

The Home Purchase Assistance Authority will mean that hopeful borrowers will not be sent daily through revolving doors, as they have been for the best part of two years. This will give some hope to borrowers who have been on a merry-go-round for a long time. As the Home Purchase Assistance Authority establishes itself, some interesting implications will arise: will we need a FANMAC, and what will be the future role of the co-operatives? That authority will

make interesting decisions as it comes to grips with the problems that await it.

This mechanism will address the questions of accountability, future affordable housing programs, and I hope that never again in this State will consumers, especially low income consumers, be placed in jeopardy in schemes that are not well thought out, well controlled and recognised as being totally flawed because of changing economic circumstances. I hope that in the future it does not fall to an Opposition to have to pursue these matters over many months, in the face of denials that a problem ever existed. I commend the Government on the establishment of this authority.

Mr COLLINS (Willoughby - Minister for State Development, and Minister for Arts) [5.8], in reply: I thank the honourable member for Heffron for her comments and for signalling the support of the Opposition for this legislation.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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CENTENNIAL PARK AND MOORE PARK TRUST (ROYAL EASTER SHOW) AMENDMENT BILL

Second Reading

Debate resumed from 1st April.

Ms ALLAN (Blacktown) [5.10]: The Centennial Park and Moore Park Trust (Royal Easter Show) Amendment Bill will amend the 1992 legislation, introduced by the honourable member for Bligh towards the end of the parliamentary sitting last year, which transferred care and control of the Sydney Showground to the Centennial Park and Moore Park Trust on 8th June this year. As is well known in this Chamber, the Labor Party supported the bill introduced by the honourable member for Bligh, subject to successful amendments requiring investigation of alternative funding sources to remove the sale of the Sydney Showground from the Olympic Games bid. The actions of the Opposition and the honourable member for Bligh had the effect of preventing any premature sale of the showground.

The present bill will do two things. First, it seeks to defer the transfer of the showground to the Centennial Park and Moore Park Trust until the Royal Agricultural Society has vacated the showground site. That is expected to occur in 1998, depending on the success of the Olympic Games bid, which will be known in about September this year. The second thing the bill will do will be to change the proposals contained in the previous bill to include local government representatives on the trust and to establish a quarterly community consultative program. Instead of that, the present bill seeks to require the establishment of a community consultative committee to be appointed by the trust.

Royal Agricultural Society and Centennial Park and Moore Park Trust representatives have visited Opposition members in an attempt to gain support for the proposed legislation. They put forward a number of compelling arguments for ensuring that the Opposition supported the bill. For example, the Royal Agricultural Society told the Opposition that it had $10.7 million in assets, plus 14 acres of land at the showground, but a $7.5 million mortgage with the Westpac Banking Corporation. If the showground is transferred without the payment of compensation, the Royal Agricultural Society argues that it will be technically insolvent. The Opposition has no constitutional power to require the Government to compensate the Royal Agricultural Society. The proposed new home for the Royal Agricultural Society at Homebush compensates the society by way of asset swapping.

Apart from the pressing financial difficulty faced by the Royal Agricultural Society, the trust does not want to take on the administration of the showground until the RAS vacates the site. Under the provisions of the Act passed last year, the RAS would become the lessee and the trust must approve of subleases, sublicences and concessions. The trust has indicated that it does not want to assume responsibility for that function. Trust members have also expressed disquiet about proposed local government appointees. They suggested to the Opposition that the trust believes it is doing a good job at present, without the direct appointment of members from local councils within the region. The trust members argue that they regard Centennial Park - as do many Sydney people - as a regional park and they believe that the holistic

approach they have taken to decision-making regarding the park is preferable to the trust's getting bogged down with concerns that local councils might have and the inevitable differences that will arise between councils if they are directly represented on the trust.

As a result of the representations that have been made to the Opposition, it has decided to support the bill. It will in no way affect the longer term objective of the legislation introduced by the honourable member for Bligh, that is, that the showground be kept in public ownership. These amendments will in no way affect the amendments that the Opposition spearheaded through the Parliament last year to safeguard funding for the Sydney Olympic Games bid. Consequently, the Opposition supports the bill.

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

PRIVATE MEMBERS' STATEMENTS

PORT MACQUARIE HOSPITAL PRIVATISATION AND Mr J. MURPHY

Dr REFSHAUGE (Marrickville - Deputy Leader of the Opposition) [5.15]: I raise a most serious issue of political vandalism, which is to be condemned by the community. On Monday, 19th April, a group of subcontractors and business people protested in Horton Street, Port Macquarie. They claimed that the opponents of hospital privatisation were depriving them of jobs. In reality, it is the Government, which reneged on its commitment to build a public hospital, that has cost the area jobs. The protest was sparked by legal action brought by the opponents of health privatisation in the Land and Environment Court. The Hospital Action Group is attempting to stop the project going ahead because of serious allegations about its legality. However, I am most concerned - as I am sure is the community - that while the Hospital Action Group takes legal measures to achieve its ends, supporters of privatisation adopt means that can be described only as political vandalism.

The Labor Party candidate in the electorate of Port Macquarie, John Murphy, has been a victim of this political vandalism. Mr Murphy is a highly respected pharmacist in the town. Since the protest Mr Murphy's shop has been the target of a series of attacks. Objects have been thrown at his shop windows and on one occasion the glass was broken. There has been a cacophony of jeering and car horn hooting outside his office. Queues of people try to harass him. Fortunately, I am pleased to report that

no further damage has been sustained at Mr Murphy's shop. I assure the House that business has been booming at the Port Pharmacy, as people who support the public hospital have taken the trouble to buy their pharmaceuticals from Mr Murphy's business rather than elsewhere. But that is not the issue. The issue here is the question of political vandalism.

In the cut and thrust of political life many inflammatory statements are made by activists and politicians. What distinguishes the activists and politicians with integrity and those without it is their ability to separate the issues from the personalities. At the protest to which I referred the crowd was whipped up by statements that Mr Murphy's shop should be boycotted; that if people had any commitment to the health privatisation issue, they would not "buy stuff" from Mr Murphy's pharmacy. I am sure that most honourable members would, rightly, resoundingly condemn terrorism. Terrorism is the most obvious example where the boundaries between political allegiance and personal activity are blurred. For example, the recent activities of the Irish Republican Army in London are tragic and should be condemned by the world community. But where does one draw the line?

What is the difference between smashing a window and letting someone else smash that window? What is the difference between trying to ruin someone financially because of his political views and telling someone else to do it? In my opinion there is no difference - except that those who incite violence are even more cowardly than those who throw the bricks. A call to arms is as bad as taking up arms. It is a tooth for a tooth: if one does not like another person's political views, one takes it out on that person, tries to harm him; and not just him but his family and staff also. What

comes next, after telling people to boycott someone's business? I shall tell honourable members what comes next: sending around the lynch mob. The person responsible for this call to arms is, unfortunately, Madam Deputy-Speaker, none other than yourself.

Mr Jeffery: On a point of order. Standing orders provide that if a member intends to make a personal attack against another member of this House or of the upper House, the proper way to do so is by moving a substantive motion. Fortunately, the honourable member does not have the right to make such an attack in a private member's statement. He should move a substantive motion.

Madam DEPUTY-SPEAKER: Order! So far the statements by the Deputy Leader of the Opposition do not constitute a personal attack. If he expanded his argument, it would become a personal attack and, as he will realise, he would have to move a substantive motion. I shall allow the Deputy Leader of the Opposition to continue, but he should bear in mind the point of order taken by the honourable member for Oxley.

Dr REFSHAUGE: To set the record straight, it is important for me to say that in realising the enormity of your mistake, Madam Deputy-Speaker, you did apologise for what you saw as your error. The apology was that you stated in writing that you did not suggest a widespread boycott of Mr Murphy's business. Unfortunately, the tape of the meeting shows differently. Apologies in this matter are important, but it is more important, of course, to get it right the first time. The electorate will make its own decision in the near future. [*Time expired*.]

COUNCIL FOR INTELLECTUAL DISABILITY PARLIAMENT HOUSE DISPLAY

Mr TINK (Eastwood) [5.20]: It gives me great pleasure to draw to the attention of honourable members a display that is now in the foyer of Parliament House. It has been organised by the Council for Intellectual Disability, which has its headquarters at Denistone East in my electorate. I acknowledge with pleasure the presence in the gallery of some members of that organisation, particularly Mrs Jeanette Moss, who is a longstanding and hard-working campaigner for intellectual disability, and also my constituent. A package of information is available for each honourable member in the foyer of Parliament House. I found the package to be an extremely valuable resource in a number of respects. The package lists telephone numbers and addresses of key organisations equipped to assist with inquiries on intellectual disability. I and other members in this House - in particular the honourable member for The Hills and the honourable member for Ermington - have a keen interest in this matter, and this list is an invaluable resource for any member of Parliament.

A number of booklets are available containing information about intellectual disability, and I refer, in particular, to a book by Errol Cocks entitled "An Introduction to Intellectual Disability in Australia". I recommend that all honourable members study the booklet in some depth. The council desires to bring to attention of members of Parliament the issue of funding. The Minister for Community Services, in his short time as Minister, has made tremendous strides in the right direction. I informed the Minister that I intended to make a private member's statement about this matter and I am pleased that he will speak in reply.

This is the first occasion that I have brought food into the Chamber, and I do not intend to make a habit of it. A piece of cake is available for every member of Parliament who wants to avail himself of the offer. The caption relating to the cake is a general reminder that people with intellectual disability urgently need a bigger slice of the cake. Though I shall not make a habit of bringing cakes, sandwiches or anything else into the Chamber, it is an excellent way of illustrating the message the council is seeking to convey to all members of Parliament. I strongly urge all honourable members to look at the display and read the literature so that they might become further acquainted with this issue.

I would be remiss if I did not refer to the passage through this Parliament of the Disability Services Act 1993, and the Community Services

(Complaints, Appeals and Monitoring) Act 1993. That legislation is an important step in the right direction. It is appropriate that I single out Jeanette Moss as having played an important role in the lead-up and preparation of the legislation. She was not alone; the council received tremendous input into all these policy issues. I was a late starter

here tonight. The honourable member for North Shore originally was to speak at this time and, as the honourable member for Drummoyne well knows, the honourable member for North Shore is a hard man to shift when he has the call. The honourable member for North Shore has a longstanding interest and commitment to the Council for Intellectual Disability and when I explained my intention, he did not hesitate to relinquish his opportunity to speak so that I could draw the attention of the House to the council's display. I congratulate the council on its display and commend it to all honourable members.

Mr LONGLEY (Pittwater - Minister for Community Services, and Assistant Minister for Health) [5.25]: I thank the honourable member for Eastwood for bringing the display of the Council for Intellectual Disability to the attention of the House. The council has its headquarters in Mr Tink's electorate and he has been a long-time supporter of it. The presence of the display this week has been useful in drawing to the attention of honourable members the importance and the needs of people with disabilities. The Government has achieved many reforms for people with disabilities, including the passage through the Parliament of the Disability Services Act 1993 and the Community Services (Complaints, Appeals and Monitoring) Act, 1993. These Acts are milestones for disability community support services planning, development and delivery, and provide for unprecedented accountability to consumers. They are the product of extensive consultation with the disability sector. During consultations, on numerous occasions the Government amended its proposals after receiving positive and helpful advice from people with a disability, and their carers. The success of that consultation period was overwhelming.

Further reforms are the commencement of the Disability Services and Guardianship Act and the establishment of the Guardianship Board of New South Wales; the signing of the Commonwealth-State disability agreement to rationalise roles and responsibilities for disability services and to streamline administration. That agreement will provide an extra $58 million for existing services across the State Government and a minimum of $17 million in transitional funding - to directly benefit people with disabilities. We have also established additional supported accommodation and community support services, including 35 group homes, 14 respite care cottages, 16 day activity and training centres and additional community support and programming staff. The launch of the brain injury action plan will help meet the long-term care and support needs of people with acquired brain injury. The development of a statement of principles for people with disabilities and their families is a further reform, as are many other significant benefits.

Miss CALLAGHAN CAMPERVAN PURCHASE

Mr IEMMA (Hurstville) [5.27]: I raise a matter that is causing great concern to my constituent, Miss Glenys Callaghan. I first raised this matter on 9th April, 1992. It relates to her purchase of a mobile campervan in February 1990 at a cost of $41,000. That purchase has proved to be a financial disaster because the firm that she bought the van from, Paltrue Pty Limited, delivered to her a van which simply is not suitable for her purpose. Since raising the matter on 9th April, Miss Callaghan has sought compensation from Paltrue Pty Limited and has encountered considerable frustration. That frustration has been brought about by two factors; first, the stonewalling tactics of the company's firm of solicitors, Blake Dawson and Waldron, and, second, the prevention of compensation because of the weakness of the Department of Consumer Affairs in pursuing the matter, particularly in pursuing the solicitors. On 8th October Miss Callaghan indicated to the department that she would be willing to accept a figure as compensation and would be willing, reluctantly, to sign a confidentiality clause about not disclosing the amount of the compensation.

The department wrote to Blake Dawson Waldron on 14th October advising them of Miss Callaghan's decision. Since then Blake Dawson Waldron have been told three times that Miss Callaghan was prepared to accept an offer to settle the matter and to keep the terms confidential. Blake Dawson Waldron have not only lied in representations they have made to the department but have also continued to stonewall and prevent any settlement of the matter. Those solicitors have been chased up on a number of occasions. On 17th November the department contacted them by phone and representatives told the department that the terms of settlement would be faxed the next day. That fax never arrived. On 5th February the department again wrote to Blake Dawson Waldron asking for an indication as to the time the department would be informed of the settlement terms; again they simply refused to reply to the department.

More than a year ago Miss Callaghan applied for legal assistance to pursue the matter against Paltrue Pty Limited through the Department of Consumer Affairs. The Commissioner for Consumer Affairs has informed her that a decision cannot be made on the application for legal assistance - made more than 12 months ago - until the department receives

information from Blake Dawson Waldron about its position and that of Paltrue. Miss Callaghan is caught in a vicious circle: Blake Dawson Waldron will not answer any representations the department makes regarding settling the matter, and Miss Callaghan cannot get a decision about her legal aid application because the department cannot get any information from those solicitors.

I was always under the impression that Blake Dawson Waldron was one of the most respected law firms in the city. However, knowing it is dealing with a person of limited financial resources - a
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battler - who is trying to pursue Paltrue Pty Limited, it is deliberately stonewalling the department and Miss Callaghan from getting any satisfaction. The lies Blake Dawson Waldron have been peddling about this issue extend to the financial position of Paltrue Pty Limited. The solicitors have consistently stated to the department and Miss Callaghan that Paltrue Pty Limited is in the process of being wound up, that there are no assets, and that the company is insolvent. Through her own efforts Miss Callaghan has discovered from the Australian Securities Commission that that is not the case.

The department has given a commitment to find out the true position, but as yet has not advised Miss Callaghan or me of the assets of Paltrue. There is a great deal of doubt as to whether the company has been wound up. Miss Callaghan has received advice from Paltrue's accountants that no winding up proceedings have ever been commenced. I ask the Minister for Consumer Affairs two things: first, to get the department to obtain an answer from Blake Dawson Waldron as soon as possible about the settlement, and, second, to obtain from the department the true financial position of Paltrue, whether the company has been wound up and what assets the company has, so that my constituent can get some justice.

NORTH COAST SLEEPER CUTTERS

Mr JEFFERY (Oxley) [5.32]: It seems that the sleeper cutters of my electorate and other North Coast towns may shortly be dismissed from their employment through no fault of their own. The axe is about to fall: the sleeper cutters will be the latest victims to join the unemployment queues. Members may recall my plea in this House approximately 18 months ago for compensation to be paid to the men who were forced to leave the industry when the State Rail Authority announced a scaledown and a move towards the use of concrete rail sleepers. Those cutters who chose to remain were practically guaranteed work on a more limited basis.

Now, ironically, State Rail still wants to use timber sleepers but the Forestry Commission says there are no resources. Where is the justice for these hard-working men who have worked long hours in an extremely difficult and back-breaking occupation? For many of the workers it is the only occupation they have known for their working lives. Timber-cutting has a history going back to early last century when the Macleay, Hastings, Nambucca and Bellingen valleys were settled. Timber was then a rich resource; and it still is. It is part of the history and lifestyle of these districts and it will be a sad day indeed when that heritage is lost.

Generations of rugged individuals have hewn timber from the difficult terrain of the North Coast hinterland. The resource has not been cut out; the workers are competing for available resources. However, the sleeper industry has been in gradual decline since the 1960s when more than 1,000 sleeper cutters were employed; today there are only 219 sleeper cutters. In my home town of Kempsey there are currently 14 sleeper operators who between them hold 25 State Rail Authority tickets. Those operators have a recent history of timber-cutting in State forests in the Kempsey area.

The Forestry Commission has stated that only sufficient resource remains for two to three tickets. That means probably one or two sleeper cutters at the most will be required. That will cause a massive reduction in employment in the industry all along the North Coast. The demand for timber sleepers has not decreased at the rate originally predicted, because of delays in the establishment of a concrete sleeper plant. Compensation packages for the early termination of sleeper cutters has been suspended - the men are out on a limb. I propose two options for the Minister for Conservation and Land Management and the Minister for Transport: first, that further species be added to the list of suitable sleeper timber. Blackbutt, spotted gum and bloodwood are three species that are available in sufficient volume. Alternatively, the Minister for Transport could consider extending compensation to those sleeper cutters who are denied

access to the resource.

The situation has been difficult for the men and their families. Cutters have been pushed from pillar to post. These men are only worried about where they will get their next meal to put on the table; they do not know how much time they have left in the industry. First, the State Rail Authority moved to the use of concrete sleepers - but with no firm date - and second, the Forestry Commission cut supplies, leaving the men in a catch-22 situation. The men have every right to feel hard done by. The Minister for Conservation and Land Management and the Minister for Transport should consider what compensation can be given to these men who are between a rock and a hard place. The whole sorry affair has been most unsettling. Some cutters needed to upgrade machinery, some wanted to buy a home or renovate, just like members of Parliament do. To get the normal things that most ordinary people have, they must have security. No bank or financial institution will help these workers unless there is security of the resource.

For State Rail to say it only has to pay redundancy when terminating cutters' employment is a misrepresentation of the facts. The cutters know they are on borrowed time; that is why many of them got out of the industry two years ago and provided viability for those who remained. By closing access to the resource the Forestry Commission is doing the terminating for State Rail - an approach that is morally wrong. Whichever way the problem is looked at, it is apparent that the men will be out of work, and government authorities are partly responsible. State Rail planned to terminate the employment of cutters on the coast within the next two years. When the licences were handed in, the men would have received compensation once the concrete sleeper plants were up and running. The cutters should be allowed to remain cutting until they can collect their redundancy, and this could be achieved by increasing the number of

species of timber State Rail will accept for sleepers. The men and their families deserve a break. I ask the Ministers to assist by providing justice and equity for these hard-working men who are about to have their livelihoods chopped off.

Mr MERTON (Baulkham Hills - Minister for Justice, and Minister for Emergency Services) [5.37]: The Minister for Transport, the Hon. Bruce Baird, is unable to be in the Chamber and I have been asked to present the facts on his behalf. State Rail is making increasing use of concrete sleepers because of their durability and economic advantage over timber sleepers. However, having said that, the Minister assures the House there will always be a need for timber sleepers. In 1991-92 State Rail estimated a demand of approximately 380,000 timber sleepers but required and took delivery of 505,000. This year State Rail anticipated it would need 360,000 timber sleepers but will be accepting delivery of approximately 460,000. In 1991 meetings were held with North Coast sleeper cutters advising them of reducing demand for timber sleepers, indicating rationalisation of sleeper depots, and terminating supply from the lower quota sleeper cutters who accept $15,000 per year from State Rail and must therefore have supplementary income sources.

According to what I have been told, it is true to say that State Rail has not reduced its demand for timber sleepers from the North Coast. In fact, since July 1992 State Rail has offered to accept the supply of timber quotas 50 per cent more than the quota. There will always be a continuing need for timber sleepers. The issue of access to timber in Forestry Commission areas is more appropriately addressed to my ministerial colleague Mr West, and I assure the honourable member for Oxley that will be done. I am further instructed that the Minister is aware of the situation. However, the reality is that some changes have been made with requirements for sleepers. Though there will be continuing orders, I am informed that the inevitable result will be a change to, and an increasing use of, concrete sleepers in the industry.

ACCOUNTANCY PRACTICE OF Mr D. ALLEN

Mr J. H. MURRAY (Drummoyne) [5.39]: I draw the attention of the House to what I believe to be a laxity in current legislation which has allowed a disgraced and bankrupt accountant, whose membership of the Australian Society of Certified Practising Accountants has been withdrawn, to continue to practise and, at the same time, to defraud members of the public. In May 1992 Donald Allen of West Pymble was found guilty of committing 16 breaches of the ASCPA articles by the society's New South Wales Companies Auditors and Liquidators Disciplinary Board. At the same time he was declared bankrupt, and an official trustee was appointed. The complaints found proved against Allen by the ASCPA were as follows: he continued to act as a registered company auditor while disqualified by the Companies Auditors and Liquidators Disciplinary Board; he continued to act as a director of companies while an order prohibiting him from taking part in the management of the companies was in effect; he used clients' funds for purposes other than those for which

they were entrusted to him; he failed to account for clients' funds; and he withdrew a client's funds from his trust account without the written instructions of the client.

Unfortunately there is no legislation in New South Wales relating to the ASCPA being able to bar a member from practising after that person's membership has been revoked. I understand there is no Act of Parliament relating to accountancy and, further, that accountants are not required to be members of any regulatory body. This means that there is no government form of quality assurance within the profession. This in stark contrast with the legal profession, where lawyers cannot practise unless they are registered with the Law Society. Unfortunately, accountants can continue to practise after being struck off by their professional body.

What has come out of this sorry saga is that Donald Allen has continued to practise and to rip off large institutions such as the Australian Taxation Office, the Australian Society of Accountants and the National Bank of Australia. But, to his lasting dishonour, he has continued to defraud the widows of his old army mates, who were among the Rats of Tobruk, to the tune of $1.5 million, using as a vehicle the Beneficial Finance Corporation. How he could have continued this act of deception can be explained in part by the fact that his trust account was never audited. This underlines my call for the need for a greater regulatory role through legislation emanating from this Parliament. I understand that if his trust account had been audited, his actions of pocketing his clients' tax refund cheques would have been exposed much sooner than they were.

I understand that Mr Allen is still undertaking accountancy work for the firm of Lee and Associates. This makes a mockery of the lack of protection for the general public resulting from the present inadequate protection. I should explain that Mr Allen was examined under oath on 7th December, 1992, when he admitted that he had borrowed funds from clients without their authority and had lied to clients about the whereabouts of the money. Mr Allen is still, according to law, allowed to provide accountancy advice through a front accountancy company. It has come to light that with at least eight superannuation funds managed by Mr Allen, the auditor appointed for the funds had no knowledge of them and had never been consulted by Mr Allen with respect to them.

To underscore the full extent of Mr Allen's deceptions I will list, in round figures, some of the creditors to date: Australian Society of Certified Practising Accountants - $10,400; Australian Taxation Office - $21,642; Graham Austin Pty Ltd - $32,226; M. Wyatt - $15,000; Horwarth and Horwarth - $21,595; J. H. Morgan - $75,948; R. and R. Englund Pty Ltd - $72,435; Y. Y. Management - $2,000;

N. S. Trading Pty Ltd - $25,000; Helen Chandler - $23,442; Rod and Mae Clarke - $50,000; R. V. and M. M. Rogers - $60,610; Oloff Tromp - $56,767; Ena Beryl Jerome - $48,732; Les Symonds - $50,000; and Christine Dupont - $27,867.

It seems that Mr Allen's activities have been known to the police for some time, yet he is still at large and has not been arrested. I can only surmise that white-collar crimes such as those carried out by Mr Allen are complicated matters that are not very well understood by the police, and consequently they have given his activities low priority. I call upon the Attorney General to look at this loophole in the legislation and to liaise with the Minister for Police to take immediate action to curtail the activities of Mr Donald Allen.

SUTHERLAND SHIRE COUNCIL BUILDING AND DEVELOPMENT APPLICATIONS

Mr KERR (Cronulla) [5.44]: I refer to a matter of concern to people of the Sutherland shire. Last night I was pleased when the Minister for Local Government indicated that the area will retain the title of shire, despite the efforts of the Local Government and Shires Associations to rob us of that title. That title and that identity is to be retained.

Mr J. H. Murray: Does the honourable member like the term president?

Mr KERR: It is very interesting that the honourable member for Drummoyne would interject to ask if I like the term president. It is fair to say that the Sutherland Shire Council is not treating its residents royally. At present there is general concern about the level of treatment that residents are experiencing from the council.

Mr J. H. Murray: It must be a Labor council.

Mr KERR: The honourable member for Drummoyne quite rightly says, based on the things I have said, that the council must have a Labor president. He is quite right; it is a Labor council. I have to say that it was a fairly educated guess by the honourable member. Once we talk of ill-treatment, we know which political party is involved. As an expression of this concern a meeting was held on 22nd April by the Sutherland Shire Waterfront Owners Association. Members of that association are concerned to preserve their waterfront heritage. Many of its members have limited income. At the end of the second world war it was possible for returned servicemen to take up property in Sutherland shire. The shire has many residents who are on fixed income, including pensioners and retirees. This association is not well-heeled, but it is representative of a large body of the community and has about 500 members.

At that meeting on 22nd April concern was expressed about outstanding building applications and development applications that are before the council. It was moved that, in the event of the council considering that it could not accede to a request to expedite a decision on an outstanding application, the association be advised of the grounds for the delay. One would have thought that was a perfectly reasonable expectation. The meeting further resolved that in the event that no satisfactory reply is received within six weeks, the association will be authorised to make whatever representations it considers necessary and appropriate to the Minister for Planning and to the Minister for Local Government. I understand there have been calls for the sacking of the council but, in fairness, one is entitled to a reply from the council.

The meeting went on to authorise the placing of an advertisement in the local press inviting members of the public to bring forward for the association's attention any recent development application or building application that had been delayed unreasonably, had been revised, or had been approved under duress. Here we have an expression of people power in the Sutherland shire. The people want an effective council that provides efficient services. Of course, they want to see the environment protected. No one has more right to be part of the decision-making process than those who live in the area affected. We who live in the Sutherland shire are very proud of the foreshore and the many public walkways along it. [*Time expired*.]

GUILDFORD RAILWAY FOOTBRIDGE

Mr YEADON (Granville) [5.49]: On behalf of the people of Guildford and the local business community of Guildford I condemn the Government and CityRail for the removal of the pedestrian footbridge over Guildford railway station. Three or four weeks ago CityRail commenced the demolition of the overhead bridge at Guildford railway station allegedly for relocation at Casula where apparently there is a need for that overbridge. The people of Guildford do not want to deny the people of Casula an overhead bridge, but they do not want to see it provided at their expense. Many people in Guildford are afraid to use the existing underpass for fear of being assaulted or robbed, and at night that is particularly the case. Unfortunately, vision in the underpass is very restricted because of the location of the station and it is very difficult to detect if people are loitering round the confines or within the underpass. Many people in the Guildford area are women and aged people who have a great fear of using that underpass.

I appreciate that CityRail conducted a survey of commuters, which also included a range of upgrading initiatives to the existing station and the underpass. However, a substantial number of the people surveyed, 35 per cent, clearly indicated their total opposition to the removal of the bridge. I should have thought that would have sent clear signals to CityRail of a significant minority opposition to the removal of the bridge. The survey was conducted only among rail commuters. The questionnaire was located only on the railway station. Commuters are not the only people who use these types of facilities.

Residents who travel back and forth across the railway line use the overhead footbridge to shop in the central business district and so forth but they had no opportunity for input in that survey.

Since the steps on that side of the bridge have been removed, I have received petitions containing 1,500 signatures from residents and the local business community. Those petitions have been submitted to the Parliament. Additional ones are piling up within my electorate and they also will be brought into the Parliament. I suggest that those petitions

comprise a more wide-ranging and comprehensive survey than the one conducted by CityRail. CityRail's approach to this issue was inept from the beginning. As I mentioned earlier, there was a proposal to upgrade the station in some way, to provide a disabled access ramp on the western side of the station and also to improve the underpass by installing mirrors for increased vision and to upgrade the pumping facilities, as the underpass is prone to flooding during rain.

However, CityRail removed the overhead bridge first, with the upgrading of the station to be done later. That situation created ill will in the community because it lost its immediate facility and was left only with promises of upgrading in the future. If CityRail were serious about this proposal it would have upgraded the underpass and the station, demonstrated to local residents the work being done and then sought their opinion on whether they were happy with the condition of the station and the removal of the overhead bridge. I put it to the Minister - and I am pleased that he is in the Chamber to listen to my complaints on behalf of residents - that the people of Guildford, not only the residents but also the local business community, are absolutely outraged at the removal of the overhead bridge. On their behalf I demand that the bridge be immediately restored.

Mr BAIRD (Northcott - Minister for Transport, and Minister for Tourism) [5.54]: The honourable member for Granville approached me earlier about this question and I have a response. In late 1992 CityRail found that the overhead footbridge at Guildford would require extensive repairs, undoubtedly generated during the time that the Labor Government was in power. Work required included renewal of the concrete decking, stairs and handrails, repairs to cracked concrete footings and painting of exposed metal beams. Of course, it was left up to this Government to do something about it.

As there was an alternative access via a subway, CityRail's line manager contacted Holroyd City Council about the possibility of removing the footbridge and directing the maintenance funds to improving the station and subway access. Necessary works to improve the subway access were identified, which CityRail agreed to carry out. CityRail then undertook a week long survey of customers to gain their feedback on the proposal. Of those who responded, 65 per cent supported the removal of the bridge and the provision of upgraded subway access. CityRail considers that the refurbishment of the subway is the best solution to improving access to the station and also for non-commuters crossing from one side of the station to the other. Lighting in the subway has been improved and convex security mirrors installed. In addition, submersible pumps will be installed in the near future so that flood problems will be alleviated.

Mr Yeadon: That is what should have been done anyway, without the removal of the footbridge.

Mr BAIRD: I am glad the honourable member for Granville has all the answers.

Mr Yeadon: I have.

Mr BAIRD: I am sure he thinks he has. The removal of the bridge, upgrading of the subway and access to the station will make its use easier for people with disabilities, the elderly and mothers with strollers. CityRail is also carrying out other improvement works at Guildford. These include access for the disabled at the western platform entrance and extension of the western side subway awning. These works are expected to be completed by the end of June. Improvements are also being carried out to the eastern ramp, and relocation and upgrading of the station's toilets has been completed. The works being carried out at Guildford will approximate $200,000 and will provide CityRail's customers with a much improved environment. The dismantled bridge will be renovated and installed at Casula where there is a need to enhance pedestrian safety. At present pedestrians use a level crossing. It is expected that the number of pedestrians will increase with the opening of the Power Hour Regional Arts Centre. By installing the Guildford bridge at Casula, CityRail is saving the taxpayers $100,000 and providing both locations with safe rail crossings. [*Time expired*.]

SUGAR INDUSTRY RESEARCH

Mr BECK (Murwillumbah) [5.56]: I support the North Coast sugar industry of New South Wales in its request for assistance in funding industry research. For the past couple of months I have continued to raise this issue, and the Minister for Agriculture and Rural Affairs has come to this House to hear those concerns. I speak also on behalf of my

colleagues the Minister for Natural Resources, the honourable member for Ballina and the honourable member for Lismore, all of whom have raised the need for research funding in the sugar industry of New South Wales.

The Bureau of Sugar Experiment Stations in Queensland does all the research for the Queensland sugar industry. The bureau breeds new varieties of sugar cane, conducts fertiliser trials and disease control, and gives general advice to the industry. The Queensland industry pays a levy to finance the bureau and the Queensland Government has always made a contribution. In the past, Combined Sugar Refineries provided the research and advice to the New South Wales industry. It also did its own research in Queensland. When the New South Wales Sugar Milling Co-operative purchased the sugar mills from
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CSR, research services were provided by CSR. Subsequently, CSR withdrew from research and varietal breeding in Queensland, which left New South Wales out in the cold.

Sugar industry research is specialised and NSW Agriculture has never been actively involved, either in Queensland or New South Wales. The New South Wales industry has been negotiating with the BSES to provide services to the New South Wales industry. It is obvious that varietal breeding and disease research must continue. Because of the vast experience and expertise that the BSES possesses, it seems obvious that it can provide the necessary service required. For instance, there is a varietal bank that goes back decades. Such varieties can provide the necessary gene bank to breed specialised varieties for New South Wales. There are some 550 growers of sugar cane on the three northern rivers of Tweed, Richmond and Clarence. From a 1992 crop, which was in excess of 1.8 million tonnes of cane, 239,000 tonnes of refined sugar will be produced.

All this sugar, which will be sold on the domestic market, will account for 29 per cent of the 800,000 tonnes that is used by the Australian market. Last year, this crop was worth $60 million to the economy of the North Coast. However, as I have indicated, growers are also in partnership with a Manildra sugar refinery, so that figure will rise to $120 million. The industry came to an agreement with the BSES to pay for its services. It is costing growers 7c per tonne for those services and 7c per tonne for milling, a total cost of $250,000 each year. The industry has been asking the New South Wales Government to contribute towards research and development. I indicated earlier that the Queensland Government is already doing this.

I ask the Minister for Agriculture and Rural Affairs, the Hon. Ian Armstrong, to assist me and my colleagues by asking the Minister for Finance, the Hon. George Souris, whether he can find funds, in this recession stretched economy, to support this valuable North Coast industry. The Minister for Agriculture and Rural Affairs not only gives the sugar industry a great deal of support; he also gives support to all other agricultural pursuits in this State. Only last week representatives of the New South Wales sugar industry approached me and expressed concern about the new road strategy for the northern rivers area, that is, the road from Tweed Heads through to Hexham. We must ensure that prime agriculture land is not disturbed and, if that is unavoidable, such disturbance should be minimal. The needs of industry should be recognised, not only in relation to research but also in relation to future roadworks, or any avenue of change that takes place in that area. [*Time expired*.]

Mr ARMSTRONG (Lachlan - Minister for Agriculture and Rural Affairs) [6.1]: I congratulate the honourable member for Murwillumbah on his presentation this evening. He, the honourable member for Ballina, the honourable member for Lismore and the Minister for Natural Resources have made representations over a reasonably protracted period for appropriate funding for the research to which the honourable member for Murwillumbah has referred.

It is worth noting that the performance of the New South Wales sugar industry has been outstanding, particularly in recent years. Without much song and dance, and with a lot of professionalism, it has undertaken refinery processing and has captured a significant part of the Australian market. It is now the dominant supplier of sugar in this country. As the honourable member for Murwillumbah has said, it has done that with a minimum of government assistance. It is an outstanding example of an Australian producer with Australian management and Australian know-how being able to look after the domestic market in a highly competitive industry.

Tonight I am delighted to be able to state that the Minister for Finance, the Hon. George Souris, has indicated to me that he is prepared to respond to the representations that have been made by the honourable member for Murwillumbah

and his fellow members. Through my portfolio, $105,000 will be made available every year for the next three years for a research program. No doubt this will enhance the activities of the sugar industry. When the honourable member for Murwillumbah informs his colleagues of what I have said, he should pass on the best wishes of the Government and, in particular, of the Minister for Finance and myself. I hope the industry continues to expand. The honourable member should extend to that industry also the Government's congratulations for the work that it does. [*Time expired*.]

RETAIL OUTLET SHOPLIFTING

Mr FACE (Charlestown) [6.3]: I wish to speak about the problem of shoplifting in New South Wales retail outlets. I do not condone shoplifting in any way, shape or form. This massive problem is causing the Retail Traders Association a great deal of concern. However, I want to highlight the problems faced by shoplifters. Every year I meet three, four or five people who do not fall into the category of professional shoplifter. More often than not, people who are caught shoplifting fall into age categories. One shoplifter with whom I had dealings was extremely stressed as a result of a traumatic family breakup.

Most shoplifters take small items, such as packets of seeds, or batteries, which are placed in their pockets or handbags. One shoplifter to whom I spoke said that her child had put goods into her basket without her knowledge. Security people are then forced to intervene. I am concerned about the amount of time that is spent by members of the New South Wales Police Service taking statements from people in the security industry. On many occasions shoplifters are deprived of their liberty on the say of a security officer. This leaves a lot to be desired. The Attorney

General, the Minister for Consumer Affairs and Assistant Minister for Education and the Minister for Police should take a look at this serious problem. They should obtain statistics to see how many shoplifters appear before the courts.

Over the past 20 years I have had 100 or more shoplifters come to my office. With the exception of one person, who obviously tried to mislead me, each and every one of those shoplifters was found with only a packet of seeds or some other small item in his or her pocket. I have said that I do not condone shoplifting; it is a serious offence in our community. These people, who came to me at different times, did not put their heads together in an attempt to corroborate their stories. Their reports of the actions of security officers left a lot to be desired. Those actions could lead one to believe that security officers attend some sort of training school to learn how to terrorise people. I question whether security officers have the right to demand that people suspected of shoplifting surrender themselves to their custody. Quite often they coerce those people into making statements. Any practising solicitor would be able to confirm this.

Recently, one person was body-searched. That person, who was intimidated, had a sick wife. Security officers went to the police, supplied them with information and, on their say, that person was charged. I believe security officers act aggressively - a matter about which we should all be concerned. In one incident in the inner western suburbs of Sydney, police detained a shoplifter on the say of a security officer and never gave that shoplifter an opportunity to consult his wife - an ethnic person who could hardly speak English. She had been waiting for her husband for some hours and was concerned as to his whereabouts. Most retail outlets display signs which state that people should not shoplift. But I believe that, if a security officer has suspicions about someone, he or she should be able to ask, "Do you have anything in your pockets?"

More often than not, security officers follow shoplifters once they have seen them taking an item. I said earlier that most shoplifters do not fit into the category of professional shoplifter. One of the matters to which I referred earlier involved someone who purchased goods to the value of $70, $80 or $90. After he left the store's premises, the security officer approached him and said, "Do you have batteries in your pocket?" The person to whom I am referring, who is 70 years of age, put the batteries in his pocket because they kept falling out of his trolley. It is not right for a man who is 70 years of age and who has a sick wife to be frogmarched out of a supermarket and dragged before the court. That is not the only incident about which I have knowledge. I have 20 years' experience of people reporting similar incidents. In another instance, a woman who has gone through a most traumatic family breakup, put only a packet of seeds into her pocket. This whole shoplifting issue needs to be addressed. [*Time expired*.]

PORT MACQUARIE HOSPITAL PRIVATISATION AND Mr J. MURPHY

Ms MACHIN (Port Macquarie) [6.8]: I wish to raise events in regard to Port Macquarie hospital. It is fortuitous and coincidental that earlier tonight the Deputy Leader of the Opposition raised this matter. I draw to the attention of the House an opinion poll conducted on the weekend by a local newspaper. An article in that paper stated that 72 per cent of people were fed up with the hospital debate and want to get on with the building of the hospital. The article stated also that only 40 per cent of the Hospital Action Group, inspired and led by Mr Murphy, supported current Government action that was stopping many people in town from having jobs and was likely to send to the wall one businessman I know. I raised this matter in Parliament last week.

The actions of the Deputy Leader of the Opposition are particularly gutless in what has been an entirely gutless affair which, unfortunately, is par for the course for him. Why did he not raise this matter last week? He talked about a rally that was held last Monday week, almost two weeks ago, but decided only tonight to raise it. I ask how fair dinkum he is. He called it an act of political vandalism. He said that Mr Murphy, a key person in the action group and an endorsed Labor candidate, had had his shop vandalised; things were thrown at it; people were yelling at him and windows were broken. I made a few phone calls. I cannot find anybody in town who can tell me if he had a window broken. I think that is an outright lie just to make the story sound good, which again is par for the course for the Deputy Leader of the Opposition.

What happened to his shop was that somebody threw an apple at the front of his shop, after the rally. That is all I could find out. It has not been reported to the police; they do not really know what happened, they thought it might have been an egg - hardly a major attack. What is particularly misleading - and the Deputy Leader of the Opposition knows better - is that he claims that I incited this attack, this political vandalism. That is an outright lie, as are many of the things he has said. I made it quite clear the next morning in the local media that, if Mr Murphy's shop had been attacked, I thought it was as disgraceful as the attack that had been made on my office prior to Christmas, for which court action is pending.

I did not at any stage incite an attack on Mr Murphy's shop. Nor would I dream of doing such a thing. I do not condone this kind of behaviour, even if it is a vicious apple throwing incident at someone's shop. At that meeting I told the people who are currently unemployed, at Mr Murphy's instigation, that they should go down to his shop and tell him what they think and, if they felt strongly enough, maybe they do not have to do business there, they can shop elsewhere. I did not call for a community boycott of his shop. I concede that perhaps I should not have said that to those people because others in his business might suffer. I rang Mr Murphy the following day and personally

apologised for that remark. I wrote to him and I gave a copy of that letter to the Deputy Leader of the Opposition the same day, so he has known that for a week and a half. At least I had the grace to apologise for a remark that obviously upset some people in the community.

Where was Dr Refshauge and his sensitivity when I was pregnant a year and a half ago and people were marching around town with pillows stuffed up their front, taking me off. Where was he when other people were being attacked, or when my shop was vandalised, my staff locked in, and I was sworn at and threatened. Last year, when I was pregnant, Murphy said that it was sinister that I was having my baby at a Sydney hospital. The reason I did that - and it has been private until now - is the fact that my sister -

[*Interruption*]

It is my business, and I am happy to put it on the record. My sister is handicapped as a result of a birth accident, and I wanted to have the best possible facility for my child. This is a particularly dishonest debate. It has been unfair on my family. It has been dishonest. It has been unfair on many in the community. If Murphy does not like the heat, if he cannot cop it when the debate gets too hot, he should get out of the political kitchen, and Refshauge should do the same.

I would finally like to point out one matter that was raised with me by a constituent. Many people are particularly disgusted at Murphy's behaviour. He is so unfocused in his work that he is overprescribing drugs. Recently he prescribed a four times strength drug for a lady who came to see me complaining about his general behaviour. The

Deputy Leader of the Opposition ought to be apologising to me. They have not had the grace to apologise for some of the things that have happened to my family, and I have had enough of it.

Private members' statements noted.

HOMEFUND COMMISSIONER BILL

Message

Message received from the Legislative Council agreeing to the Legislative Assembly's amendments.

[*Mr Acting-Speaker (Mr Tink) left the chair at 6.17 p.m. The House resumed at 7.30 p.m.*]

CENTENNIAL PARK AND MOORE PARK TRUST (ROYAL EASTER SHOW) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr SMALL (Murray) [7.30]: The Centennial Park and Moore Park Trust (Royal Easter Show) Amendment Bill is the result of unworkable inconsistencies in the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Act 1992 in regard to the assets and land tenure of the Royal Agricultural Society of New South Wales. It is not the intention of the bill to alter the key provisions of the legislation introduced by the honourable member for Bligh, namely, that the Sydney showground should remain in public ownership. The amending bill will ensure the vesting of the Royal Agricultural Society Showground in the Centennial Park and Moore Park Trust is deferred until the Royal Agricultural Society has vacated the showground and relocated to Homebush.

The purpose of these amendments is to ensure the future of the Royal Agricultural Society and that the annual Royal Easter Show extends beyond 1993. The future of the Royal Agricultural Society has been placed in jeopardy. The existing Act ignores too many legitimate concerns: who will maintain the site; provision for compensation to the Royal Agricultural Society for loss of land; and security of tenure. The Act divests the Royal Agricultural Society of its title to the showground lands and replaces that title with a right to lease back the land.

The Royal Agricultural Society has legal tenure of 28.8 hectares of land. That tenure has been vested through legislation and has been accumulated since 1893. When the showground is vested in the trust, the land will become original land in accordance with the terms of the Centennial Park and Moore Park Trust Act. Section 10 of that Act provides, "The Trust shall not . . . mortgage . . . any of the original land". The 28.8 hectare showground appears as a $10.7 million asset in the balance sheet of the Royal Agricultural Society. It has been expropriated without compensation. The result is a net deficit of $2.8 million.

The Royal Agricultural Society financiers will most likely request payment of money owing to them prior to vesting of the land in the trust on 8th June this year. That will leave the Royal Agricultural Society in a position where it may require financial assistance to carry out its operations, including the presentation of the 1994 Royal Easter Show. Simply put, unless the Act is amended the Royal Agricultural Society could well not be in a position to meet its debts as they fall due. The Government would not be able to go guarantor for the performance of the Royal Agricultural Society, as happened with Eastern Creek. Expropriation of the land housing the showground removes the collateral on which the society's bankers rely as security for advances.

Under the existing arrangements the Centennial Park and Moore Park Trust becomes the owner of the land on 8th June and will effectively be able to dictate the terms of the lease. After 8th June the Royal Agricultural Society will be restricted in its right to sublease the showground site for major exhibitions, such as antique fairs, unless it has the trust's approval. Revenue from subleasing of the showground site is critical to the society's continued operations. The

proposed amendment will defer the vesting of the showground until the Royal Agricultural

Society has vacated the site. That will allow the Royal Agricultural Society to sublease the site and generate revenue, subject to normal local council provisions. Under the amendments to the Act proposed by the honourable member for Bligh an additional four trustees are to be nominated by the four local councils adjoining the trust's land. The pre-existing trust had seven trustees.

The view of the Government is that the local councils have used these trust parklands to meet the leisure needs of local residents and that this is contrary to the intent of the trust, which preserves the parklands for all people of Sydney. The existence of Centennial Park and Moore Park does not remove from local councils the financial and social responsibility of providing open space for local residents. Public consultation takes place in various management advisory committees. The Government considers that community consultation should be enhanced through the establishment of a community consultative committee, not through local council representation on the trust. The National Trust has acknowledged the significant heritage of the showground site, yet the honourable member for Bligh has made no provision for the maintenance of those buildings.

The showground is a 28-hectare site containing 18 halls and function rooms ranging in area from 816 square metres to 4,154 square metres. The cost of restoring the site to National Trust requirements has been estimated at between $80 million and $100 million. The potential effect of the bill will be to effectively eliminate the ability of the Royal Agricultural Society to operate and develop the facility to the levels necessary for presenting the popular Royal Easter Show. A question mark would also hang over the funding of costly preservation work on the significant number of heritage buildings on the site. The Royal Easter Show is an essential part of the life of Sydney. For many years it has provided a shop window for agricultural products. About four million people from Sydney, Wollongong and Newcastle areas have the opportunity to visit the Royal Easter Show; many people from country regions display craft and exhibit their goods and stock.

I compliment the various districts of New South Wales and southern Queensland on the magnificent displays of agricultural products in the main hall of the showground at the recent Royal Easter Show. The district exhibits depict scenes from the respective areas. Five districts compete for prizes in two categories: presentation of the display and the quality of the produce. An agricultural show is a shop window for the products of country people. The Royal Easter Show now includes displays of art and craft and children compete for prizes in a painting competition. It is important to maintain the Royal Easter Show in Sydney. I was surprised at the enormous number of overseas visitors attending the Royal Easter Show this year.

That speaks very highly of the people who understand and appreciate quality food, excellent stock of high quality standard in Australia, and the excellent fine merino wool and sheep that are on display. It is important that agricultural shows continue to be held in Sydney, hopefully at Homebush Bay, which will become the new venture for displaying modern technology with regard to agricultural products. I hope that Sydney will be successful in the bid for the 2000 Olympics.

Mr MARTIN (Port Stephens) [7.41]: My contribution tonight on behalf of the Opposition will address only one small part of the bill, because my colleagues the honourable member for Blacktown and the honourable member for Moorebank will be speaking on behalf of the Opposition. There is a vital need to address the security of the Royal Agricultural Society. That is something this Parliament was remiss in doing when the legislation was passed last November. It is an indictment on the Government that it allowed legislation to be passed without addressing the serious problems of security of an organisation which has a major responsibility in this Parliament. The Parliament should be very cognisant of the problems that have arisen because that legislation was not scrutinised sufficiently.

There is a whole government department at the resources of Ministers, which should have but did not do that work. The people of New South Wales will have to meet the cost of our now having to rectify that mistake. I commend the officers of the RAS who were kind enough to brief my side of the Parliament and my colleagues on their position, the future of the RAS, and where future shows are to be held. There is something amiss in our society if the Government is not planning clearly ahead for what happens to exhibitions and shows in New South Wales, but is relying entirely on an Olympic bid.

Olympic bid or no Olympic bid, something needs to be done about the future of the Easter Show, where our agricultural produce is displayed and where country and city are able to meet. Obviously Homebush Bay is the place for it. We should have firm commitments, irrespective of the success of the Olympic bid, because the buildings at the RAS grounds are in such a state that they will soon require serious attention. I draw the attention of the House to a matter on which I responded in a letter to Wendy McCarthy on behalf of the National Trust. Wendy McCarthy wrote to me as follows about the heritage need to preserve those buildings at the RAS grounds at Moore Park that those buildings are not heritage listed and serious consideration must be given to whether they are worth while keeping or not, and if they are not worth while keeping, make sure a very clear indication is given to the Society so there are no false expectations because there are a large number of people walking around our society saying that those historic buildings must be kept.

I have serious reservations about that. There is no architectural need to keep specific buildings, and there is a great need to make very clear to future generations what is to happen to those buildings. The Parliament must consider the future of the RAS; that is what this legislation is about. The legislation does
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not really go far enough to secure the future of the RAS. Too much hangs on the September decision with regard to the Olympic bid. If we are to be true citizens of New South Wales we must think beyond then, and have a clear indication so that the RAS can plan. Hopefully we will see Royal Easter Shows being held in brand new premises in the west of Sydney, where the great population masses are. I thank the House for the opportunity to speak to the bill and I look forward to the contributions from my colleagues.

Mr ARMSTRONG (Lachlan - Minister for Agriculture and Rural Affairs) [7.47]: It gives me great pleasure tonight to speak on a bill that I hope the House will pass. This bill will ensure the future of the Royal Agricultural Society of New South Wales. It is unfortunate that this amendment is required; it should not have been necessary. It is an aberration of the parliamentary process that as a result of the passage of a private members' bill last year the RAS finds itself in a position that is not only invidious but impossible so far as the good health and continuity of that agricultural society is concerned. Unless the House passes this legislation, that position will continue.

It is important to establish that the Royal Agricultural Society of New South Wales is not only the largest but also the oldest society of voluntary workers in this nation. The RAS has maintained its capacity to stage annual exhibitions of agricultural produce and associated infrastructure. In addition it has presented rodeos, housing industry shows, boat shows, motor shows, motor bike shows, and anything you care to name for public exhibition. The RAS enjoys enormous prestige and total respect in the community. Whether one speaks to a mothers' club from Parramatta, a kennel club from Guildford, a pony club from Taree, or the Lincoln sheep society, the red pole society, or the wood choppers in Tasmania - which is the birthplace of many of our Australian champions over the years - the RAS is absolutely paramount in presenting the history of all aspects of excellence of country life and animal breeding.

Hopefully this legislation will be passed by the House tonight to ensure that the society will continue to provide its traditional wonderful service. If the House does not pass this legislation, by the middle of this year the society, because of legal complications, will be forced into insolvency. That would be an absolutely crazy position, an absurdity that would reflect upon this Parliament and every member of it for ever more. This Parliament did not have the capacity to recognise what was happening when the private members' bill was dealt with last year. Most importantly the private member who had the carriage of it did not understand what she was doing, or the potential for disruption to the society.

Ms Moore: What rubbish!

Mr ARMSTRONG: That is a fact of life. I am sure the honourable member who has interjected appreciates that. The Government is totally committed to the continuity of the Royal Agricultural Society and its expansion in the future. The honourable member for Murray has already indicated that we are looking forward, hopefully following a successful bid for the Olympic Games in September, to seeing the Royal Agricultural Society relocated to the Homebush site. If the bid is successful and the Royal Agricultural Society is successfully relocated, the first show should be held soon after the turn of the century. That will be a momentous occasion for New South Wales, but most importantly will give the society an opportunity to plan for a new home for probably another 50 to 100 years.

One wonders what the society will be like in 50 years' time. What will the public be demanding? How will the public arrive at the showground? Will they arrive by some form of backpacker's jet or will they still drive there in a four cylinder Holden car? Perhaps they will travel by public transport. Will the public be seeking rock and roll shows or pop shows as a form of amusement, or by then will there be a complete reversion back to natural things? They may be looking for ploughing competitions and working dog exhibitions in the main ring, who knows. I venture to say that it will be a mixture, much the same as it is now. Australians are proud of their history and in 50 or 70 years' time, when the Royal Easter Show is held at Homebush, it will be similar in character to what it has been to date. With imagination, it will capture those who want rock and roll shows, live entertainment and electric entertainments, coupled with the recognition of history.

If the Olympic bid is successful the first show at Homebush will be held in 1999 and the Government looks forward to being a part of that. The bottom line is that the Government has been, and is, totally supportive of the Royal Agricultural Society. I thank the society for its patience and perseverance over recent months since, through no fault of its own, it has become the victim of a legislative process. The society has shown enormous tolerance and forbearance in talking to, negotiating with and putting forward a firm and reasoned case for any honourable member who has sought to discuss the issue. In these recent difficult times the society has performed to a standard of excellence we have come to expect of it in its other activities. It is with much pleasure that I record the Parliament's thanks to the Royal Agricultural Society for its tolerance. I wish it every success for its short, medium and long-term future, wherever it may be located. I trust that the House will give total, unanimous support to the amendments to ensure the future of this magnificent organisation.

Mr KNOWLES (Moorebank) [7.52]: The Australian Labor Party supports the bill, together with the proposed amendment to be moved by the honourable member for Bligh in Committee. The Opposition supports the legislation for two reasons. First, the bill when enacted will still maintain the showground and land in public ownership. The Opposition sought to enforce that principle when the bill of the honourable member for Bligh was originally introduced into the House last year.

Second, and as important, the bill does nothing to affect the Australian Labor Party's desire to ensure that the Minister for Transport, in his capacity as the Government's representative in the preparation of the Olympic bid, did nothing to incorporate the sale of the showground in the Olympic Games bid or to see it sold prematurely simply to allow the Minister and the Government to ensure a funding package for the Olympic Games.

I note in the explanatory note to the bill that section 5 of the amending Act, which relates to assessment of funding alternatives for the Sydney 2000 Olympic bid, has already commenced and, therefore, this bill confirms that the Government is proceeding with the Labor Party's desire to assess alternative funding. On that point I refer to a letter dated 27th November, 1992, from the Leader of the Opposition to Mr Baird, the Minister for Transport, confirming the Labor Party's interest in participating in the process of determining alternative funding sources for the Sydney 2000 bid, as a result of the decision to conserve Sydney showground in the bill of the honourable member for Bligh.

The Leader of the Opposition nominated the honourable member for Drummoyne, the honourable member for Blacktown and myself as representatives for the Labor Party in the process of assessing alternative funding sources. We offered to assist the Minister in attempting to find those alternative funding sources. At this stage the Minister for Transport has not contacted us and accepted our offer, but that offer still stands. I note that, given the fact that the assessment process is continuing and being undertaken at this point in time, we will take considerable interest in the outcome of that process. The Minister for Transport should note that the Opposition will be attempting to ensure the preservation of the showground in public ownership, notwithstanding the desire of the Government to see it sold as part of the funding of the Olympic bid.

It is my understanding that the bill achieves two things: first, it defers the transfer of the showground to the Centennial Park and Moore Park Trust until such time as the RAS has vacated the showground as a result of the transition to Homebush in the event of a successful Olympic bid. In itself that does not provide for the disposal of the site and obviously retains the site in public ownership. Second, the bill eliminates the concept of local government representation on the trust and establishes, alternatively, a community consultative committee to replace a quarterly community consultation program. The amendment foreshadowed by the honourable member for Bligh will seek to vary that provision slightly to ensure that representatives of that consultative committee are properly represented on the trust.

In his comments on the bill the Minister for Agriculture and Rural Affairs attempted to reprimand the Opposition for hastily introducing the provisions contained in the bill of the honourable member for Bligh. I take issue with that. In fairness, part of the unintended consequences of that bill are a direct result of the failure by the Minister for Transport to fairly and reasonably negotiate on issues relating to the funding of the Olympic Games bid. It was inconceivable to all independent players in the negotiations that took place last year that the Minister for Transport could not have found an alternative funding source other than the sale of the Sydney showground. We are talking about an Olympic Games budget somewhere of the order of $2 billion and the notional sale value of the showground is of the order of $74 million, that is, about 3.4 per cent on the overall budget for the Olympic Games.

In terms of budgetary procedures, extending over a period of approximately eight years, it was laughable then and it is laughable now to suggest that the showground had to be incorporated into the funding for the bid. If at that time the Minister for Transport had conceded that point - which was conceded by other Government members - the haste in which the bill was developed and introduced into the Parliament could have been avoided. However, because the Minister refused to participate fairly in those negotiations, he shares, in part, the responsibility for any unintended consequences. Some of those unintended consequences have been alluded to by other speakers and I do not propose to go into them in detail. However, I note with thanks the briefing we received from representatives of the RAS and the trust at the invitation of the Minister for Agriculture and Rural Affairs on 20th April, only a week or so ago. At that time we were advised that the assets of the RAS, worth approximately $10.7 million, were tied up in the showground site, plus 14 acres of land at the showground and a $7.5 million mortgage that was facilitated by Westpac. Of course, if the showground were transferred away from the RAS without compensation, the society would be technically insolvent - clearly an unintended consequence of the legislation that was passed last year and one which can be and will be rectified tonight.

The Opposition has no desire to push the Royal Agricultural Society towards insolvency. We do not expect the Government to compensate the RAS on the simple premise that should the Olympic Games bid be successful a type of asset swapping arrangement will result logically in the RAS moving to Homebush to establish its new home for the next century. The Centennial Park and Moore Park Trust expressed two other concerns at the briefing. First, the trust did not want the burden of the additional administration involved in taking over the showground and the activities of the RAS. The legislation introduced in September by the honourable member for Bligh requires the trust to take over all leases, licences, subleases, sublicences and concessions. That would include the activities of the RAS. At present it is simply beyond the resources of the trust to carry that administrative burden. In the Premier's contribution to the second reading debate on the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Bill on the 27th November last, he said:

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> The retention of the entire showground site for open space as proposed in the bill is impractical. It is impractical due to the high costs of refurbishing and rehabilitating the site . . . To impose this cost on the Centennial Park and Moore Park Trust without the necessary resources -

I emphasise this point:

> - it does not have the capacity to get the resources to deal with the showground problems, which we all recognise must be solved - is simply not in the best interests of the trust, the parks or the community.

As a testament to the validity of the Premier's statement, a subsequent investigation has revealed that the existing trust has problems with the areas it presently administers. Recently I have been advised, for example, that the existing regulations in relation to the administration of those lands are inadequate. I understand that today the Minister for the Environment received a letter from the Attorney General following a request from the trust to clarify the capacity of the existing regulations to enforce regulation in relation to speeding in Centennial Park, littering and so on. I am advised that at present the regulations are largely unenforceable. Attempts to impose fines and enforce regulations are confounded when the trust tries to issue summonses.

The existing regulations need clarification or, alternatively, new regulations should be gazetted by the Minister to

remove the confusion and ensure the enforceability of the existing trust regulations. Before I entered the Chamber I read those regulations. I thought they were fairly clear and explicit. However, I am advised that although under the regulations owners of vehicles speeding through Centennial Park, travelling from Alison Road to the showground side, can be summonsed, fined and so on, the enforceability of the regulations, summonses and fines has been brought into question. The Government has a responsibility to resolve those issues. That, of course, is a resource problem which the Government can and should rectify as a matter of urgency. Though those sorts of problems are inherent in the existing regulations, it is simply not a reasonable proposition to add to the trust's existing responsibilities, particularly when one has regard to the enormous amount of additional work involved at the time of the Easter show should the trust be required to take over from the RAS the responsibilities as licensee. [*Extension of time agreed to*.]

The final concern of the trust is the concept of the incorporation of local government representation in the trust from local councils bordering the trust's lands to the exclusion of other users of the park. The proposal to establish a consultative committee is notionally supported, subject to the amendment to be moved in Committee. That will give members of the consultative committee to be established under the bill a reasonable opportunity to play an active role in the operations and future management of the trust. Again I thank the members of the RAS and the trust for the benefit of the briefing they gave the honourable member for Blacktown and myself last week. It was appreciated and clarified a number of matters.

I return to the original point made by the Opposition. Our support for the bill rests on two things: first, that the passage of this bill into law will result in the showground being retained in public ownership, unable to be sold as part of some notional incorporation into the Olympic Games bid and, second, that the Government continues to investigate alternative funding sources. I shall conclude by again pointing out to the Minister for the Environment that the Leader of the Opposition had offered to participate fairly and openly in the reassessment process. I believe it is incumbent upon the Minister for Transport to take note of that offer.

Ms MOORE (Bligh) [8.6]: Three important matters are being discussed in this debate. One is the present and future viability of the Royal Agricultural Society. The second is the funding of the Government's Olympic Games bid, and the third is the future of public dedicated lands at Moore Park. The bill seeks to amend legislation I introduced last September. That legislation dealt principally with only one of the matters to which I have referred - the future of the showground site after it was vacated by the RAS. During the debate on that legislation I emphasised that it was my wish - and certainly this was my instruction to Parliamentary Counsel - that the RAS should remain at that site and be able to carry out all its activities there for as long as it needed to do so. I clearly stated that in my second reading speech. I want to make it clear that that is still my position. The bill I introduced was in this House long enough to be examined thoroughly.

I recall having discussions with the Minister for Agriculture and Rural Affairs and other Ministers, including the Premier, about the bill. None of the matters that have been raised in this debate were raised on those occasions. The Minister for Agriculture and Rural Affairs has spoken strongly and warmly in this debate in support of the Royal Agricultural Society, and I am sure all honourable members would join him in his support of the RAS. In his discussions with me about my bill last November, the Minister for Agriculture and Rural Affairs stated clearly that he was quite happy for the RAS to leave the site at Moore Park and it was of no concern to him what happened to those important public lands after the site was vacated by the RAS. It is important for honourable members to remember my intention last September when dealing with this bill.

When the majority of parliamentarians passed my bill last November, a clear statement was made. That was that the showground, those important lands at Moore Park, should remain in public ownership. I was pleased that the Minister for the Environment in his second reading speech and the honourable member for Murray, who spoke on behalf of the Government, have restated that proposition. The Minister said, "It is the Government's intention that this bill will ensure that Ms Moore's key provision of ensuring the showground remains in public ownership and cannot be sold is maintained". I welcome that. Notwithstanding that, the bill introduced by the Government undermines the legislation I introduced.

It delays the operation of its central element, the vesting of the land in the Centennial Park and Moore Park Trust, and it removes the four community representatives from the trust. They are the two key elements of this bill.

The Government claims these drastic measures are necessary because management problems have arisen from my legislation. I dispute that claim. This bill is excessive in its response to a management problem. It indicates the Government's continued opposition to keeping the showground at Moore Park - that public dedicated land - in the public domain. The Premier argued against my bill when the debate resumed in November. He cited the costs of retaining the site, the significance of the income received from the sale for the Olympic bid - no concern about the future of the public dedicated land - and the administrative burden that would be placed on the Centennial Park and Moore Park Trust.

The repetition by the Minister for the Environment in his second reading speech of the Premier's statements has underlined my concerns. I conclude that the Government has not changed its position since November, notwithstanding the undertakings given to me by the Minister for the Environment. The Minister has stated that the reason for this bill is that the management problems were unintended consequences of my private member's bill. In the preparation of the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Bill I consulted widely with members of the community who live around the showground, the Centennial Park and Moore Park Trust ,and with a member of the Royal Agricultural Society of New South Wales who is also a member of the Centennial Park and Moore Park Trust. That person undertook to take the bill to the other members of the RAS, discuss it with them and seek their support so that these important lands would remain in the public domain when the RAS vacated the site.

At that time I addressed every concern brought to me and clearly stated when the RAS began its campaign against my legislation that I would support any amendment necessary to ensure that the Royal Easter Show continued and that the trust and the RAS ran smoothly. It has always been my concern that the show continue at the Moore Park site for as long as it is needed. Since the Minister's bill has been introduced, I have again consulted widely, asking members of the trust and the RAS about management problems, and it has become clear that the Government's claims are an exaggeration. The problem is that the RAS has mortgaged the showground site for $7.5 million, and when the land is vested in the trust it will be technically insolvent.

Despite use of this prime site without payment of rates or rent for almost a century, the RAS would be insolvent when the land is transferred to the trust. For the benefits of those who have not followed this debate closely, the RAS does not own the land; it has not and never has had the ability to sell the land; it can only raise mortgages on the land with the permission of the Minister for Lands. I was surprised at the enormity of the debt of the RAS. The Minister did not mention this debt in his second reading speech. However, I accept there is a problem and that it must be solved so that the show can continue.

The RAS debt can be solved in several ways, and the Government's solution is excessive. The debt could easily be covered by a guarantee provided by the Government. I am confident public support would be strong for such a guarantee. The RAS is heavily dependent on public money for its ongoing operation. After discussion with the RAS I found that maintenance of the buildings, the move to Homebush Bay and any building work that may be carried out at Homebush Bay is to be paid for by public money. The RAS has not created reserves to provide for any of these expenses.

If the Government has committed itself to providing hundreds of millions of dollars for the move to Homebush Bay, why does it not advance some of that money and pay out the mortgage or provide the guarantee? If the Government did not want to make that commitment, it could resolve the issue by giving the RAS the right to raise the money from the land at Homebush Bay. The RAS has publicly stated its support for the move to the Homebush Bay site. That expectation is an accepted part of the planning for the Olympic development at Homebush.

Opposition members have been told that Homebush Bay is to proceed notwithstanding the success of Sydney's Olympic bid. If the bid is successful, that development process will be accelerated. During an inspection of Homebush Bay the shadow cabinet was told in no uncertain terms that the development would proceed. I looked carefully at the sites allocated for the RAS and they have all been marked out. If the Government would allow the RAS to use the land at Homebush Bay as surety, it would solve the problem the House is now dealing with and would create on the future showground site at Homebush the same rights that exist on the present site without risking the future of the showground.

With simple solutions to this management problem available, why did the Government choose to prepare and

introduce a bill of this nature? I and the community in the inner eastern suburbs fear that the bill is consistent notwithstanding the Minister's remarks. I do not believe those views are personally held by the Minister for the Environment, but they are consistent with the actions of the Government, that is, the agreement made by the former Premier with the RAS and the statements of the present Premier that he supported the decision that this important public dedicated land at Moore Park be sold to provide financial resources for the Olympic Games bid.

The agreement made in 1989 between the former Premier and the RAS about selling this Moore Park land and moving to Homebush Bay, I am sorry to say, is still secret. I requested a copy of that agreement from the chief executive of the RAS this week and was told that he had been advised it was not to be made available. So, the Parliament still does

not know what commitments and agreements were made back in 1989. I have grave concerns about the Premier's statements in November and the former Premier's secret agreement.

The other aspect of the bill is the removal of the community representatives from the Centennial Park and Moore Park Trust. When I was preparing my bill to ensure that the public dedicated land remained in the public domain and the community would have access and input into the running of the trust, it became clear that there was a need for community views to be heard by this body. The majority of people who use the trust's lands live in the surrounding area. It is an important regional resource, as I said in my second reading speech on 17th September and as the Minister has reiterated in this debate. The lands are the backyard of those people who live in the densely populated areas of the surrounding municipalities in the greater Moore Park area.

What the trust does in Centennial Park and what the RAS does in the showground have a great impact on that local community. An interesting meeting of the South Sydney City Council was held last Wednesday night when local environmental plan 125 was debated. Twenty speakers spoke with great passion because they have concerns about the proposed amplified open air concerts the RAS and various other people would like to conduct in the area. [*Extension of time agreed to*.]

A range of activities are carried on in the area and those activities have an impact on the local people. When activities at the showground change in the future a greater need will arise for the community to have its say. It is important for the community to be actively involved in the trust because neither the bureaucrats nor any government over the past 100 years has fought to protect the common dedicated to the people of Sydney by Governor Macquarie - the 1,000 acres that were dedicated, which successive governments have whittled away to 388 acres. It was the residents - whether it was Patrick White in the 1970s or the community who tried to stop the Brambles site being sold and successfully stopped the former E. S. Marks Athletic Field being sold - the people who attend the meetings in the halls and the rainy demonstrations in Centennial Park who have fought to save that land; not the appointees but the people who live around it and have fought so passionately for it.

I considered many ways to get community representation on the trust. It was difficult. I spent many months in consultation trying to devise a method and there was much discussion with the Centennial Park and Moore Park Trust representatives. Nomination by each of the councils adjoining the area was the most democratic way to do it. Why? Because those councillors have been elected by the thousands of people in those municipalities. It was not to be a councillor; it was to be a person that that democratically elected body would nominate. There was no intention, I assure honourable members opposite, to play local government politics. It was a mechanism to get a resident representative on the trust.

There have been criticisms - by the Premier in November and by the Minister for the Environment during the debate - about those community representatives. I reject all the arguments that have been put. I believe they highlight the difference between where I am coming from as a representative of community politics, and where the Government is coming from as representative of a political party system. A member of a political party, a Minister, at present appoints seven members. No one else has a say. In my view, the existing trust is excellent and all credit is due to the former Minister and the present Minister. The director is doing a brilliant job and the trust is being managed in a way that reflects great credit on all those involved.

When the Parliament makes laws, it is not because Tim Moore and Chris Hartcher, and Clover Moore and Robin Grimwade happen to be around in 1993. Surely we are planning for the future. Why should a future Minister appoint seven members to the trust who may not have the same commitment, concern, talent and expertise that members of the existing trust have. The park has a 100-year history, and the one thing honourable members can be assured of is that the people in the local area care about, and will fight passionately for, those parklands. They will fight this Government and any future government. With that type of representation on the trust honourable members could be assured that the land would be passionately defended.

I regret that the Government wants to remove those nominees of democratically elected bodies. I am pleased there is to be both Government and Opposition support for my amendment, which will enable some community voice - one voice. It will be a controlled voice, because the director will select the committee and then the committee will elect the member. Still, it is a mechanism. The people of the local communities will come out fighting for these important environmental resources, so I will move that amendment.

If the purpose of the bill is to enable the Government to keep its options open in regard to the sale of Moore Park - and I hope it is not, and I am very glad the Minister for the Environment is shaking his head - I want to put the Government on notice that I, and all those people in the inner eastern area, will come out fighting. We will come in our hundreds to the meetings and in our thousands to the demonstrations in Centennial Park. Moore Park is not for sale. The showground site is not for sale. I believe this debate has highlighted the fact that there is a real need for the Government to look at appropriate funding and the future of the RAS because, ultimately, the debt we have talked about will be paid by the Government, the taxpayer and the public. There is a commitment of this Parliament to

the RAS. The Government is going to have to fund the RAS, whether it is to be at Moore Park or at Homebush Bay, and it is going to have to start to plan to do that.

I regret that the Government has chosen this method to deal with this technical insolvency. The Government must look at the whole issue of the future of the RAS much more thoroughly. There are better ways of solving the problem and I regret that the Government has not considered them. I conclude by saying to the Government: Do not ever think Moore Park is up for sale; it is not.

Mr HARTCHER (Gosford - Minister for the Environment) [8.24], in reply: It is good to get a round of applause from the Opposition when one rises to speak in the Chamber. I hope that type of support continues in the months and years to come, and that I am applauded by the honourable member for Blacktown and urged on by the honourable member for Moorebank to participate in debate in this forum. May I begin by echoing the remarks of the honourable member for Bligh that Moore Park is not for sale and Centennial Park is not for sale. It is fundamental that those magnificent areas remain in public ownership and for public recreation. They contain great recreational facilities and resources for the people of Sydney.

Ms Allan: You have saved the ducks, have you not?

Mr HARTCHER: But not the deer, as yet - thanks to the honourable member for Blacktown. She would like to see them all poisoned. That notwithstanding, I can deal with that interjection at a later date. May I thank all members who participated in the debate - the honourable member for Blacktown, the honourable member for Murray, the honourable member for Port Stephens, the Minister for Agriculture and Rural Affairs, the honourable member for Moorebank and, of course, the honourable member for Bligh. I indicate that the Government will support the amendment that the honourable member for Bligh has foreshadowed she will move in Committee. The Government agrees it is important that there should be some community involvement in the affairs and operations of the Centennial Park and Moore Park Trust, and the bill will set up a prescribed mechanism for that. It will do so in a statutory form rather than merely seek to bring it about by regulation, which would have been the alternative.

In relation to its concerns it is appropriate that the voice of the local community is heard, not only through the consultative process but in the very chamber of the trust and with access to the director, by having a representative as part of the board of the trust. It is important that that principle also be advanced and that there be an appropriate mechanism to ensure that a person is selected who represents the concerns and views of local residents. On that basis,

the Government is happy to support the amendment that the honourable member will move in Committee.

The problem with regard to public ownership of the Royal Agricultural Society occupied lands in the Centennial Park and Moore Park area, which needs to be addressed, arose because, when the honourable member for Bligh introduced her bill, it was in the context of the Olympic Games bid. Honourable members will be aware that at the time the New South Wales Olympic Bid Committee was finalising the financial arrangements for submission to the International Olympic Committee it was important to make clear what the funding arrangements were to be. It was necessary for the bill to be passed through the House quickly because of the deadline to get the books into the OIC. That should not be forgotten.

I take on board the remarks of the honourable member for Bligh that the bill has been around for some time and, therefore, the possible defects should have been uncovered. I take on board also the remark of the honourable member for Port Stephens that it is the responsibility of Government when considering legislation to determine whether there are any defects. I acknowledge that. It is for the Government and the public service to acknowledge those types of matters and to examine them. What has to be understood is that it was being looked at purely through the prism of the International Olympic Committee and its bid. That is why the legislation was passed in a fairly expeditious manner by both Houses of Parliament and why the defects that have now been uncovered were not uncovered at that time.

Some months have elapsed and the Government has had the benefit of observing how the bill would operate. I shall not elaborate on how it was going to affect the operation of the RAS. That has been adequately dealt with by the Minister for Agriculture and Rural Affairs and the honourable member for Murray, and, as the honourable member for Moorebank has said, the Opposition has been well briefed by the RAS as to the implications the legislation would have had on the continued operations of that society, including the Royal Easter Show, which is loved and has been enjoyed by the people of New South Wales for more than one hundred years. Only recently the Royal Easter Show drew about one million people to its annual exhibition. I think this point about the defect in the bill has been well established. It was not readily able to be discovered, but has been discovered and has been rectified. I appreciate the concerns of the honourable member for Bligh that there might be a hidden agenda. However, I can assure her that that is not the case.

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

Mr HARTCHER: The sole agenda of this bill is to preserve the operation of the Royal Agricultural Society until it can be successfully relocated elsewhere, such as at Homebush Bay, and to ensure above all the continued operation of the Royal Easter Show, which is a significant part of Sydney culture. I am sure that the honourable member for Bligh has taken her children to the show. No doubt she was taken there when she was a child and she enjoyed it enormously.

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Ms Allan: I will take you next year.

Mr HARTCHER: Oh, thank you, Pam. Can we go, just the two of us, and walk through the fair like they do in American movies? It would be a wonderful occasion. I will look forward to that. It is recorded in *Hansard* that the honourable member for Blacktown made that offer; we will see if she holds firm to it in 1994. Notwithstanding that, I should like to deal with the second aspect, that is, the four trustees. The honourable member for Bligh may be aware that I foreshadowed in the brief contribution I made to the debate in 1992 that that concern was pressed upon me very strongly at that time. The honourable member will note that it is so recorded in *Hansard*. The trustees made known to me their views that the trust is responsible for an asset for all the people of Sydney. They were not trying to be arrogant or puffed up with their own importance. They were saying that it is a great recreational and historical asset. It is the place where Federation was proclaimed 100 years ago. It is something that belongs to all of Sydney and should be managed for the benefit of the people of Sydney. It should always be seen in that light. The intrusion of four community representatives, which would have been a 50 per cent increase in the size of the trust -

Ms Moore: You would have still had the numbers.

Mr HARTCHER: It is not a question of the numbers, of them versus us. It would have meant a 50 per cent

increase in trust membership, and a whole new dimension of local and parochial concerns would have been added to the trust. That was the fear of the trustees. I expressed that fear in this House when the bill was debated some months ago. The trustees have remained firm in that conviction. They are people who are well regarded - in fact, highly regarded throughout Sydney. I pay due acknowledgment to them. The chairman is Mr Arthur Charles, who is the managing partner in the merchant banking firm of Schroders; the Hon. Neville Wran, a former Premier of this State; Mr Nick Farr-Jones, a well regarded rugby union player and solicitor; Mrs Imelda Roche; Mr Henric Nicholas, Q.C., and other representatives, all of whom have brought their own skills to the trust, as the honourable member for Bligh acknowledged.

I am pleased to note the generous acknowledgment by the honourable member for Bligh of the contributions made by trust members. They manage the trust well and do a successful job. I believe their views on the increased membership of the trust, and the implications that would have for the future management of this reserve, are matters that should be taken seriously. Those matters have been taken seriously and the views have been embodied in the legislation. I am pleased that Opposition members have signified support for the continuation of the trust. The trust views its responsibility as being to the people of the State and does not allow itself to be concerned primarily with local and parochial issues. I realise that the honourable member for Bligh was looking to include representation from the local community, but the effect of having four councils as nominating bodies would have the result that parochial politics would inevitably intrude.

I believe the experience we have of local councils nominating representatives to various statutory bodies reflects this view. They tend to send council members and not members drawn from the communities. The council members see themselves as representing the council and push the council's point of view, and appropriately so. One does not criticise them for that but I do not believe that would have been the result sought by the honourable member for Bligh. The honourable member argued for and fought for the inclusion of this land for a long time. It is to her credit that she sought to advance those views that are obviously strongly supported by her constituency. That is not denied and the legislation does not seek to deny it. It seeks to ensure a proper and appropriate mechanism so that what the honourable member tried to achieve by her 1992 legislation can come into being without impeding or distorting the continued operation of the Royal Agricultural Society by the addition of further trustees.

Though the Government will accept the amendment foreshadowed by the honourable member for Bligh, there is some concern about the possible legal implications arising from the deletion of items (3) and (4) of schedule 2. That may only be procedural, in which case there would be no worry with it. But there may be a more substantial implication, and the Government is seeking the advice of the Crown Solicitor in that regard. If it is the case that there are more substantial implications, the Government would try to reinstate those items in the schedule. However, because we do not know one way or the other at this stage, and we have no intention of frustrating the amendment to be moved by the honourable member, the Government will support it.

I conclude by acknowledging the support that all country shows in New South Wales give to the Royal Agricultural Society, not to mention the support of country agricultural societies, to ensure that the Royal Easter Show, which is the pinnacle of shows in New South Wales, continues. I acknowledge the interest of members of Parliament who presented petitions to me and to the Minister for Agriculture and Rural Affairs supporting the Royal Agricultural Society. I place on record my support for the Centennial Park and Moore Park Trust - a fine body of men and women who I believe are doing an excellent job, as the honourable member for Bligh said. In particular I record my support of Mr Robin Grimwade, the Director of the Centennial Park and Moore Park Trust. I have always found him to be a very co-operative and efficient director.

I assure the trust of the Government's support because the Government's wish is to see Centennial Park and Moore Park continue to improve as beautiful resource and recreational areas for the people of

Sydney, rivalling Central Park and other great parks of the urban cities of the world. I also acknowledge the great work of the Royal Agricultural Society and express the Government's determination that the RAS will continue its work in its interesting location and eventually will be able to be relocated to a more appropriate and more modern site at Homebush Bay, or wherever it may be. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Ms MOORE (Bligh) [8.38]: I move:

Page 3, Schedule 1(3), line four. Omit all words on that line, insert instead:

(a) Omit item (1), insert instead:

(1) Section 7 (Appointment and Procedure):

Omit section 7 (1), insert instead:

(1) The Trust is to consist of:

(a) 7 trustees appointed by the Governor on the recommendation of the Minister; and

(b) 1 trustee appointed by the Governor on the recommendation of a majority of the members of the Community Consultative Committee established under section 7A, being a person who is a member of that Committee.

I move this amendment for the reasons outlined in the speech I delivered on the second reading.

Mr KNOWLES (Moorebank) [8.40]: The Australian Labor Party supports the amendment. Without going into detail I draw the attention of honourable members to the Premier's remarks on pages 10370 and 10371 of *Hansard* of 27th November last in relation to community consultation and public representation on the trust. The Premier deals with a range of existing consultative processes and mechanisms that are in place. It is clear that there are in place already a range of community-based consultation mechanisms. This amendment, as the Australian Labor Party understands it, seeks by way of the new community consultative committee to bring a member of that committee into the trust. In that sense it supports the concept outlined by the honourable member for Bligh that, no matter how many consultative mechanisms are in place, there is no better way to represent the constituency than by being inside the process. From that point of view we are satisfied that the proposition in the amendment will allow that to happen, and we support the amendment.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

LOCAL GOVERNMENT BILL

IMPOUNDING BILL

LOCAL GOVERNMENT (CONSEQUENTIAL PROVISIONS) BILL

ROADS BILL

TRAFFIC (PARKING REGULATION) AMENDMENT BILL

In Committee

Consideration resumed from 28th April.

The TEMPORARY CHAIRMAN (Mr Chappell): Order! The Committee is dealing with the Local Government Bill.

Clause 4

Dr MACDONALD (Manly) [8.44]: I move:

Page 2, clause 4, lines 21 and 22. Omit ", except to the extent to which this Act otherwise provides".

On the one hand this particular clause appears to bind the Crown, but on the other hand it gives the Crown wide exemptions. I reject totally the concept of Crown immunity. Indeed, the dynamic relationship that should exist between local and State governments, which is proposed in the bill, will be characterised by some sort of institutionalised violence if the Crown - State Government can be substituted - is exempt from the provisions of the bill. It is exempt from certain approval processes and the State Government itself has limited accountability. Various Ministers are granted fairly extensive powers of intrusion. A number of consequential amendments that I will move relate to that matter.

Clause 4, which seeks to provide for Crown immunity, is at variance with other bills that have been dealt with in this Chamber. The Noxious Weeds Bill, which was dealt with last week, has bound the Crown for the first time in relation to noxious weed control. That binding of the Crown was described by the honourable member for Cessnock as being heroic. It was described by the honourable member for Tamworth as being critical, economically and environmentally, and the honourable member for Bega said, "Government bodies no longer have one rule for private individuals and another for Government or for the hierarchy". That same rule should apply to the Local Government Bill.

This selective treatment of providing immunity to the Crown appears to me to aid certain matters of development. I believe that it should reflect the nature of the relationship between the two bodies. In fact, on a number of occasions the Minister has indicated how there needs to be autonomy, and that autonomy can be afforded within the context of this bill because of levels of accountability. How it can be argued that there needs to be autonomy on the one hand, but that the State Government should be exempt from due processes defeats me. I seek support for my amendment, which basically is a rejection of Crown immunity.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [8.48]: The Government opposes this amendment for the reason that the Crown is not in the position of a private developer or a private citizen. Whatever the Crown erects or constructs within the community is for community benefit. There has been a long history of occasions when the Government has wished to construct, for instance, a major technical college, and the local council has demanded enormous contributions which has made it impossible for the project to proceed. The Government is in a different position from private citizens, private organisations and companies. It is for that reason that the Crown, although it will where possible try to meet the requirements of a local council, must be able to construct public works and buildings free of impediments.

Dr MACDONALD (Manly) [8.49]: The comments of the Minister disappoint me. Many of the submissions to the Minister and his department raised this issue of binding the Crown. One of the arguments, particularly regarding building approvals, was that one could rely on and be satisfied with the code for building standards. That same argument could be used with regard to private developers. I do not know how one can argue that there is a distinction between the private developer and the State Government. They both have an impact on local communities and on the environment in those communities. I reject the distinction.

Amendment negatived.

Clause agreed to.

Clause 7

Dr MACDONALD (Manly) [8.50]: I move:

Page 4, clause 7, line 27. After "efficient", insert ", environmentally responsible".

A feature of this bill is that it sets out quite clearly the purposes of the Act. My amendment seeks to insert words after the word "efficient" so that it reads, "to provide the legal framework for an effective, efficient, environmentally responsible and open system of local government in New South Wales." I seek support for that amendment despite the allegations raised, particularly by the Local Government Association, that this bill is not the place to apply environmental principles and nor is it the place where environmental amendments are required because it will result in legislative duplication. I reject that allegation because there is absolutely no doubt that the matters relating to local government function, the business carried out by local government and the things that affect the community do have an environmental impact.

Environmental impact, in terms of pollution, is reflected in the charter in the bill. Duplication does not apply to building applications of the Environmental Planning and Assessment Act, which has been quoted as the appropriate Act. A large number of approval processes in the bill are not covered by the Environmental Planning and Assessment Act. If councils are seeking the autonomy to which the Minister has referred, they must accept those external accountability measures that can be triggered by the community. Councils should be willing to accept that stricter level of environmental responsibility, and that is what a number of my amendments seek to do.

There is absolutely no provision that states clearly that councils must act in an environmentally responsible manner or that they have a responsibility to promote ecological sustainability. Ecological sustainability is a matter on which this House must focus. One of my amendments to the charter reflects just that. In a previous draft of the bill reference was made to "environmentally sensitive manner" but those words have now been omitted. This amendment seeks to reinsert what was in an earlier draft. I ask that the Minister accept this amendment in the spirit of the previous draft legislation and this bill.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [8.54]: With some reluctance this amendment is opposed by the Government, but only because environmental issues should be cleary stated in environmental legislation. The function of this legislation, as stated over and over again, is to codify the general rules of councils. I know of no council in New South Wales - there may be one or two - that does not have a strong environmental bias. But I have no doubt that the community, because of the consultative processes involved in this legislation, will ensure that environmental standards are maintained by all councils. I sympathise with the mover of the motion, the honourable member for Manly. I understand his reason for moving the amendment. The spirit of the amendment is essentially correct. But this legislation is not the place for environmental issues. The amendment is opposed.

Mr E. T. PAGE (Coogee) [8.55]: I support the amendment of the honourable member for Manly. Though I understand what the Minister has said I do not think it has any validity. Chapter 2 of the bill sets out the purposes of "this Act" and refers to providing the legal framework for an effective, efficient and open system of local government in New South Wales. No other level of government has as profound and wide-reaching effects on the environment than does local government, and I cannot see why there should not be some mention of environmental matters in the preamble to this legislation. It is quite clear that it should be one of the heads of consideration of a council in the carrying out of its duties.

If, as the bill stands, there is no mention of the environment, does local council assume that there is a matter of legal determination by this Government or this Parliament that environmental considerations are not to be taken into account in the carrying out of its duties under the Local Government Act? This bill should contain statements to indicate to local councils that in the carrying out of their duties some regard must be given to the environment, and that councils

are required to exercise that responsibility. This particular amendment and others on the schedule do not require the council to take dramatic action. It is a statement that councils must act in an environmentally sensitive manner. I am

sympathetic towards the amendment moved by the honourable member for Manly.

Dr MACDONALD (Manly) [8.58]: I should like to challenge a statement made by the Minister that the community can be assured that matters relating to the environment will be dealt with responsibly by councils or will be subject to other Acts. I draw his attention to section 25 of the Environmental Offences and Penalties Act. The Local Government (Consequential Provisions) Bill specifically exempts the Local Government Bill from section 25 relating to environmental penalties. It gives a lie to the fact that the Government is prepared to let the matter rest with other Acts. I ask the Government to answer that challenge. Am I wasting my time moving environmental amendments to this bill on the basis that the Government assures us that everything is hunky dory, "Do not worry. It is all covered by other Acts"? How does the Minister explain that section 25 of the EOP Act exempts the Local Government Bill?

Amendment agreed to.

Dr MACDONALD (Manly) [9.0]: I move:

Page 4, clause 7, line 40. After "areas", insert "in an environmentally sensitive manner".

This amendment relates to the purposes of the bill, clause 7 at line 40, which is the last dot point in subclause (d). I do not seek to debate the amendment, other than to reiterate that it is essentially more descriptive and specific with respect to the purposes for which this bill applies. I seek the support of the Minister for Local Government and Minister for Cooperatives for this amendment.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.1]: The Government opposes this amendment because of the legal connotations of the expression "in an environmentally sensitive manner". That expression has connotations at law which go far beyond the apparent meaning of the words. It creates considerable danger and an obligation on councils. For that reason, the Government opposes the amendment.

Amendment negatived.

Mr E. T. PAGE (Coogee) [9.1]: I move:

Page 4, clause 7. After line 40, insert:

(e) to require councils to protect the environment in carrying out their responsibilities.

That subclause should be included so that there is a clear indication to local government that this Parliament expects that decisions that are made by councils take into account the protection of the environment of the area. I do not believe that there is any legal problem here - I think there will be a legal problem if there is no mention of the environment. I think it would be quite valid for a council to argue, if the existing bill is adopted in toto, that it would be legal for it to believe that its decision-making should have no cognisance of environmental considerations. I do not think that is a reasonable thing to suggest in our society. I think the Parliament believes that the State Government and local government are responsible for the environment when their activities are in operation. Therefore, there should be a clear statement that the environment should be protected.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.3]: The Government opposes the amendment, again not because it is anti-environmental protection but because the amendment proposes an even stronger clause in so far as legal connotations are concerned than the amendment moved by the honourable member for Manly. It requires a council to protect the environment in carrying out its responsibilities. I understand the intent of the amendment; I would perhaps agree with it if it were stated in other words. The words "to protect the environment" have severe legal connotations in the view of the Government and its advisers. That is one of the reasons we oppose the amendment.

There is an obligation on councils under various pieces of legislation not to disturb the environment - I can think of a number of pieces of legislation that already do that. No council would willingly do anything other than protect the

environment or not disturb it more than it had to, but there are occasions where councils have to do things, such as drainage works, water supply, et cetera, which involve some interference with the environment. That is part of progress; it is not something that councils willingly do and they willingly try to restore the environment after such works have been carried out. This clause has serious legal implications for councils. I add that the Local Government and Shires Association, looked at these amendments and opposed them for that reason, amongst others.

Mr E. T. PAGE (Coogee) [9.5]: I cannot understand the proposition of the Minister for Local Government and Minister for Cooperatives in this case. He spoke in vague terms about there being some legal problem. I ask him to be more specific - he has a legal background. If he has been given detailed advice from his officers, I think he would be in a favoured position to give us some further details on legal matters which could arise. This is a general statement of the purposes of the Act; it is not tied to one particular activity, it talks about subclause (d), which gives council the ability to provide goods and services and facilities.

Is the Minister trying to tell us that if the council does not provide some service, legal action could be taken against it? Someone could say, "Section 4(d) states that the council has the ability to provide a service; it is not providing a service so I will take legal action against the council". In my view, there

is a similar argument whereby an action could be taken against a council if it lays a pipe on the street and disturbs three blades of grass. The Minister is arguing that somehow that could be construed as not protecting the environment. I would like to hear further from the Minister on this. He should explain it to me - I do not have a legal background - so I understand what he is getting at.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.7]: The previous amendment which was carried stated:

> Page 4, clause 7, line 27. After "efficient", insert ", environmentally responsible".

How many times does one have to make a reference to this issue in a section of an Act? If it appears once, the intent is clear; if it is put in twice - in this case in much stronger wording at the end of the same section - it would lead any court to the conclusion that the requirement goes far beyond sensitive treatment of the environment and puts a compulsion upon a council to protect. The word "protect" has a connotation far different from "environmentally responsible". It is an active requirement to protect the environment and the councils cannot always do that. The protection of the environment is something that all governments at all levels are concerned with, but it requires an active move by councils to be more than environmentally sensitive or environmentally responsible. It is already in the section, so why put it in again?

Mr J. H. MURRAY (Drummoyne) [9.8]: Local government is in a unique position. We all understand that environment matters are uppermost in the minds of most of the population and would be a vital part of any society, this century and next century. If the Government produces an Act which precludes the environment as a central consideration for local government, it would do a disservice to the community in the long run. We are looking at the purposes of this Act; we are giving direction to local government. Local government, basically, is interested in the environment. The aldermen have a close contact with the community. Wherever the Minister goes he will see the community impacting on aldermen and councillors in terms of environmental areas.

If we preclude one of the purposes of the Act, that is, the protection of the environment, the legislation will lose some of its efficacy. More important, the Minister is saying that it could have legal implications. If that is the case the court is the best place to decide it. The court, which is the arbiter of public standards, should make that decision. The Minister is saying that this amendment is likely to impose on local government a series of court cases, and that for the next 100 years local government will worry about the interpretation of this provision. At the outset there may be some legalistic arguments, but eventually the court will make the decision. If this provision is inserted in the bill everything else could be left to the court, which is the arbiter for the community. It will make a decision in which the community will believe. The Minister should look again at this provision. In the long run, and that is what we are looking at, local government will be more accountable and more effective if this provision is inserted in the bill.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.11]: I sympathise with

the view expressed by the honourable member for Drummoyne, just as I sympathise with the sentiments expressed earlier by other speakers. I think all honourable members share those views. The proposed amendment goes far beyond just a statement of fact. Two words in this amendment are important. The first is "require" and the second is "protect". This imperative amendment states "to require" - that is to insist upon or demand - "councils to protect the environment in carrying out their responsibilities". How far does that requirement go? What is the meaning of those two words? However, I understand the intent and I am reluctant to oppose the amendment. I and the Government sympathise with that intent.

By inserting that imperative into this legislation - not once but twice - the Opposition would place a potential obligation on councils, which would be not only costly but also impossible to carry out. I am not rejecting this amendment for the sake of it. I understand why it has been moved. The honourable member for Drummoyne stated that the onus that will be put on councils will be shown by the courts to be far more onerous than it appears. I and the Local Government and Shires Associations are very concerned about it. Those associations and I are not anti-environment; but that will be a heavy onus, depending on the decision of the courts. For that reason the Government opposes this amendment.

Mr E. T. PAGE (Coogee) [9.13]: I am somewhat unconvinced by the Minister's argument. I asked him a specific question: to provide me with some legal detail as to why this amendment could not be accepted. He has not been able to do that. In fact, his argument went the other way. He said that as the environment had been mentioned before, and now that it had been mentioned a second time, it was doubly bad and made the legal position worse. I am inclined to persist with the amendment. But I ask the Minister whether he would be more inclined to accept it if it were altered to read, "to expect councils to protect the environment in carrying out their responsibilities". In that way it would not be a legal requirement; it would be an expectation.

Mr Peacocke: If you inserted the words, "to expect councils to protect, to the best of their ability and resources, the environment," I might be more amenable to it.

Mr E. T. PAGE: I will think about that and refer to it later.

Dr MACDONALD (Manly) [9.15]: My amendment also relates to clause 7. If the Australian Labor Party amendment is agreed to I would be happy to withdraw my amendment, although it does have a slightly different emphasis. My amendment has the

words, "to provide" and "duty", which are slightly stronger than the wording in the Australian Labor Party's amendment. Why is the Minister fearful of including this provision in the legislation? He has already said that councils are environmentally sensitive and environmentally conscious. He said we do not have any reason to worry, so there is no need to include this provision in the bill because it will happen anyway. If that is the case, why does the Minister fear the words that are proposed to be added to this clause?

Times are changing. The environment is no longer the Cinderella that it was thought to be. It does not involve only national agreements, international agreements, conferences in Rio de Janiero, and State governments. The environment affects us all, and we all affect the environment. It would be most appropriate for councils to have clearly spelt out that one of their purposes is to protect the environment, particularly as decisions are made by local government at the coalface, at the grass roots level, that are likely to affect the environment, just as decisions are made in Rio de Janiero or in Canberra. Why does the Minister fear this amendment if he knows that councils will protect the environment anyway? This should be clearly acknowledged by the Minister and he should send out clear signals in that regard.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.17]: Let me put it a little more strongly. The amendment proposed by the honourable member for Manly is even stronger than the Australian Labor Party proposal. Let us analyse this situation. If through legislation that is in accordance with an international protocol signed in Vancouver, chlorofluorocarbons are cut back - which all honourable members know is eminently the right thing to do - the provision that requires councils to protect the environment will require them to go far beyond the legislation governing chlorofluorocarbons. If people are no longer able to have CFCs in their refrigerators or air-conditioning units there will be serious economic implications.

Is that what this provision states? The amendment does not say what the environment is. It does not state that the environment we are talking about is the physical environment in the area administered by a council. The amendment only states, "councils will be required to protect the environment in carrying out their responsibilities". Does that mean that every council has to set about cleaning up the ozone problem in the atmosphere? The implications go far beyond what honourable members opposite are genuinely and rightly trying to achieve. I agree with them. The Committee did not divide on the first amendment, because their was substance in it. There is a possibility of serious legal consequences for councils if this amendment is agreed to. For that reason, and no other, the Government opposes it.

Mr E. T. PAGE (Coogee) [9.20]: The honourable member for South Coast intimated that he intended to ask the Minister whether there is any form of words he would accept. I was going to ask a similar question but I shall leave that to the honourable member. I am still unconvinced by what the Minister has said. I would not be unhappy to be convinced, but the Minister has not been able to put forward an argument, and has shifted his ground once again. The Minister has now moved on to environmental standards and is talking about chlorofluorocarbons in refrigerators. A court would not expect a council to provide greater environmental protection than that provided by State legislation and community and legal standards on emissions, pollution levels and so on. The suggestion that the word "proposed" would suddenly present a problem does not make any sense whatsoever. I am disappointed that the Minister has not been able to offer a reasonable and sensible rebuttal of my amendment. I still would like to know whether the Minister can do that.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.21]: If the proposed amendment were altered to read "to require councils to have regard to the protection of the environment in carrying out their responsibilities", that might be more acceptable.

Mr E. T. PAGE (Coogee) [9.22]: I would be happy with that. It is a statement of principle, and that is what I seek. I do not envisage someone taking a council to court alleging, on the basis of proposed clause 7(e), that it has not carried out its responsibility in relation to the environment.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.23]: I move:

Page 4, clause 7. After line 40, in lieu of the amendment proposed, insert:

(e) to require councils to have regard to the protection of the environment in carrying out their responsibilities.

Mr E. T. PAGE (Coogee) [9.24]: I agree to that amendment.

Amendment by Mr Peacocke agreed to.

Dr MACDONALD (Manly) [9.24]: I am happy to withdraw amendment No. 4 standing in my name.

Clause as amended agreed to.

Clause 8

Mr E. T. PAGE (Coogee) [9.25]: I move:

Page 6, clause 8, line 8. After "government", insert ", by agreement,".

Proposed clause 8(1) states:

A council has the following charter:

to provide directly or on behalf of other levels of government adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively.

The real meaning of that charter would be more

clearly illustrated if the word "government" were followed by ", by agreement," so that there could be no legal suggestion that a council, as part of its charter, is required without payment, consultation or agreement, to provide services for or on behalf of other levels of government.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.26]: This proposed amendment is also rejected. Though it seems to be a reasonable proposition, the Government is advised that the it would require government at any level to deal individually with about 177 councils. Proposed clause 8(1) provides that a council has a charter to provide directly or on behalf of other levels of government adequate, equitable and appropriate services for the community and to ensure those services and facilities are managed efficiently and effectively. The Government may require councils in certain circumstances, as has been done in the past, to carry out immunisation services and so on. Councils dominated by people who do not believe in immunisation or who support natural medicine might not consent. If that occurred, and as the public interest is involved, what would happen?

I understand why the honourable member is moving the amendment, but it is wholly inappropriate. There are times when the State does require councils to do certain things. When administration of dog registration was imposed upon them by the former Labor Government, some councils complained. But councils were given a quid pro quo in being permitted to charge a registration fee. The proposed amendment would create an extraordinarily restricted requirement for councils to obtain consent or agreement on every proposal. It might be suggested that councils are being treated differently from the State. However, the Federal Government in certain circumstances requires the State, for example, to collect and pay fringe benefit taxes to the Commonwealth, and so on. This populist proposed amendment is rejected on the basis that it would place an individual requirement upon 177 councils. Under the proposed amendment, if the State Government rightly requested a council to take some action, council's consent would have to be obtained.

Mr HARRISON (Kiama) [9.27]: I am not convinced by the arguments put forward by the Minister. I support the amendment moved by my colleague. I have had quite a few years of experience in local government and I have noted a tendency on the part of the State to flick-pass to local government unpopular issues such as controlling screeching cockatoos, noises in the middle of the night and so on. That obligation was given to local government without any consultation from the State Pollution Control Commission. Most council officers work from nine to five but were suddenly faced with the additional obligation of having to go out in the middle of the night to conduct noise detection tests, decibel readings and so on.

Another example is libraries. Most councils in this State want to provide a library service. Philosophically I am committed to free libraries. That arrangement started out on a dollar-for-dollar basis, but was not originally signed in blood. Progressively, governments downgraded their contributions so that councils were left holding the bag. Further examples are to be found in area assistance programs and other initiatives. Inducements have been held out to local government to provide additional services, assisted by seeding grants from the Government or dollar-for-dollar arrangements, but once again councils rapidly find themselves holding the bag.

Without insertion of the words ", by agreement," in clause 8 as proposed, many other unpopular obligations such as controlling crowing roosters and screeching cockatoos, or other annoying activities, will be flick-passed to local government, with the State Government washing its hands of any responsibility. There should be consultation between the tiers of government. I am sure the Minister is sincere in his wish to give local government more autonomy, and the proposed amendment seems wholly reasonable if local government is to have the autonomy that we have heard so much about in the build-up to the introduction of the bill.

Dr MACDONALD (Manly) [9.29]: First, I do not subscribe to the scare tactics of the Minister, that if this amendment is agreed to, a break-down of services would result. Second, this is the first of what will be a number of examples of the rhetoric in the objectives of the bill not actually matching the words contained in the clauses of the bill. The bill is meant to provide for autonomy, yet this particular dot point, which refers to other levels of government, merely reinforces the view that local government is nothing but an administrative arm of the State Government. The amendment moved by the Opposition will challenge the Government on that very issue. If local government is not to be an administrative arm of

State government, it should be given the opportunity to exercise a discretion in respect of agreement or otherwise. The Minister cannot have it both ways. He cannot say that the Government believes there should be autonomy and that this level of government should have freedom of choice and should be answerable only to the people, but on the other hand say that certain conditions will be imposed on it.

Mrs LO PO' (Penrith) [9.31]: I would like the Minister to consider the fact that when court houses are built, there is no requirement for them to meet the local council's car parking requirements. When the new court house was built in Penrith, no provision was made for car parking; it has to be provided by the community. When the bikie trial was conducted in Penrith, there was not a car space anywhere in Penrith because demand for parking spaces was so high. Unless an agreement is reached between the two levels of government, local government will be forced to provide facilities that should have already been provided.

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Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.32]: I understand what the honourable member is saying in that regard. Nevertheless, it does not alter my view of this clause. I also understand the view of the honourable member for Kiama. Councils on which I served as an alderman in the past were conned by the Commonwealth Government into employing social workers, and so forth. We thought that was great, because in the first year the Commonwealth paid the full cost. A year or two later it withdrew all funding, and the cost of providing such services has ballooned out. The point is validly made. However, even if words proposed are included in the legislation, a council could be conned in the same way by the Commonwealth, or by the State for that matter, and the funds could be withdrawn. The councils would be stuck with that situation, so nothing would change. I can understand why the Opposition has moved the amendment, but I cannot agree with it because I am advised that it would require dealing with 177 councils individually. For that reason, the Government opposes the amendment.

Mr E. T. PAGE (Coogee) [9.33]: The Minister's argument is not logical. I am open to being convinced, but the Minister does not have a convincing argument. He mentioned the Dog Act being put to local councils. That was done by way of legitimate legislation, which is not covered by this provision. It is well known that the State Government is empowered to legislate in respect of activities of local government. A previous government introduced the Dog Act, which the Minister is in the process of amending. That is a way of dealing with 177 councils on a matter of significant public concern. I disagree with the Minister's statement that councils have been given the resources in the area of dog control. Liverpool council loses $100,000 a year on dog control - a matter which needs to be looked at. Resources must be available to ensure control.

The Minister mentioned the Commonwealth Government viz-a-viz the State. There are two areas of co-operation between those two bodies. First, where the Commonwealth has constitutional power and it exercises that power, the State must conform with it; it has no option. It is similar to the State legislating in respect of local government. The second area of co-operation is in respect of arrangements made by agreement. The Minister mentioned collection of taxes; that is done by agreement. Agreement exists between the Commonwealth Government and individual councils, because almost every council in the State performs citizenship ceremonies. The Commonwealth Government apparently has no difficulty in having some sort of agreement with individual councils to perform citizenship ceremonies. It is no big deal. If the Commonwealth issued a directive that local government must conduct naturalisation ceremonies, many councils would refuse to perform these ceremonies because it was a directive. I do not believe the Minister's argument has any credibility.

On the other end of the scale, under the bill the Roads and Traffic Authority will be able to direct Woollahra council to carry out roadworks on a main road, with no agreement and no funding. The bill provides that the council has the charter to provide services to other levels of government. Without any agreement, a State Government department could direct a council to carry out a certain amount of work without providing funding or assistance to do so. The provision should contain some proviso that a council is not legally required to provide an unfunded service for another level of government. I do not believe the point raised by the Minister has any validity, but there is validity in what I say: the wording of the provision places a responsibility on councils to provide, directly or on behalf of other levels of government, adequate, equitable and appropriate services and facilities. If the Roads and Traffic Authority wanted a council to provide a road, under the charter the council would have to do that. I do not think that is right.

Mr J. H. MURRAY (Drummoyne) [9.37]: This provision of the bill goes to the core of many difficulties faced by local councils over the years. As an example, Drummoyne has two major roads - Victoria Road and Parramatta Road. If a government instrumentality, such as the RTA, decided that either of those roads should be a freeway or a clearway, under this provision the council would be required to provide adequate and appropriate services and facilities. If car parking facilities were no longer available, council would be faced with a decision whether to provide an off-street car parking facility.

The honourable member for Gladesville has been involved in local government. He knows what I am talking about. There would be bipartisan agreement with what I am saying. Inner city councils especially are involved on a daily basis in making decisions such as this. Changes in philosophy occur and decisions are made. A local government authority will be required to provide adequate, equitable and appropriate alternatives as a result of a decision of the Government. I use that example because everybody in the Chamber will understand it.

It is a very expensive exercise to provide off-street car parking - roughly $12,000 for each car space in buying up properties at the back of the main road. It is a matter of semantics, but who decides what is adequate and what is appropriate? The community decides 99 per cent of the time. It asks local government to provide it. There has to be a better procedure than that which exists now. I do not think that in the first paragraph the Government is providing in a revamped Act a better provision to deal with a major issue in local government. I do not think the provision in the bill will solve anything. I have not consulted closely with my colleague about the words "by agreement". That may be the stumbling block. But the Government must do better than what is in the bill now to overcome the difficulties inherent in local government.

Mr HATTON (South Coast) [9.41]: Once again I suggest a compromise: insert "after consultation" instead of "by agreement". I must confess to being in

two minds about this matter. I can understand councils railing against being compelled. However, councils across the State will vary in the level of services they provide. Services will be provided in some areas and denied in others, much to the disadvantage of the local people. For example, people could be disadvantaged with regard to health, meals on wheels, facilities for the disabled and a whole range of services across the board. A conservative council may not wish to introduce some service for its citizens. There is a line of argument that holds that if citizens really want services that are not being provided by the council, they will turf the council out at the next election. But the small and disadvantaged group would not have the numbers to do that.

Provision of additional services imposes a cost on local government. Under Harry Jensen, Sydney City Council was probably the first council in Australia to introduce meals on wheels. It could be claimed that there was the taxation base to introduce that service. But that council set a standard for other councils to follow. Councils can be induced to follow with incentives; that is one way of doing it. But there are councils that will never do it, and their citizens will suffer. There must be a certain standard of services across the board. Therefore, I tend to agree with the Minister. I am looking for a halfway solution whereby instead of imposing something on the council the matter could be handled by consultation.

As the level of imposition of services on council grows it gives them more power in that they are administering more things, some of which they may not want to administer, such as the control of dogs. During the Whitlam days the provision of more services by local government resulted in a percentage of the Federal budget being provided for such services. Local government was able to argue that it should share in the general income taxation base. Progress in this area has occurred and will occur in future. As the responsibilities of local government grow, so the pressures for more and more autonomy will grow. I tend to agree with the Minister and suggest that substitution of consultation for agreement would remove many anomalies across the State.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.44]: I tend to agree with the honourable member for South Coast on this issue. However, I point out that the clause as it now stands, on its own, cannot force a council to do anything. Subclause (2) provides that "A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action". That is the non-justiciable provision, inserted for the purpose of avoiding widespread litigation. If, as the honourable member for Coogee said, another Act says that the council must do something, that is different.

Governments can impose, simply by legislating, duties on councils. Even roads functions will be by agreement under the relevant Act. To me, consultation is probably the adequate word - after due consultation. I know of no duty or role that has been placed on local government without consultation between the Government and the -

Mr Davoren: No, that is not right.

Mr PEACOCKE: I do not know of such a case; the honourable member may. On behalf of the Government I am prepared to agree to the proposal of the honourable member for South Coast so that the words to be inserted would be "after consultation" instead of "by agreement".

Mr E. T. PAGE (Coogee) [9.47]: The proposal of the honourable member for South Coast does not go as far as I would like it to but I think it establishes the point that there must be a basis for a local council being required to carry out a service. My interpretation of the wording is different from that of the honourable member for South Coast. I have the firm impression that a council would be required under this provision to do work that is the responsibility of another body, not the responsibility of the council. That is what I object to. I do not think it could have the effect of a level of government telling the council it was not providing its own services adequately and that it had to. The Minister referred to subclause (2) preventing civil action. What about criminal action? I go back to the example of the Roads and Traffic Authority telling Woollahra council that it had to fix the main road, New South Head Road, and that the financial responsibility was on the council, with Woollahra refusing and claiming that it was the responsibility of the RTA. One night light rain could make the road greasy, causing a motor cyclist to have an accident.

Mr Peacocke: And you have a civil action for damages.

Mr E. T. PAGE: Possibly a criminal action. I am prepared to withdraw my amendment and support the amendment foreshadowed by the honourable member for South Coast.

Amendment, by leave, withdrawn.

Mr HATTON (South Coast) [9.49]: So that local government will provide services and facilities on behalf of other spheres of government only after due consultation, I move:

Page 6, clause 8, line 8. After "government", insert ", after consultation,".

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.50]: The amendment is acceptable to the Government.

Amendment agreed to.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.50]: I move:

Page 6, clause 8. After line 12, insert:

to exercise its functions with due regard for the cultural and linguistic diversity of its community

The amendment has been moved after consultation with the Opposition. I am grateful that it has been possible to have the benefit of discussion on these amendments. This amendment will make a highly commendable addition to the legislation, for this item in the charter will be important for councils.

Mr E. T. PAGE (Coogee) [9.51]: I applaud the Minister for including this amendment. In principle it is akin to the amendments proposed by the honourable member for Manly and me to include provisions related to the environment. It could be argued along the same lines that because other legislation deals with multicultural activities it is unnecessary to include such a provision in the Local Government Act. However, this is an important amendment. Local government

impinges very much on the lives of people with cultural and language backgrounds different from mine. Governments in Australia cater well for people like me but sometimes cater badly for people of a different background. Though I am pleased that the Minister has moved the amendment, it does not go far enough. At a later stage I shall move an amendment that will require councils to have a local ethnic affairs policy, so that instead of it being optional for councils to have an ethnic affairs policy statement, they will be required legally to draw up such a policy. Council employees and the elected representatives will have an obligation to ensure that the decisions they make and the policies they set on behalf of councils take account of the fact that some people in the community have different linguistic and cultural backgrounds.

Amendment agreed to.

Dr MACDONALD (Manly) [9.53]: I move:

Page 6, clause 8, lines 13 and 14. Omit all words on those lines, insert instead:

to protect, restore and enhance the quality of the environment, in an ecologically sustainable manner, having regard to the need to conserve biological diversity and ecological integrity

The words on lines 13 and 14 set the guiding principles for management of the environment as set out in the charter. The amendment will strengthen that item in the charter. The amendment is even stronger than the amendments I moved when the Committee was dealing with the chapter setting out the purposes of the bill. The amendment is based essentially on the precautionary principle regarding the environment. A similar discussion took place in the debate on the Environmental Planning and Assessment Act, which provides that no approval should be granted until an applicant has demonstrated that no harm will be done to the environment. Councils must be acutely aware of the consequences of their actions as they impact on future generations.

It is appropriate that the guiding principles are set out in the charter, that they be comprehensive and consistent with guiding principles in other Acts. The amendment will delete the words "to properly manage, develop and conserve the environment" and moves more comprehensively towards the wording of the precautionary principle, which deals with "ecologically sustainable manners" having regard to biological diversity and ecological integrity. I anticipate that the Minister will argue that the amendment is not appropriate. I invite his attention to the range of issues introduced into the charter of councils in clause 8. Comprehensive and meaningful definitions of the guiding principles for management of the environment are appropriate.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [9.55]: The Government opposes the amendment. The paragraph of the charter as it is set out in the bill gives a good and concise statement on the intention of the Government to conserve the environment. I am concerned about the wording of the amendment proposed by the honourable member for Manly, that is, "to protect, restore and enhance the quality of the environment". I understand the reason for the honourable member including those words but wonder how far it takes the matter legally, although he says it is non-justiciable. To restore the environment of a local community that may have been degraded over a period of 200 years of white settlement will be no mean feat and will be extraordinarily costly.

The cost implications, the expectation that councils will have to spend an enormous amount to restore the environment, are of concern to me and also to the Local Government and Shires Associations as the representative of local government throughout New South Wales. All honourable members will have read a circular that has been distributed by the associations. I understand the intention of the honourable member for Manly. The amendment will take the principle further than has been stated. This is the third part of the legislation in which environmental matters are stated. The words that the honourable member seeks to omit make it clear that the intention is to have management of the environment by environmentally conscious, sensible and sensitive councils.

The other matters raised in the charter are contained in other legislation. The general intention of this part of the proposed legislation is to state reasonable and broad principles of conduct of a council. Environmental issues should be dealt with in environmental legislation. One of the curses that lawyers and the public have to face is that they must look at half a dozen Acts to find law on issues such as the environment and anti-discrimination. If that line is pursued, the Local Government Act will become the repository for all those provisions. The legislation will finish up being as complex

as the 1919 legislation that we are trying to get away from.

No sensible person will accept that the legislation does not contain enough provisions related to the environment to make anyone who reads it aware that the Government and local government require an environmentally balanced and sound approach. This amendment takes things over the top. By all means the honourable member should seek to have this type of requirement included in specific environmental legislation. However, it is unsuitable for this legislation.

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Mr E. T. PAGE (Coogee) [9.59]: I understand the intention of the honourable member for Manly in moving this amendment. I would be willing to consider a change in the wording of the amendment, if the Minister can suggest appropriate wording. I am sure it would satisfy the honourable member for Manly if he knew that the charter of councils indicates clearly to local government that the environment is part of the agenda of councils. If the Minister does not agree with the wording of the amendment, he might provide us with a lead, as he did in two previous instances. It is important that the council's charter, which sets out what the council is expected to do, should place some emphasis on the environment because of the tremendous impact that decisions of councils have on the environment.

I am not particularly enamoured of the argument that it will hog tie the council in some fashion to restore the environment to the state it was 200 years ago. That is not a correct assessment. It is no more restrictive on the council than the last dot point and, that is, to be a responsible employer. Does that mean that if an employee has an anxiety attack at work the council is responsible and legal action can be taken against it? It is just a statement of principle in the charter that a council is expected to be a good employer. I do not see any difficulty with that whatsoever. I hope that the Government will come up with an alternative that is satisfactory to the Government. The debate has shown that everyone wants to make the new Local Government Act the best possible Act that our collective heads can put together. If the Opposition has an idea that the Minister has some sympathy for, perhaps the Minister could suggest some satisfactory wording.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.1]: The wording in the bill is not inadequate but I suppose if the Opposition is looking for a suggestion, after the word "and" and before the word "conserve" in line 13, could be inserted the words "protect, enhance and conserve" so that the dot point reads, "to properly manage, develop, protect, enhance and conserve the environment of the area for which it is responsible". That incorporates some of the words without putting a very onerous obligation on councils.

Dr MACDONALD (Manly) [10.2]: I will respond to the Minister's suggestions, but I wish to develop the argument put by the honourable member for Coogee about the motherhood nature of the charter. There is no doubt it is broad in context. It includes the exercise of community leadership and requires a council to be a responsible employer, as the honourable member for Coogee said. I invite the Minister to consider adding after the word, "responsible" on line 14 the words, "consistent with the precautionary principle". That has been defined. If necessary the definition in the Environmental Planning and Assessment Act can be echoed. The precautionary principle is now an accepted principle in environmental language. It requires that no damage be done to the environment. Obviously that has to be interpreted within the context of the functions of local government. If one is looking for a simple broad statement, it could not get any broader than the words, "consistent with the precautionary principle". I invite the Minister to respond.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.3]: Frankly, I have not heard that expression before. I do not know whether any members of the Opposition or any other member in the House has heard it. They may have. It is certainly not a term of art, as lawyers say, and would lead to some litigation if it ever came to that in trying to determine what it really meant. As a practical suggestion, the insertion of the words "conserve, restore and enhance" would cover the situation adequately, and I would agree with that.

Dr Macdonald: Would the Minister please repeat the form of words?

Mr PEACOCKE: Line 13, after the words "develop and" insert the words, "protect, restore, enhance" before the words "and conserve", so that the clause would read "to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible".

Mr E. T. PAGE (Coogee) [10.5]: In the spirit of co-operation, I am quite happy to accept that. The charter now contains the principles we are looking for. I do not think what is contained in the charter would form the basis of any legal action. Councils would realise that it is part of their charter to be concerned about the environment, and that is sufficient from my point of view.

Mrs LO PO' (Penrith) [10.6]: I am happy the Minister has included the word enhance. Local government has to move away from the worst case scenario that exists now. Developers should not be given the idea that if it is in a parlous situation they do not have to move it or improve it. I will give an example. Urban runoff to a river from massive developments on the edge of a city cannot continue. Councils have to put out the latest wetlands program, otherwise we will lose the environment entirely. Developers cannot be allowed to maintain the worst state. The Government must say to them, "You cannot maintain the worst state the land is in; you have to enhance it". Therefore, I am delighted the Minister has included the word enhance.

Dr MACDONALD (Manly) [10.7]: I am only concerned that the terms that refer to ecological sustainability will be omitted.

Mr Peacocke: It is implied.

Dr MACDONALD (Manly) [10.7]: The Minister says it is implied. Ecological sustainability has an international status of significant meaning. It relates to dealing with the ecologies within our system in a sustainable manner. This does not in any way imply that it will hinder development or the operation of councils. I welcome the expansion of the dot point by the words "protect, restore, enhance". That echoes some of the points made earlier. I invite the Minister to go a little further. Both the Opposition's

amendment and my amendment referred to ecological sustainability. Perhaps the Minister was concerned about the matters related to the precautionary principle, biological diversity and ecological integrity, and perhaps that is becoming complex. I ask the Minister to consider including the words "in an ecological and sustainable manner" at the end of the clause. I believe that would satisfy the various constituencies in this debate.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.9]: I am pushing my luck a bit far to have made this concession, which I think is reasonable and adequate. I have now discovered from my advisers the meaning of the term precautionary principle as involved in intergovernmental agreements. My advisers inform me that it is not appropriate to emphasise that in this legislation. I am content with what I have suggested as an amendment.

Mr E. T. PAGE (Coogee) [10.10]: Well, not knowing any better, I could not very well disagree.

Dr MACDONALD (Manly) [10.10]: I know when I am on a loser - I see it in the eyes of the Minister - so I am prepared to withdraw my amendment in anticipation of the Minister moving his amendment.

Amendment, by leave, withdrawn.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.11]: I move:

Clause 8, line 13. Insert after "develop" the words ", protect, restore, enhance"

I think that amendment would satisfy the Government and all honourable members in respect of getting the intention across. I thank honourable members for agreeing to that compromise.

Amendment agreed to.

Mr E. T. PAGE (Coogee) [10.12]: As my circulated amendment No. 3 is covered by an amendment foreshadowed by the Minister and an amendment already agreed to, I am quite happy not to move my circulated amendment.

Dr MACDONALD (Manly) [10.13]: I move:

Page 6, clause 8, line 15. After "long term", insert "and cumulative".

This particular dot point within the charter clearly is a guiding principle to councils to take into account the effects of their decisions, in this case, in the long term. If the Government is serious about that guiding principle and about sending signals out to councils to have regard to the long-term impact down the years of the effects of decisions, the Minister should take on board the word "cumulative". It is not threatening nor subject to international agreement. It is not some curly jargon from the environmental movement. It purely is an added phrase which seeks to consolidate the particular dot point by inviting councils to look not only at the distant long-term effect but also at the additive and, therefore, cumulative effects of their decisions.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.14]: The Government agrees to the insertion of those words "and cumulative". I draw the attention of honourable members to the fact that we are not only discussing environmental decisions but all decisions, and this will present some difficulty with councils. Again, this is non-justiciable and is not a matter of great importance.

Amendment agreed to.

Dr MACDONALD (Manly) [10.15]: I move:

Page 6, clause 8, line 16. Omit "to bear in mind that it is", insert instead "to act as".

This relates to a guiding principle within the charter dealing with councils' responsible management of public assets and the accountability for managing those assets in a responsible way. I would challenge the Minister to accept this particular amendment which omits the words "to bear in mind that it is". Quite frankly that is wishy-washy. These should be proper trustees or custodians of those assets, and therefore they should act as a custodian or trustee. Probably the inclusion of the words "to bear in mind that it is" is a drafting error. I invite the Minister to accept something which is more simple and definitive.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.16]: This particular amendment is opposed, but not through any whim of mine. If one looks at the general wording of the whole part, that is a general term expression of duties and the charter of councils. To insert the words "to act as trustee" may seem to non-lawyers to be a simple change but "to act as trustee" does, I can assure honourable members, have a meaning different from "to bear in mind". This is just a charter of the council, telling councils that they must bear in mind that this is really what they are, in effect. This clause is non-justiciable and I strongly resist the amendment proposed by the honourable member for Manly.

Mr E. T. PAGE (Coogee) [10.17]: The honourable member for Manly and I are obviously at a distinct disadvantage, he being a medical practitioner and me being a hack engineer. Obviously we do not have the hindsight or perspicacity of the Minister, gained through his legal knowledge. I am somewhat convinced by the Minister's argument. I am happy with the existing provision. To me the significant part of it is on the 17th line where it says "to effectively account for and manage the assets for which it is responsible". I am happy with the provision and in view of the Minister's open mindedness on other issues raised, and because of his co-operative nature, I am happy to vote for his provision.

Amendment negatived.

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Dr MACDONALD (Manly) [10.19]: I will not move amendment No. 8 standing in my name, but I should like to speak to it. I do not want to prolong the debate, but my amendment No. 8 would have sought to place certain compulsions on councils and government agencies. It deals also with the precautionary principle. Because of the way the debate has proceeded so far, I do not anticipate that the amendment would have met with a great deal of success. I placed it on my

list of amendments in the hope that the debate would have moved in a different direction. I move:

Page 6, clause 8, lines 32 and 33. Omit "but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action".

This is one of the most important amendments I intend to move. Indeed, it underpins the whole intent of the charter. If the amendment is carried, clause 8(2) will read, "A council, in the exercise of its functions, must pursue its charter". It is unique that this important legislation should protect local government authorities and bodies from a judicial investigation. That is not consistent with what happens in relation to other authorities and bodies. For example, the members of the Water Board and the board of the Environment Protection Authority are personally liable. There is nothing to suggest that the floodgates will open. The same fear about litigation was raised during the debate on the Environment Protection Authority bill.

The charter confers responsibilities on councils. I find it remarkable that the legislation then provides that the charter cannot be used as a basis for civil action against a council. I understand that a number of amendments received by the Minister support my attitude. The bottom line is that the charter, which has been debated at some length, which has been emphasised by the Minister and which sets out clear guiding principles for the functions of councils, does not have to be considered by councils. It certainly cannot be argued in court that the charter was not considered. I challenge the Minister. There should be no autonomy without accountability and responsibility. The Minister has disclosed a weakness in his whole argument by saying, "Notwithstanding the above, nothing in the charter can give rise to a civil cause of action". I am disappointed that the Minister will not allow the charter to have some strength and significance. I seek the support of the House for the amendment.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.24]: Obviously the honourable member for Manly does not comprehend the intention of this particular part of the legislation. If one reads what is contained under the word "Introduction" in the box at the top of page 6, one sees a description of the meaning of this particular section of the bill. The Government wants to be less prescriptive upon councils and wants to give them a basic set of principles upon which they should operate. It may seem to the honourable member for Manly that these principles should be binding but if the part of clause 8(2) to which he referred was removed from the bill, every council in New South Wales would be in court day after day, week after week.

An employee may say, "This council is not a responsible employer because it sent me out to do some roadwork when it was raining and I got the 'flu". It might be said of a council, "Having regard to the long-term effects of the decision of the council, it did not consider what would happen 200 years ahead or what would happen to our descendants in 10 generations". The bill could not have included this subclause unless it contained this non-justiciable provision. The matter would be fraught with danger if the words referred to by the honourable member for Manly were removed. As I have said, if the amendment were carried councils would spend countless millions of dollars of ratepayers' money every day on the whim of any person who believed that a council had not followed these principles. The principles are intended as a guide only. The substantive provisions of the bill are clearly laid out in the remainder of the legislation. The Government has said that it expects councils to operate under those principles - no more and no less. Under no circumstances will the Government agree to the amendment moved by the honourable member for Manly.

Mr E. T. PAGE (Coogee) [10.26]: In my view the Minister's argument in relation to the charter is correct. It is a statement of principles designed to clearly set out for council staff and councillors the broad scope of what is expected of the council. If the amendment moved by the honourable member for Manly is carried, there will be all sorts of legal problems. It will be open slather for people to sue councils for all sorts of things because they did not follow the letter of the law set out in these principles. The Opposition supports the Minister's assessment of the charter because his view is consistent with what we believe the charter is all about.

Mr J. H. MURRAY (Drummoyne) [10.27]: The honourable member for Manly feels strongly about this amendment, and I understand that. I was a member of the Public Accounts Committee when it received a special brief to examine the cost of litigation to local government. One of the major problems in local government is that many councils are spending an inordinate amount of money on legal fees. The Minister's comments have a great deal of validity because someone may look at this charter and say, "I do not believe that council is exercising community leadership". That is a difficult

concept. What is community leadership? If someone is permitted to take a council to court on a concept as difficult as not exercising community leadership, councils will be forever in court. That is what council elections are about. If councils do not exercise community leadership, they are thrown out, and a great deal of money is spent on an election.

Ms Moore: Spending only when you really need to.

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Mr J. H. MURRAY: That is exactly what it is about. I can understand the philosophical bent of the honourable member for Manly. As the honourable member for Coogee said, what is contained in the bill is only a charter. Provisions for taking a council to court should be more concrete than merely asking if the council is a responsible employer or asking if it is exercising community leadership. The amendment would open a pandora's box. If the words sought to be omitted by the honourable member for Manly are taken out of the bill the town clerk will be in court all day every day. The honourable member for Manly believes there should be some way in which members of the community can get at a council. However, the legislation provides sufficient means for them to do that.

Dr MACDONALD (Manly) [10.29]: We have strange bedfellows on this particular issue. In view of the remarks from the honourable member for Drummoyne, I suggest the Minister withdraw chapter 3, clause 8, relating to the charter. The comments made by the honourable member for Drummoyne are true, in a sense, because people will be asking about community leadership. Why include the charter if it cannot be challenged? If it cannot be challenged, it is bureaucratic nonsense. It is "Yes Minister" behaviour to include the charter in the bill, which allows councils to do certain things, but give it no standing under the civil law. The clause should either remain and have some substance or be left out.

Mr E. T. PAGE (Coogee) [10.30]: What the honourable member for Manly is saying would be true if the bill contained only a charter. The charter sets out the principles and then the following 300-odd pages specifically set out what the council is all about, what responsibilities it has, what it can and should do, how it should carry out certain functions and so on. The problems of the honourable member for Manly are covered by the rest of the bill. The charter is a preamble, in effect, to spell out to the council, councillors, employees of the council, and the community at large what local government will do for them generally. If they have a specific problem, they go to the part of the bill which sets out the council's responsibility or method of operation. They are the parts of the bill upon which the council may be sued, not the charter.

Amendment negatived.

Clause as amended agreed to.

Clause 9

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.33]: I move:

Page 7, clause 9, line 24. After "meeting.", insert "This requirement does not apply to a business paper for a matter that, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public."

This is a technical amendment but it seeks to add safeguards for material from closed meetings. That is the intention of the amendment.

Mr E. T. PAGE (Coogee) [10.35]: I do not see any problem with the amendment. The requirement that a council and each committee must have available for the public at its offices the business paper of the meeting will not apply to a business paper for a matter which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public. The amendment validates present normal practice. I do not see any difficulty with the amendment.

Amendment agreed to.

Clause as amended agreed to.

Clause 10

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.36]: I move:

Page 8, clause 10. After line 8, insert:

to confer a commercial advantage on a competitor of the council

This amendment is aimed at protecting the interests of commercial undertakings of councils. For example, a council-owned abattoir should not have to disclose its rates of charge. That would give a commercial advantage to every council-owned abattoir in New South Wales with which it is in competition. This amendment protects the commercial interests of county councils that operate abattoirs against their competitors. If the abattoir was required to give full, open information, its competitors would be given a tremendous advantage .

Amendment agreed to.

Clause as amended agreed to.

Clause 12

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.38]: I move:

Page 9, clause 12, line 23. After "business papers for council and committee meetings", insert "(but not including business papers for matters considered when a meeting is closed to the public)".

This amendment is a safeguard for matters considered in legitimately closed committees and is consequential upon Government amendment No. 2.

Amendment agreed to.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.38]: I move:

Page 9, clause 12, line 24. After "minutes of council and committee meetings", insert "(but not including minutes of a meeting or any part of a meeting that is closed to the public)".

This amendment again is for the protection of matters legitimately dealt with in closed committees of the council.

Mr E. T. PAGE (Coogee) [10.39]: I oppose the amendment because the minutes of the meeting constitute the legal basis of a council's decision. If council meets in camera, makes a decision and its decision is validated in council, the legal record of

that decision appears in the minutes of the council. Certainly, no one would argue that the content of what was discussed in a closed meeting should be included in the minutes, but the council minutes must reflect the decisions that were made. Otherwise, there is no basis on which council can operate.

I understand the object of the amendment, but it will not work in the simplistic way in which it is framed. At the end of a council meeting there has to be a written acknowledgment of what was decided, so that the necessary action can be taken. For instance, council might be considering the purchase of some property and certain considerations need to be carried out in camera. But, when the decision is made, it has to be recorded so that council can go ahead and buy the property. If it is not recorded in the minutes, there is no validation for anyone to implement council's decision.

Mr J. H. MURRAY (Drummoyne) [10.41]: What the honourable member for Coogee has said has validity. Honourable members shall correct me if I am wrong, but what we are saying is that in the following area information is available to the public. There are minutes of council and committee meetings. If part of the council meeting or committee meeting is held in camera, the minutes of that are not available. If honourable members are going to look at open government, the ratepayers and the public must be informed of council's decision. It is no good telling the public what council has decided in the open area if they are not told what has happened in camera.

Honourable members know that some of the most vital decisions made in local government, for reasons of the politics of the item, because of the peculiarity of the proposition, or because it is a staff matter or a matter relating to costs or finance, are made in closed committees, but the decisions of the council must be made available to the public. On my reading of it, if this amendment is passed, the public will not know what the council decided in camera.

Mr DAVOREN (Lakemba) [10.42]: With respect to this particular clause, the Opposition understands what the Minister is proposing: it is the method of doing it that is a problem. Let me put a hypothesis to the Minister. The Opposition acknowledges that the business paper would not be available but the final decision must be recorded. It would lead to anarchy if reliance is to be placed on someone's memory. With regard to an officer directed to do something, what authority is there for him to do it? Does he rely on his memory, or on the memory of the mayor. It is far too open and really must be reconsidered.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.43]: I am indebted to the various speakers for the Opposition in regard to this matter. The Government has goofed with this amendment. I am delighted the Opposition was on the ball and picked up the mistake. I am prepared to admit that the Government has made a mistake. I seek leave to withdraw the amendment and replace it with a further amendment.

Amendment, by leave, withdrawn.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.43]: I move:

Page 9, clause 12, line 24. After "minutes of council and committee meetings", insert "(but not including minutes of a meeting or any part of a meeting that is closed to the public other than the recommendations of that meeting)".

Mr E. T. PAGE (Coogee) [10.44]: It may well be that the committee might decide to release certain information from a closed meeting. It might not only relate to the minutes; the committee might feel there is a need to validate the decision. It may be that more than a decision is required. I am not sure how that should be worded. There has to be an option for the committee to say, "We want to release the report from the general manager, and move a resolution". It should be left to the discretion of the committee to release whatever information it feels the public at large should have.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.45]: I believe the amendment covers that situation. In its recommendation the committee could say that it recommends that certain papers be disclosed. That would need to be in the recommendation. The object of this amendment is that if there are sensitive matters to be discussed - for instance, the possible dismissal of a staff member who is accused of being a thief, or something of that kind - it should be discussed in the committee and the recommendation would normally be that the person be dismissed. The matter would be left at that in order to protect people from liable writs and so forth. If the council wants more in the recommendation, it is open to it to have more.

Mr E. T. PAGE (Coogee) [10.46]: I am happy to accept what the Minister has said. I suggest to him that this aspect be considered in some depth before it is finalised in the upper House so that any problems can be tidied up there. I am sure no member here has any problem with what is intended by the amendment, so long as the amendment does what we all want it to do.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.46]: I certainly undertake to do that.

Amendment agreed to.

Clause as amended agreed to.

Clause 22

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.47]: I move:

Page 14, Note to clause 22, lines 20 and 21. Omit "For example, some of those Acts and some of the functions they confer include:", insert instead:

An important general provision is contained in section 50 of the Interpretation Act 1987 which provides, in part:

(1) A statutory corporation:

(a) has perpetual succession;

(b) shall have a seal;

(c) may take proceedings and be proceeded against in its corporate name;

(d) may, for the purpose of enabling it to exercise its functions, purchase, exchange, take on lease, hold, dispose of and otherwise deal with property; and

(e) may do and suffer all other things that bodies corporate may, by law, do and suffer and that are necessary for, or incidental to, the exercise of its functions.

.....

(4) This section applies to a statutory corporation in addition to, and without limiting the effect of, any provision of the Act by or under which the corporation is constituted.

Some other Acts and some of the functions they confer include:

Mr E. T. PAGE (Coogee) [10.48]: I seek an explanation from the Minister as to why he has moved this amendment.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.49]: Parliamentary Counsel has been preoccupied with this legislation and is always striving for perfection in it. His recommendation is that the amendment adds to the function statement and clarifies it. The amendment is of a technical nature and is moved on the recommendation of Parliamentary Counsel.

Amendment agreed to.

Clause as amended agreed to.

Clause 30

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.50]: I move:

Page 21, clause 30, line 3. After "the land", insert ", if it is a public reserve, ceases to be a public reserve, and the land".

This amendment is recommended by Parliamentary Counsel as fine-tuning with regard to the reclassification of

community land as operational.

Amendment agreed to.

Clause as amended agreed to.

Clause 32

Mr E. T. PAGE (Coogee) [10.51]: I move:

Page 22, clause 32. After line 5, insert:

(4) Before making the resolution, the council must give public notice of the resolution. The public notice must specify a period of not less than 28 days during which submissions may be made to the council.

The change in the status of land is a new provision in this legislation and is obviously a cause of some concern. The Opposition believes that where there is a change in the status of land, with it being reclassified by council, there should be maximum airing of that decision and the lead-up to that decision so that the public does not feel there has been undue haste, or insufficient publicity or notice given to such a change in status. The effect of this amendment would be that councils would be required to give public notice of the resolution and that public notice must allow for a period of not less than 28 days during which submissions may be made to the council. It would ensure that public notification was given so that no one would feel disadvantaged, that the matter had been dealt with surreptitiously, or that the council intended to carry out the change without letting anyone know. If notice of the resolution is advertised in newspapers before the resolution is carried, people will have the opportunity to make submissions to council before a final decision is made.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [10.53]: The Government accepts this amendment. It is indebted to the Opposition for this sound amendment that will improve the Act.

Dr MACDONALD (Manly) [10.54]: I wish to comment on the provision in the bill regarding the need for public land to be classified. This is one of the most welcome aspects of the bill and I commend the Minister for it. There are provisions whereby, if community land is to be reclassified, it would be done in most cases by way of a local environmental plan. However, this amendment relates to the reclassification of land dedicated under section 94 of the Environmental Planning and Assessment Act. I have foreshadowed an amendment to the same clause and I argue that my amendment is slightly more comprehensive than the Opposition's amendment. The amendment moved by the honourable member for Coogee is restricted to public notice in a local newspaper and to a 28-day period for submissions. My foreshadowed amendment would provide for the inclusion of the full terms of the proposed resolution in the public notice in the newspaper.

If it is likely that a change in land classification will be controversial, council will have to arrange a public hearing. Perhaps the Minister will give me an indication of his attitude towards my slightly more comprehensive amendment. It is important to focus on the intent of this clause, which is that certain conditions must be satisfied before council can make such a resolution. Given the effect of reclassification, I argue that the conditions in existing clause 32 are insufficient. Obviously the Opposition shares my concerns. The whole thrust of the need for classification is to protect community land. Any reclassification of land from community to operational has to be done under full scrutiny. The rationale on which land is to be reclassified must be scrutinised by the community. It must be an open, transparent process.

In other words, it is a serious matter to decide that community land is no longer appropriate for that purpose and should be reclassified as operational land. That concern is obviously shared by the Government; otherwise it would not have included this clause. Clause 32 relates specifically to land dedicated under section 94 of the Act, and provides that where that land is to be reclassified there must be a comprehensive public process. I believe it must go beyond the public advertising of the proposed resolution and the submission period of 28 days. I invite the Minister to comment on the merit of my proposed amendment because obviously that will dictate my vote on the Opposition amendment.

Mr DAVOREN (Lakemba) [10.57]: On behalf of the Opposition I thank the Minister for his forbearance in accepting the wisdom of the amendment proposed by the Opposition. The problem the Opposition has with the proposed amendment of the honourable member for Manly is the reference to a local newspaper. The Opposition's amendment refers to public notice, and it would be implied, not expressed, that that would be adequate public notice. Let me give the Committee an example of what might occur. If there were four local newspapers in a council's area and it wanted to change the classification in a sneaky fashion - not that I am suggesting any local government authority would attempt to do that - it could select the local newspaper with the smallest circulation. In that event it could be said that the proposed resolution would not receive adequate public notice. The Opposition maintains that its amendment would suit the application far more satisfactorily than the proposed amendment of the honourable member for Manly.

Mr E. T. PAGE (Coogee) [10.59]: I am satisfied with the Minister's acceptance of the amendment I moved on behalf of the Opposition. As pointed out by my colleague the honourable member for Lakemba, the amendment is better worded than that foreshadowed by the honourable member for Manly, certainly with regard to any reference to notification. The proposal by the honourable member for Manly is that the advertisement must include the full terms of the proposed resolution. I accept that that would be done in any event; I do not believe it needs to be spelt out. If the Minister is willing to accept that, it would make little difference.

I cannot see the point of the amendment foreshadowed by the honourable member for Manly, which states, "If the council is of the opinion that a proposal for reclassification under subsection (1) may be controversial, the council must arrange a public hearing in respect of the proposal". If the council is conscious that there is a problem with reclassification, it would arrange a public hearing. If the council does not want to do hold a public meeting it will not find that the issue is controversial, so the amendment would not put a great onus on the council. I would expect a reasonable council to be aware of the controversy associated with a particular reclassification proposal and to act in a democratic manner to address the issues. I am satisfied with the amendment that has been accepted by the Minister.

Mr PEACOCKE (Dubbo - Minister for Local Government, and Minister for Cooperatives) [11.1]: I accept the Opposition's amendment, but I do not accept the complex amendment foreshadowed by the honourable member for Manly. Clause 32 takes matters a fair way forward in that it places quite an onerous requirement on councils. The publication of a full notice might be a costly exercise for the council if it involved a long resolution. I would prefer to accept the Opposition's amendment. It will be monitored closely. If in future there is a need for public meetings to be called, I am sure everyone would agree that that is the way we will go. I am not in favour of public meetings being called unless there is real reason, because in my view they lead to more problems than they solve. I fully understand why the honourable member for Manly has proposed his amendment, and I accept that councils must be open, but that is covered by the amendment put forward by the Opposition.

Dr MACDONALD (Manly) [11.2]: I do not follow the argument put forward by the honourable member for Coogee. He said that if a reclassification proposal is controversial, it would in all probability be dealt with by a public hearing. Public notice is defined in clause 700 of the bill, and obviously it does not allow for public hearings. However, why do we not seek to deal with the most common denominator? If rogue councils might seek to reclassify land from community to operational, with minimal public notice, why not have a belt and braces job? Why not provide for it within the bill? Again, it is about guidance to councils, which is something we have heard much about tonight.

This is a serious matter. Wearing my local government hat, I have had to deal with it within my own municipality. There is enormous pressure on my council to sell off community land, though it might not yet be classified strictly as such. There is enormous pressure to sell off the family jewels of the Manly municipality because of the need for additional revenue. Once land is reclassified as operational, it can be sold. That process must come under the closest scrutiny. I cannot understand why one would seek to avoid the more prescriptive need for holding a public hearing in respect of any reclassification proposal.

Mr E. T. PAGE (Coogee) [11.4]: I persist with my amendment.

Amendment agreed to.

Clause as amended agreed to.

Progress reported and leave granted to sit again.

House adjourned at 11.7 p.m. until Tuesday, 11th May, at 2.15 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

ARGENTON AIR QUALITY MONITOR

Mr Mills asked the Minister for the Environment -

(1) Have requests been received from community representatives for relocation of the "Argenton" ambient air quality monitor from inside Pasminco's northern boundary to a site closer to the community such as the Argenton school?
(2) If so:
  (a) Has the Environment Protection Authority agreed to the request from NO-LEAD?
  (b) What are the reasons given if the request has been rejected?
(3) If not, will relocation be given a trial at the school location?

Answer -

(1) Yes.
(2) (a) No.
  (b) The reasons for rejecting the request are that the monitor is located where it is more likely to measure lead coming from the Pasminco smelting operations and more specifically from the raw material and recycled material stockpile areas to the north of the smelter. In this location, the measurements are a better indication of the effectiveness of emission control(s) within the smelter.
(3) No. Since the monitor is so close to the school, the lead in air (from Pasminco premises) measured at the existing site would be essentially the same as would occur within the school grounds.

NEWCASTLE BUSES SEMINAR

Mr Gaudry asked the Minister for Transport and Minister for Tourism -

(1) Did the Management of Newcastle Buses conduct a planning seminar at the Bimet Lodge on the evening of Thursday 18 and Friday 19 February 1993?
(2) How many staff were involved in this seminar?
(3) What was the cost for:
  (a) Accommodation?
  (b) Consultancy fees?
  (c) Food and entertainment?
(4) What was the theme of the seminar?
(5) Why was the seminar not conducted in the conference rooms at Newcastle Buses?

Answer -

(1) Yes.
(2) Ten.
(3) (a) $954.80.
  (b) Nil.
  (c) $774.05.
(4) Preparation of Newcastle Buses 1993/94 Business Plan.
(5) Generally it is State Transit Authority policy to utilise its own facilities where appropriate and available. However, as is common practice in the business community, managers sometimes hold business planning meetings away from the work environment. This ensures that all the senior staff can be present and participate in the planning process without

interruption from the day-to-day operations matters that occur in running a business. This method ensures that the best results are achieved in the business planning process.

ILLAWARRA PORTS AUTHORITY COAL LOADER RECEIPTS

Mr Rumble asked the Premier and Treasurer -

In respect of the Port Kembla coal loader, how much money did the Government receive from the coal consortium in the 12-month period from August 1991 to August 1992?

Answer -

The Minister for Transport has advised that the MSB Illawarra Ports Authority received the following amounts during the 12-month period from 1 August 1991 to 31 July 1992:

* Tonnage-based lease income $36.979 million
* Infrastructure charges (as per lease agreement) $0.248 million

$37.227 million

The Minister also indicated that the following amounts were received:

* During the period, a total of $0.030 million was received for pilotage and site occupation charges for vessels which transferred to a tie-up berth. This amount, however, as part of an agreement, was refunded in its entirety in October 1992.
* $0.009 million was paid to the Authority as a reimbursement for materials and hire of plant used in landscaping at the coal loader.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM EVALUATION

Mr Sullivan asked the Minister for Community Services and Assistant Minister for Health -

(1) Will the State Government be conducting an evaluation of the Supported Accommodation Assistance Program?
(2) Is he aware that the Federal Government is also conducting such an evaluation?
(3) If the State Government is to conduct an evaluation:
(a) What will be evaluated that is not already being evaluated by the Federal Government?
(b) What information is the Government seeking that has not already been provided by

commissioned reports from the Employers' Federation of NSW and Nicholas Clarke?
(c) What is the estimated cost of this evaluation?

Answer -

(1) An agreement has been reached between myself and the previous Commonwealth Minister for Aged, Family and Health Services, Mr Staples, to undertake the NSW Supported Accommodation Assistance Program (SAAP) State Review.
It is anticipated that the State Review will commence March/April 1993.
(2) The current 5-year Commonwealth/State SAAP, which provides for the funding and development of supported accommodation services in New South Wales, will expire on 30 June 1994. A requirement under the Agreement is that a National Program Review must be conducted before the Agreement expires.
The SAAP National Evaluation commenced late last year and will be completed by June 1993.
(3) (a) The main focus of the National Evaluation is on broad national program issues such as the scope of SAAP, program administration, process and structures, other housing options and service models.
The outcome of the National Evaluation will provide advice on how well the program has met its objectives, as established in the Agreement, and what direction a future agreement should take.
The purpose of the State Review will be to evaluate the effectiveness of services funded under the program in

achieving their outcomes for consumers, taking into account particular issues, such as accessibility, equitable distribution of resources, and, at a local level, the appropriate mix of services, planning, and ways to ensure better linkages and co-ordination.

The timeframe for both reviews will allow all the relevant consultancies and reports from the National Evaluation to be incorporated and utilized in the State Review, thereby preventing any duplication.

(b) The Employers' Federation Social and Community Services Employees (State) Award report was commissioned to provide employees with a greater level of understanding in relation to the new award conditions, as well as increased ability in interpreting the award. The outcome of this consultancy was a training manual distributed to all departmental-funded services.

The Nicholas Clarke report deals with the initial impact of the award on SAAP-funded

services. It did not provide detailed information on currently funded SAAP services.

(c) The estimated cost of the SAAP State Evaluation is $295,000. The total cost of the program in New South Wales for 1992/93 is $71.9 million. This is a one-off cost for conducting a State Review once every 5 years.

CENTRAL COAST TOURISM PROMOTION

Mr McBride asked the Minister for Transport and Minister for Tourism -

(1) What funds were provided for tourist promotion on the Central Coast and its environs in:
   (a) 1988?
   (b) 1989?
   (c) 1990?
   (d) 1991?
   (e) 1992?
(2) Does he intend to increase funding for tourism promotion on the Central Coast?

Answer -

(1) The NSW Tourism Commission provided funding for tourist promotion on the Central Coast and its environs as follows:

(a) $3,600.
(b) $12,800.
(c) $12,600.
(d) $150,050.
(e) $87,580.

(2) The Minister is currently considering recommendations from the Office of Public Management's Review of the NSW Tourism Commission which, if adopted, will increase funding to regional tourism in New South Wales, including the Central Coast.

PACIFIC POWER BATHURST DONATIONS

Mr Clough asked the Minister for Conservation and Land Management and Minister for Energy -

(1) Has the Electricity Commission made a number of donations within the electorate of Bathurst recently?
(2) To whom were the donations made and for what purpose?
(3) How much was each donation?

Answer -

(1) to (3) Pacific Power has both provided and committed financial support this year for the following community projects in the electorate of Bathurst:

February 1993 Promise of contribution to Oberon Showground Trust for new grandstand (expected to be paid in the 1993/94 financial year)	$50,000
March 1993 Joint support with Lithgow Council and other authorities for lighting of Luchetti Sportsfield and Showground. Pacific Power contribution (expected to be paid in the 1993/94 financial year)	$37,000
March 1993	

Sponsorship support for Bathurst Show April 1993	$3,500
Support for a Land Care and Environmental Program at Rydal Adult Education Centre (including building supervision, environmental consultation, civil projects advice, training and supervision). Man/hour value April 1993	$15,000-$20,000
Support for development of community recreation facilities at Black Springs Recent and ongoing	$10,000
Support for Portland School through Industry Link Association	$3,000

HUNTER VALLEY TRAINING COMPANY

Mrs Lo Po' asked the Minister for the Environment representing the Attorney General and Minister for Industrial Relations -

(1) Who funds the Hunter Valley Training Company?
(2) What is its annual budget?
(3) How many apprentices have had their indentures cancelled over the past 10 years?
(4) How many apprentices are presently in the company's employ?
(5) How much has the company received from Federal funds for apprentices.
(6) How many apprentices are on "downtime"?

Answer -

As employment and training matters are not part of my portfolio responsibilities, this matter is more appropriately directed to my colleague the Minister for Employment and Training.

PETROL LEVY

Mr Nagle asked the Premier and Treasurer -

(1) Is it intended to introduce a new system of taxation and increase the petrol levy to 5 cents per litre for 5 years?
(2) Why has the "3x3" petrol levy not been removed?

Answer -

(1) No.
(2) The "3x3" fuel levy was not removed because Parliament agreed to its extension.

CHAIN LETTER PROSECUTIONS

Mr Amery asked the Minister for Consumer Affairs and Assistant Minister for Education -

How many prosecutions have been commenced by the Department of Consumer Affairs relating to the promotion of and involvement in chain letter schemes during the year ended 28 February 1993?

Answer -

In the financial year commencing 1 July 1992, the Department of Consumer Affairs has not commenced any prosecutions in relation to the promotion of, or participation in chain letter schemes.

Prosecution is not usually an appropriate option in these cases for a number of reasons. It is usually impossible to identify the original promoters of the schemes and it is recognised that most persons subsequently involved are ignorant of the law and the detrimental effects of circulating the material in the community.
Many of the participants identified by the Department live interstate, and the very nature of the schemes is designed to appeal to those who are merely seeking to supplement their incomes in difficult economic times.
In these circumstances, the policy has been to educate and inform the public about these schemes. Over the years there have been a number of public warnings issued by both the Department and Consumer Affairs Ministers. Indeed, as recently as 2 April I issued a

media release in which I identified five chain letter schemes currently operating in New South Wales which consumers were warned to avoid. The Department is co-ordinating the development of other public education material.
In addition, warning letters are issued to individual participants, which require them to declare that they have ceased their involvement in the schemes and that they have advised other known participants to do the same. They are also asked to return any money received, where possible. To date, some 900 warning letters have been sent out in respect of the scheme known as the Mutual Financial Assistance Programme, and another 300 in respect of the Edward L. Green scheme.
Prosecutions may take place in future if any previously warned participants continue their involvement, or if the Department can identify the original promoter of a scheme.
The Federal Minister for Consumer Affairs has recently written to me expressing her concern about the re-emergence of these schemes in a number of States and Territories and the harm that they may do in the community. She also issued a public warning on the matters, and has requested the Trade Practices Commission to re-activate the successful education and compliance programme which it carried out in the 1980's.
In this regard she sought the co-operation of the various State and Territory Consumer Affairs administrations. I have assured her that the proposals for co-operative action which have already been discussed at interstate forums are strongly supported by New South Wales.

LIVERPOOL LEGAL AID OFFICE APPLICATIONS

Mr Anderson asked the Minister for the Environment representing the Attorney General and Minister for Industrial Relations -

(1) How many applications for legal aid were received in 1992 by the Liverpool Legal Aid Office?
(2) How many of those applications related to:
    (a) Criminal matters?
    (b) Civil matters?
    (c) Family law matters?
(3) How many of the applications referred to in question (2) were approved in each category?
(4) How many of the refusals in each category were based on:
    (a) Means?
    (b) Merit?
    (c) Lack of funds?

Answer -

(1) 4,044 applications for legal aid were received by the Liverpool Legal Aid Office during 1992.
(2) (a) 2,150 related to criminal matters.
    (b) 195 related to civil matters.
    (c) 1,699 related to family law matters.
(3) (a) 1,860 grants were approved in criminal law matters.
    (b) 81 grants were approved in civil matters.
    (c) 941 grants were approved in family law matters.
(4) (a) In non-Local Court criminal matters:
        (i) 58 refusals were for reasons including means.
        (ii) 3 refusals were for reasons including merit.

(iii) The Legal Aid Commission does not refuse matters because of lack of funds. However, a further 47 matters were refused in accordance with the Commission's policy guidelines for reasons other than means or merit. In addition, 172 Local Court criminal matters were refused. Statistics are not available, but the refusals would be on the basis of means and/or policy guidelines.

(b) (i) 29 refusals were for reasons including means.
(ii) 48 refusals were for reasons including merit.
(iii) 34 refusals were for reasons other than means or merit.

(c) (i) 170 refusals were for reasons including means.
(ii) 139 refusals were for reasons including merit.
(iii) 241 refusals were for reasons other than means or merit.

F2 WEST MOTORWAY ENVIRONMENTAL IMPACT STUDY

Mr Langton asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Will he instruct relevant officers of the RTA to, as part of the EIS process for the "F2 West", undertake detailed studies of ambient air quality in the Darling Mills Valley (part of the proposed F2 route) given that this was not undertaken in the existing EIS?
(2) As the existing EIS makes no allowance for retention of pollutants in a valley situation, will he again direct the RTA to rectify this omission in an upgraded EIS?
(3) Is the current EIS flawed?
(4) Will he instruct that a new and more thorough EIS be undertaken involving full consultation with local residents?

Answer -

(1)-(4) The matters referred to by the honourable member have been raised in submissions to the Environmental Impact Statement for the project in question. The Statement has not yet been determined.
All of the points raised will be responded to in the determination of the Statement.

FLYNNS BEACH OCEAN POOL DISABLED ACCESS

Mr Martin asked the Minister for Conservation and Land Management and Minister for Energy -

(1) Has Port Macquarie Council placed a condition of consent for the Flynns Beach Ocean Pool to proceed viz.: "That no intrusion into/onto or impact is to occur on Terrestrial Vegetation, the vegetated slopes or the headland either during construction or afterwards." (DA 91/0399)?
(2) (a) Has the Department of Lands been asked to support a disabled access from a nearby car park?
(b) Will he support such an application?
(c) Is this contrary to the Council-imposed condition of development?

Answer -

(1) A condition in the form of the text recited was not included in the Hastings Municipal Council's development consent.
(2) (a) Council requires that disabled access be provided to the pool. However, the Department of Planning requires that provision of this access be the subject of a separate development application. The pool committee has been advised that this is now a requirement of the Council.
Support for such access has not been sought from the Department of Conservation and Land Management and as far as I am aware the required development application has not been lodged.
(b) The Department's position will be determined when details of any access proposals are available. Whilst consent has been given to Council for the lodgement of a Development Application it is on the condition that the Department has input into the design and location of the access. However, the Department will need to be satisfied that the location and construction of the access will not have an adverse effect on the vegetation in the

area before an unqualified consent is given.

(c) Action taken by the Department of Conservation and Land Management does not contravene any development conditions imposed by Council.

HUNTER PUBLIC SECTOR EMPLOYEES

Mr Gaudry asked the Minister for Conservation and Land Management and Minister for Energy -

(1) As at 24 March 1988, how many persons were employed in the Newcastle/Hunter area by the following Departments now under his administration:
   (a) Electricity Commission of NSW (Pacific Power)?
   (b) Department of Lands?
   (c) Department of Soil Conservation?
   (d) Forestry Commission?
(2) How many persons are currently employed in each of these Departments (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 -

Pacific Power

(1) (a) As at 30 March 1988, staff numbers at the following locations were:

Bayswater Power Station	715 employees
Liddell Power Station	783 employees
Newcastle	353 employees

(2) As at February 1993, staff numbers at the following locations were:

Bayswater Power Station	605 employees
Liddell Power Station	585 employees
Advanced Technology/Newcastle	52 employees
Newcastle Regional Centre	191 employees

(3) Reductions have occurred at the locations as follows:
   (a) Acceptance of a Voluntary Redundancy Package:

Bayswater Power Station	65 employees
Liddell Power Station	94 employees
Newcastle Regional Centre	133 employees

   (b) Natural attrition without replacement:

Bayswater Power Station	33 employees
Liddell Power Station	93 employees
Newcastle Regional Centre	26 employees

   (excluding employees redeployed to other locations).
   (c) Redeployment:
      (i) Bayswater Power Station - Nil.
      Liddell Power Station - Nil.
      Newcastle Regional Centre - 11 employees.
      (ii) Newcastle employees were redeployed to the following locations:
      Munmorah Power Station - 4 employees
      Eraring Power Station - 4 employees
      Services/Lake Macquarie Centre - 2 employees
      Yass Regional Centre- 1 employee
   (d) Dismissal:

Bayswater Power Station - 12 employees
Liddell Power Station - 11 employees
Newcastle Regional Centre - 2 employees.

Department of Conservation and Land Management
(1) (b) Maitland (former Lands) - 33
(c) Newcastle (former Soil Conservation) - 37* (see Note 1)
(2) The former Department of Lands and former Soil Conservation Service were amalgamated in July 1991. Staff employed by the Maitland Office of the new Department of Conservation and Land Management as at 24 March 1993 was 33 and staff employed by the Newcastle office of the new Department was 28.

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(3) (a) Maitland - 7* (see Note 2).
Newcastle - 1
(b) Nil.
(c) (i) Nil.
(ii) Nil.
Note 1
The Newcastle Office has advised of the 37 persons employed in 1988, it should be noted that 1988 was particularly active in employment programs/projects funded from external sources. This accounts for the reduction in persons employed at Newcastle from 1988 to 1993.
Such persons are employed under section 38 of the Public Sector Management Act 1988 for specific term temporary employment as provided for under the external funding arrangements.
Note 2
The Voluntary Redundancies have facilitated the new structure of the Department of Conservation and Land Management being put in place. This in turn has created other employment opportunities with the new Regional Office for the Sydney/Hunter Region being located at Maitland. This is reflected in the number employed at Maitland not actually decreasing, although 7 voluntary redundancies occurred.

Forestry Commission
(1) (d) As at 24 March 1988 the Forestry Commission had 114 employees.
(2) Currently 81 people are employed by the Forestry Commission.
(3) Reductions have occurred as follows:
(a) Voluntary Redundancy - 7
(b) Natural attrition without replacement - 11
(c) (i) Redeployment - 15
(ii) Redeployment to following locations:
Taree - 10
Sydney - 4
Coffs Harbour - 1
(d) Dismissal - Nil.

NEWCASTLE LEGAL AID OFFICE APPLICATIONS

Mr Face asked the Minister for the Environment representing the Attorney General and Minister for Industrial Relations -

(1) How many applications for legal aid were received in 1992 by the Newcastle Legal Aid Office?
(2) How many of those applications related to:
(a) Criminal matters?
(b) Civil matters?
(c) Family law matters?
(3) How many of the applications referred to in question (2) were approved in each category?
(4) How many of the refusals in each category were based on:
(a) Means?

(b) Merit?
(c) Lack of funds?

Answer -

(1) 6,067 applications for legal aid were received by the Newcastle Legal Aid Office.
(2) (a) 4,165 related to criminal matters.
(b) 99 related to civil law matters.
(c) 1,803 related to family law matters.
(3) (a) 3,620 applications were approved in criminal law matters.
(b) 49 applications were approved in civil matters.
(c) 950 applications were approved in family law matters.
(4) (a) In non-Local Court criminal matters:
(i) 20 were refused for reasons including means.
(ii) 30 were refused for reasons including merit.
(iii) The Legal Aid Commission does not refuse matters due to lack of funds. A further 15 matters were refused in accordance with the Commission's guidelines for reasons other than means or merit.
In addition, 465 Local Court criminal matters were refused. Although statistics are not available, the refusals would be on the basis of means and/or policy guidelines.
(b) In civil law matters:
(i) 20 were refused for reasons including means.
(ii) 20 were refused for reasons including merit.
(iii) 8 were refused for reasons other than means or merit.
(c) In family law matters:
(i) 212 were refused for reasons including means.
(ii) 375 were refused for reasons including merit.
(iii) 246 were refused for reasons other than means or merit.

DEPARTMENT OF CONSUMER AFFAIRS CHARGES

Mr Amery asked the Minister for Consumer Affairs and Assistant Minister for Education -

(1) (a) What increases in fees charged by the Department of Consumer Affairs has she approved since becoming Minister?
(b) What are the details of the charges?
(2) (a) What decreases in charges has she approved?
(b) What are the details of the charges?

Answer -

(1) Since becoming Minister for Consumer Affairs, I have endorsed changes in the fees structure for the provision of services administered by the Register of Encumbered Vehicles (REVS) and approved of increases in fees at the Consumer Claims Tribunals (CCTs).

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REVS
Registration of an Interest
Manual Entry - A hard copy form is submitted from financiers and keyed in by REVS operators.
$10.50 - $11.00 = $0.50 increase.
Magnetic Tape - Financiers forward a computer magnetic tape containing interests to be registered.
$6.50 - $7.00 = $0.50 increase.
Enquiries (Search of the Register)
REVS primary service function is the provision of an enquiry service for intending purchasers of a vehicle to check if

the vehicle has money owing, i.e. encumbered.
Account Customers (Motor Dealers/Financiers)
Telephone - keyed in by REVS operators
$3.25 to $4.00 = $0.75 increase.
Online Interactive - Keyed in by clients from remote sites. REVS transmits results immediately.
$3.00 - $3.25 - $0.25 increase.
Online Batch - Keyed in by clients (multiple entries) and transmitted to REVS. REVS then processes all enquiries and transmits them back within 30 minutes.
$2.75 - $3.00 = $0.25 increase.
Certificates
A certificate is written proof that the Register was searched. It is mailed and may also be faxed. Fee increase relates to certificate faxing only.
$7.00 - $8.00 = $1.00 increase.
Variation of an Interest
An encumbrance record may be varied by the interest holder by submitting REVS a hard copy application, computer magnetic tape containing data or through the online facility. A variation is usually submitted to correct an inaccuracy of an encumbrance record.
Manual $3.00 - $5.00 = $2.00 increase.
Magnetic Tape $3.00 - $4.00 = $1.00 increase.
REVS may also vary an interest where it believes the interest to be incorrect based on advice received from the Roads and Traffic Authority.
RTA Service $3.00 - $4.00 = $1.00 increase.
It should be taken into account that REVS fees were last amended on 1 September 1991, some 18 months ago. It is also important to note that not all REVS fees have changed. The telephone advisory service to the general public is still provided free of charge. The certificate fee to the public has not increased and has remained at $7.00 (fee increase relates to certificate faxing only).

CCTs
Lodging a claim with the Tribunals
(concession) $2.00 - $5.00 = increase of $3.00.
Concession available to eligible pensioners or eligible students.
$10.00 - $40.00 = increase of $30.00
To obtain copies of the official record of a hearing the fee has increased from 60 cents per page to a flat fee of $20.00 or $5.00 concession.

(2) (a) REVS fees.
(b) Online - Financiers input data directly to the Register via personal computer with telephone modem connection.
$6.50 - $5.00 = $1.50 decrease.

NATIONAL ROADS AND MOTORISTS ASSOCIATION MEMBERSHIP FEES

Mr Amery asked the Minister for Consumer Affairs and Assistant Minister for Education -

(1) Is she aware of the subscription for membership to the NRMA increasing by approximately 6 per cent from 1 June 1993?
(2) Do the Articles of Association of the NRMA Limited state that such increases have to be determined by the Board of Directors of the NRMA?
(3) Will she investigate if this procedure was followed by the NRMA when increasing the fees?

Answer -

(1)-(3) The above question is outside the scope of my administration. It is one which should be taken up with the Australian Securities Commission in the context of the Corporations legislation.

DEPARTMENT OF HOUSING TENANT

Mr Anderson asked the Minister for State Development and Minister for Arts representing the Minister for Planning and Minister for Housing -

With regard to representations on behalf of Department of Housing tenant number T276732 -
(1) Has the Department recently advised that the Department cannot become involved in the dispute between the tenant and her neighbour?
(2) Why did the Department suggest further mediation by the Community Justice Centre when the signed agreement negotiated by the Community Justice Centre in June 1991 has not been adhered to?
(3) (a) Has the Department confirmed with Green Valley police the constant requests for assistance to the police since early 1991, which would substantiate the tenant's claims?
(b) If not, why not?
(4) (a) Has the Department interviewed other neighbours nominated by the tenant who are prepared to substantiate the claims?
(b) If not, why not?
(5) Why should Department of Housing tenants be forced to pursue expensive legal action to enforce their rights to peaceful enjoyment of their homes?
(6) Why has the Department not taken action in this case to enforce clause 7.3 of the Department's Residential Tenancy Agreement?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:
(1) Yes, a letter was sent by the Southern Metropolitan Regional manager for the Department of Housing to the honourable member on 25 September 1992 outlining the Department's position in the matter.

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(2) It is considered by the Department that the complaints lodged by the tenant concerned are as a result of a personality conflict between the two neighbours. As the Police were also unable to take action it was considered that the most appropriate means of effecting a solution was the use of further mediation by the Community Justice Centre.
(3) (a) The Police advised that the tenant concerned has made a number of complaints regarding loud music and she has also provided a list of vehicles regularly visiting the dwelling.
(b) See (3)(a).
(4) (a) The Department has interviewed three parties, the two tenants concerned and a neighbour.
The neighbour stated that she could hear the music during the day and sometimes the sound of the horn of a departing vehicle. She indicated that the music was not played at night.
(b) See (4)(a).
(5) In cases where the Department clearly cannot be involved, such as in this situation, the Department suggests alternative methods of resolution in an effort to try and assist those concerned.
It is then up to the parties involved to decide if they wish to take that course of action, bearing in mind that legal aid assistance can be provided to those people on a low income. The Community Justice Centre charges no fee for their service.
(6) It is considered that the situation is one of personality conflict and not one of major nuisance and annoyance disrupting an entire neighbourhood. Evidence suggests that the two tenants concerned live contrasting lifestyles. However, this is not viewed as a breach of the Residential Tenancy Agreement.

BLACKTOWN SCHOOLS COMPOSITE CLASSES

Ms Allan asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) How many schools in the electorate of Blacktown have composite classes in excess of 30 pupils?
(2) How many composite classes currently exist in the electorate of Blacktown and at what schools are these classes

operating?
(3) How many composite classes existed in the electorate of Blacktown in the years 1991 and 1992 and at what schools were they operating?
(4) How many composite classes in the electorate of Blacktown have more than 25 pupils and at what schools are they operating?
(5) How many composite classes in the electorate of Blacktown contain kindergarten children and at what schools are they operating?

Answer -

(1) to (5) The Department of School Education has a clear commitment to excellence in New South Wales schools, providing for more than 750,000 young people currently enrolled in the Government School System.
The Department's efforts are directed to improving educational standards in schools, improving parental choice and participation and increasing learning opportunities for all. To provide the detailed information requested in the Member's question would impinge on the resources and time of Senior Departmental Officers. As a consequence, I am not willing to move resources from the Department's core responsibility to meet this request. General statistical information on the Department of School Education is available in the Department's Annual Report.

LISMORE HIGH SCHOOL PRINCIPAL DISCIPLINARY CHARGES

Mr J. J. Aquilina asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) Have charges by the Department of School Education under the Teaching Services Act against Norm Robinson, the Principal of Lismore High School, been dropped?
(2) If so, were they dropped unconditionally?
(3) Has the Director General outlined the matters to which the charges related?
(4) What were these matters?
(5) Did Dr Robin Chapman, Assistant Director General, North Coast Region, state that "the North Coast Department had followed the proper procedures in setting out the charges and documentation"?
(6) Is this statement correct?
(7) If so, why were the charges dropped?
(8) Arising out of this matter, what action does the Department propose in relation to management of the North Coast region?
(9) Why did the Department wait until the week before the new school year began before announcing action against Mr Robinson and removing him as principal?
(10)Who made the decision to wait until then?
(11)Was the action of changing locks in Lismore High School an example of "proper procedures" in relation to disciplinary procedures against senior high school staff?
(12)What was the purpose of changing the locks?
(13)Who made the decision to change the locks?
(14)On what date did the Minister first become aware that disciplinary action against Mr Robinson was being considered?
(15)What action did the Minister personally take in resolving the Lismore dispute?
(16)What was the basis of the Director General's reported statement, after it was announced that a departmental investigation would not occur, that "the problems indicate Mr Robinson needs assistance"?
(17)Does the Minister support the right of principals to speak openly on educational issues to members of their school community?
(18)Under present School Education Department policy, in what circumstances will teachers, including

principals, speaking in public on issues of Government policy, render themselves liable to disciplinary action by the Department?
(19)When will the Minister apologise to the Lismore school community over the Department's handling of the episode, as they have requested?
(20)Will the Minister institute an inquiry into the management of the North Coast region of the Department of School

Education?

Answer -

(1) Yes.
(2) The letter from the Director-General informing Mr Robinson that disciplinary procedures would not be proceeded with had no conditions attached. It should be noted that as this matter had been in the public domain, the Director-General believed that the terms of its resolution should also be public. He therefore indicated to Mr Robinson that he had no objection to the letter being released.
(3) Yes, in his letter to Mr Robinson of 15 February 1993.
(4) The letter of 15 February 1993 outlines the matters of concern to the Director-General and sets out his reasons for not proceeding further with charges.
(5) Yes.
(6) Yes.
(7) The reasons for not proceeding further with the charges are contained in the Director-General's letter to the Principal. The release of that letter is a matter for Mr Robinson.
(8) The Director-General advises me that no action is proposed.
(9) Given the Christmas/New Year period, the absence of legal staff in early January and the need to define the charges carefully, it was not until the fourth week in January that the details could be finalised.
(10)As the charges were provided in the fourth week of January, the Assistant Director-General of Education, North Coast Region, decided to proceed with them as soon as they were made available.
(11)No.
(12)The locks on the Principal's office were changed to ensure access as there was some doubt as to whether the Principal would make his keys available.
(13)The Assistant Director-General, North Coast Region.
(14)I was made aware on 29 January 1993, after Mr Robinson had been charged.
(15)I considered the matter to be one for the Director-General of School Education. I consequently took no direct action but requested that I be kept informed of developments.
(16)The Director-General's letter to Mr Robinson sets out the reasons for not proceeding with an inquiry. It is a matter for Mr Robinson to make the letter public.
(17)I recognise that principals have both rights and responsibilities in regard to their making public comment on educational matters.
(18)Allegations of criticism of Department and Government policy were neither the sole, nor the main reason for charges being laid against Mr Robinson. However, public discussion of the affair has concentrated on the issue of free speech.
The New South Teachers Federation has claimed that current policy on public statements by principals is not clear. Therefore, at their request, I have asked the Director-General to prepare a draft statement for consultation with principals' councils, the NSW Teachers Federation and parent associations.
The draft statement acknowledges that principals, in the course of their official duties, will be called upon to make public comment on educational matters relating to their schools.
It further suggests that when speaking in their official capacity, principals should be cognisant of the policies and priorities of the elected government of the day and the policy positions of the Department of School Education. In these circumstances they should take opportunities to enhance morale and promote public education and the profession. They should refrain from comment denigrating their professional colleagues or public education or making statements likely to bring the profession into disrepute.
The draft statement goes on to say that other than in the course of their official duties, or where required by law, principals and other staff should not make public comment relating to official business or government policy.
(19)An apology is not necessary.
(20)No.

HIGH SCHOOL ADVERTISING

Mr Bowman asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

What is the process by which the Department of School Education determines that a high school is authorised to advertise itself as a centre of excellence in some aspect of the curriculum or other aspect of its operation?

Answer -

Within the Department of School Education each Regional Assistant Director-General can determine a school as being a centre of excellence for a specific program. The following factors are considered:

* the educational quality of the program;
* the degree of recognition the program currently enjoys;
* the length of time the program has been operating;
* the likelihood of its continuing for another three years and how dependent it is on particular staff members;
* the extent to which the initial objectives have been met;
* the benefits which have already accrued to students from the program and the way these might be enhanced or increased as a result of being called a Centre of Excellence;
* the extent to which the program meets the needs of a range of students;

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* the extent to which the school staff and the local community are involved in the program;
* the commitment of the staff to the nomination;
* the extent to which the program might influence or be a model for other schools;
* the willingness of the school to assist other schools/teachers to enhance their performance in the designated provision.

DUNGOG TAB AGENCY CLOSURE

Mr Face asked the Minister for Sport, Recreation and Racing -

(1) (a) Was the agent of the Dungog TAB agency advised recently that the agency was to be closed?
(b) If so, what is going to be the closing date?
(2) (a) Is the reason for its closure due to unprofitability?
(b) If so, what are the criteria for an agency to become unprofitable?
(3) What year was the Dungog TAB agency opened?
(4) (a) Have there been any increases in the profit level criteria in the last 12 months?
(b) If so, by what amount?
(5) What amount of money is this agency averaging per month?
(6) (a) Have any other agencies, PubTab or ClubTab been opened in Dungog in the last 12 months?
(b) If so, on what grounds?
(7) Is it a policy to close agencies, and the alternative to put in licensed premises, forcing the public to have to go to licensed premises to place a bet, and in the case of clubs, have to be a member to do so?
(8) Is the Dungog agency one of several to be closed in country centres on the grounds of unprofitability?

Answer -

(1) (a) Yes.
(b) Tentatively set for 31 July 1993.
(2) (a) Yes.
(b) When actual costs of operating an Agency, including rental, Telecom charges and Agent's fees and commissions exceed gross income.
(3) 1971.
(4) (a) No.
(b) Not applicable.
(5) For security reasons, the TAB has never released sales amounts for individual outlets. However, the monthly average is amongst the lowest in the State.
(6) (a) No.

(b) Not applicable.
(7) No. However a number of uneconomic Agencies have been closed in recent times and in all cases the service has been successfully transferred to licensed premises. In most cases the TAB has been able to provide that patrons do not have to go through licensed premises to place a bet because a separate street front entrance is provided. In addition, full PhoneTAB deposit and withdrawal facilities are available at these licensed premises which facilitates the use of this State wide service in lieu of the PubTAB or ClubTAB.
(8) Yes.

GRENFELL TAB AGENCY CLOSURE

Mr Face asked the Minister for Sport, Recreation and Racing -

(1) (a) Was the agent, Mr B. O. Ham, of the Grenfell TAB agency, advised recently that the agency was to be closed?
(b) If so, what is going to be the closing date?
(2) (a) Is the reason for its closure due to unprofitability?
(b) Is so, what are the criteria for an agency to become unprofitable?
(3) What year was the Grenfell TAB agency opened?
(4) (a) Have there been any increases in the profit level criteria in the last 12 months?
(b) If so, by what amount?
(5) What amount of money is this agency averaging per month?
(6) (a) Have any other agencies, PubTab or ClubTab been opened in Grenfell in the last 12 months?
(b) If so, on what grounds?
(7) Is it a policy to close agencies, and the alternative to put in licensed premises, forcing the public to have to go to licensed premises to place a bet, and in the case of clubs, have to be a member to do so?
(8) Is the Grenfell agency one of several to be closed in country centres on the grounds of unprofitability?

Answer -

(1) (a) No. However, the Agent was advised by the TAB's Regional Manager that the Agency was under consideration for closure.
(b) Not applicable.
(2) (a) While a final decision has not been made, the lack of profitability of the operation would be the primary criterion for closure.
(b) When actual costs of operating an Agency, including rental, Telecom charges and Agent's fees and commissions exceed gross income.
(3) 1968.
(4) (a) No.
(b) Not applicable.
(5) For security reasons, the TAB has never released sales amounts for individual outlets. However, the monthly average is amongst the lowest in the State.
(6) (a) No.
(b) Not applicable.
(7) No. However a number of uneconomic Agencies have been closed in recent times and in all cases the service has been successfully transferred to licensed premises. In most cases the TAB has been able to provide that patrons do not have to go through licensed premises to place a bet because a separate street front entrance is provided. In addition, full PhoneTAB deposit and withdrawal facilities are available at these licensed premises which facilitates the use of this State wide service in lieu of the PubTAB or ClubTAB.
(8) The status of the Grenfell Agency is yet to be finalised.

HARDEN TAB AGENCY CLOSURE

Mr Face asked the Minister for Sport, Recreation and Racing -

(1) (a) Was the agent, Mr V. R. Durrant, of the Harden TAB agency, advised recently by the Regional Manager, Mr G. Brady, that the agency was to be closed?
(b) If so, what is going to be the closing date?
(2) (a) Is the reason for its closure due to unprofitability?
(b) Is so, what are the criteria for an agency to become unprofitable?
(3) What year was the Harden TAB agency opened?
(4) (a) Have there been any increases in the profit level criteria in the last 12 months?
(b) If so, by what amount?
(5) What amount of money is this agency averaging per month?
(6) (a) Have any other agencies, PubTab or ClubTab been opened in Harden in the last 12 months?
(b) If so, on what grounds?
(7) Is it a policy to close agencies and the alternative to put in licensed premises, forcing the public to have to go to licensed premises to place a bet and, in the case of clubs, have to be a member to do so?
(8) Is the Harden agency one of several to be closed in country centres on the grounds of unprofitability?

Answer -

(1) (a) No. However, the Agent was advised by the TAB's Regional Manager that the Agency was under consideration for closure.
(b) Not applicable.
(2) (a) While a final decision has not been made, the lack of profitability of the operation would be the primary criterion for closure.
(b) When actual costs of operating an Agency, including rental, Telecom charges and Agent's fees and commissions exceed gross income.
(3) 1968.
(4) (a) No.
(b) Not applicable.
(5) For security reasons, the TAB has never released sales amounts for individual outlets. However, the monthly average is amongst the lowest in the State.
(6) (a) No.
(b) Not applicable.
(7) No. However a number of uneconomic Agencies have been closed in recent times and in all cases the service has been successfully transferred to licensed premises. In most cases the TAB has been able to provide that patrons do not have to go through licensed premises to place a bet because a separate street front entrance is provided. In addition, full PhoneTAB deposit and withdrawal facilities are available at these licensed premises which facilitates the use of this State wide service in lieu of the PubTAB or ClubTAB.
(8) The status of the Harden Agency is yet to be finalised.

TAB AGENCIES SURVEY

Mr Face asked the Minister for Sport, Recreation and Racing -

(1) Has a survey been conducted into TAB agencies for viability?
(2) If such a survey was conducted, or is presently being conducted, is it part of:
(a) An ongoing review?
(b) A special review?
(3) How many agencies are under review and where are they located?
(4) How many agencies will be made to close and where are they located?
(5) Will agents be given an opportunity to put a submission to appeal against such closures?

Answer -

(1) Yes.

(2) (a) The TAB performs an annual review on the profitability of Cash Offices within all regions of the State, i.e. both metropolitan and non-metropolitan. In addition, a profitability report for each operating area, i.e. Cash Offices, PhoneTAB and Licensed Agencies is produced.
(b) See (a).
(3) All agencies throughout the State are reviewed.
(4) The number will depend upon the detailed financial assessment of each case.
(5) Yes.

SCHOOLS ATHLETICS COMPETITIONS

Mr Gaudry asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) Has the Department of School Education directed the Primary School Amateur Athletics Association to open its competitions to private schools?
(2) Has this been done to cater to the demands of potential sponsors?
(3) Will extra funding or relief from face-to-face teaching be given to public school staff to organise an expanded competition?
(4) (a) Are entry fees to be charged to non-Government schools?
(b) If so, what will be the cost of entry?

Answer -

(1) The New South Wales Primary Schools Sports Association (PSSA) at its 19 November 1992 Council meeting formally supported access to the Association for interested non-government schools at the District Sports Association level.
Access at the District Sports Association level was a preferred strategy to simplify and minimise organisational procedures so that fully representative State teams could be selected to compete in Australian Schools Sports Council events.

In a number of regions there are already instances of non-government schools participating in competitions conducted by the PSSA.
Access decisions and resourcing responsibilities will be determined by each of the Departments's ten regions.
(2) The provision of access of PSSA activities for non-government schools has not been influenced by the demands of potential sponsors.
The Australian Schools Sports Council has identified New South Wales as the only state whose teams do not provide representation from all education systems and sectors.
(3) District Sports Association finances will be supplemented by an affiliation fee and commencement fee set at the local level.
If non-government schools choose to join the District PSSA, then they would have full rights and responsibilities, including coaching, supervision, management and organisation of teams, sports and competitions as required.
(4) (a) Affiliation fees will be required as determined by the District Sports Associations.
Districts may also impose a commencement fee and an annual administrative charge.
(b) Entry costs will be determined at the local and regional levels.

WORONORA HEIGHTS LAND

Mr McManus asked the Minister for Conservation and Land Management and Minister for Energy -

(1) Is he aware of land earmarked for commercial development situated in Warrangarree Drive, Woronora Heights?
(2) Is he aware the residents of Woronora Heights are forced to drive up to 8 kilometres to purchase family commodities such as milk and bread, etc.?
(3) Is he aware that development in the Woronora Heights region is on the increase?

(4) Is he aware that no commercial facilities are available in the immediate development?
(5) Is the Department reluctant to release this land for tender because of low property values?
(6) Will he release this land for tender immediately?

Answer -

(1) The original subdivision by the Department of Housing (Landcom) provided for a community/commercial centre in Teal Place, Woronora Heights. Following discussions with Sutherland Shire Council and Housing, it was decided that a re-design of this area was necessary because the community/commercial site was too large and adjoining lands earmarked for the Department of Education would be no longer required. The community/commercial site in Warrangarree Drive was eventually established in October 1991.
(2) It is unfortunate that in a growing area such as Woronora Heights, that local residents have to travel to purchase family commodities. However, it is also a fact that many neighbourhood shopping centres throughout Sydney are struggling in the present economic climate. Whilst a suitable site is available in the Woronora Heights locality, the view of the Department of Conservation and Land Management is that the property is unlikely to sell in the present depressed property market and under the current economic conditions. Furthermore, there is no guarantee that the site will be developed in the short term, even if sold.
(3) See (2) above.
(4) See (2) above.
(5) Low property values are not the issue in this matter. The Government would only be interested in achieving the fair current market value for the site. However, in a depressed property market, it can be anticipated that there will be a general lack of demand for such sites. This is the only reason why sale of the property had been deferred.
(6) Disposal of this property was earmarked for the end of this year provided the present trends in the property market continue to improve. However, in view of the concerns of local residents, I anticipate that the property will be offered for sale earlier than was proposed. Yet, I reiterate, that even if the property is sold, there is no guarantee that development of the site will be immediate.

HOME INSULATION PRODUCTS

Mr Amery asked the Minister for Consumer Affairs and Assistant Minister for Education -

(1) Has the Department of Consumer Affairs received any reports of home insulation products causing or contributing to house fires over the past 10 years?
(2) How many reports are involved?
(3) What type of insulation had been installed in the houses?

Answer -

(1) to (3) I believe that the honourable member is alluding to concerns by the Fibreglass and Rockwool Insulation Manufacturers Association of Aust. Inc (FARIMA) over my decision to allow the supply of cellulosic fibre thermal insulation (CFTI) providing it passes specified fire tests.
The honourable member is aware that there have been controls in place in New South Wales since 1984 which prevent the supply of CFTI unless it meets acceptable fire safety standards. He is also aware that the former Minister for Consumer Affairs referred the subject of CFTI to the Products Safety Committee in January 1992 to ensure that the then present controls were appropriate and afforded the best possible protection for the public.
It should be noted that the inquiry heard submissions from interested persons, including representatives from the NSW Fire Brigades, FARIMA and other industry bodies. A report being circulated by FARIMA entitled, "Incidents of Roof Fires Involving Cellulose Loose-Fill Insulation", was given full consideration by the Committee.
I understand that FARIMA's report is based upon information gathered from a notice the Association placed in metropolitan and regional newspapers in

New South Wales, Victoria and Western Australia between 1 March and 30 May 1992. The notice drew attention to a national register of fires in ceilings with home insulation which was being researched by an industry based Insulation Information Centre. The notice entitled "Roof Fires" sought assistance from any person that may have experienced a roof

fire involving CFTI.
The report identifies 16 house fires in New South Wales (67 nationally) and claims that the fires were withe fuelled or caused by the ignition of CFTI.
I am advised that records held by the Fire Investigation Unit of the NSW Fire Brigades do not assist in validating the claims made by FARIMA that CFTI played a part in the New South Wales house fires. Of the only three cases found in the Brigades' records, the first was caused by a welding torch, the second by a dangerous gas heater flue installation and the third by a lightning strike on the home. It was noted that burning wood generated most of the flame and smoke.
Unfortunately, the Brigades' records are inconclusive in determining whether CFTI was present, its age or the role it played in the fires.
In one other case of the sixteen (Mt Pleasant), the homeowner disputes the accuracy of the FARIMA case report and claims that the CFTI installed prevented the spread of flame.
As CFTI is principally reconstituted paper, the Committee found during its inquiry that the product is highly flammable in its raw state and therefore poses a fire hazard if not adequately treated with fire retardants. The inquiry, however did not identify any evidence which would indicate that the continued supply of treated CFTI poses a risk to the public.
During the inquiry many statements and counter-statements were made, however, many were of an anecdotal nature and were not supported by the results of research or test results.
Since the original banning order was introduced in 1984, the Department of Consumer Affairs has not detected any non-compliances and CFTI suppliers are fully aware of their obligations. Furthermore, as part of the recent inquiry, a nine year old sample was removed from the ceiling of a home and also found to pass the mandatory tests.
Notwithstanding this, however, Consumer Affairs is presently developing a survey program which will again reinforce the Department's commitment to the new regulation.
With respect to the Committee's recommendation that controls should be adopted under the national building code, I have written to my colleague, the Minister for Local Government and Minister for Cooperatives, to seek his support. I am presently awaiting his reply.
Since the inquiry one other house fire has been reported to Consumer Affairs on the basis that it involved CFTI. In this case I am advised that the records of the Fire Investigation Unit have shown that the fire was caused by flammable sarking - an insulation now banned under the building code - igniting as a tradesperson was cutting through the roof with a flame torch. The records show that fibreglass batts had been installed in the roof space and not CFTI.
Finally, I would point out that CFTI is freely available throughout Australia. New South Wales and Western Australia are the only two states that require the product to meet safety criteria before it may be supplied. I am disappointed that the controls have yet to gain national acceptance under the Mutual Recognition agreement.

LISMORE HIGH SCHOOL PRINCIPAL

Mr J. J. Aquilina asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) Did Mr Roger O'Shea, Director, Personnel, North Coast Region, Department of School Education, and Ms Marie Besson, Assistant Director, visit the office of the Principal of Lismore High School on the afternoon and evening of 2 February 1993?
(2) Were documents removed from the Principal's office without his knowledge and consent?
(3) If so:
    (a) What were these documents?
    (b) When will they be returned?
(4) (a) Who authorised the visit to the office and the alleged removal of the documents?
    (b) Has the Minister considered evidence of a possible vendetta by senior departmental officials against the Principal of Lismore High School?
(5) Does the Minister personally condone such action by senior departmental staff?
(6) Will the Minister offer an official apology to the Principal of Lismore High School?

Answer -

(1) Yes.
(2) Yes.

(3) (a) A document entitled "Principals Address - N.C. Robinson" was identified in a pile of papers in the office and was removed.
(b) The document was returned to Mr Robinson on 25 March 1993.
(4) (a) The Assistant Director-General, North Coast Region.
(b) Evidence of a vendetta has not been presented.
(5) If I am being asked whether I condone "a possible vendetta" then clearly I do not. If I am being asked whether I condone officers carrying out their duties consistent with good practice and their delegation, then I do.
(6) An apology is not necessary.

DEPARTMENT OF EDUCATION SENIOR EXECUTIVE SERVICE POSITIONS

Mr Bowman asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

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(1) How many SES positions are there in the Department of School Education?
(2) How many of these are located in the Hunter region?

Answer -

(1) There are 201 SES positions in the Department of School Education.
(2) 18 SES positions are located in the Hunter Region.

WALLSEND ABORIGINAL LAND CLAIMS

Mr Mills asked the Minister for Conservation and Land Management and Minister for Energy -

(1) How many land claims under the Aboriginal Land Rights Act are under consideration in the electorate of Wallsend as at 1 January 1993?
(2) How many of these claims have been under consideration for:
(a) More than 1 year?
(b) More than 2 years?
(c) More than 4 years?
(3) How many land claims in the electorate of Wallsend were granted in each of the years 1991 and 1992?
(4) How many land claims in the electorate of Wallsend were rejected during each of the years 1991 and 1992?
(5) How many land claims were submitted in the electorate of Wallsend during each of the years 1991 and 1992?

Answer -

(1) One.
(2) (a) Nil.
(b) Nil.
(c) Nil.
(3) Nil.
(4) Nil.
(5) Nil (1991) and One (1992).

LIVERPOOL SCHOOLS COMPOSITE CLASSES

Mr Anderson asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) How many schools in the electorate of Liverpool have composite classes in excess of 30 pupils?

(2) (a) How many composite classes currently exist in the electorate of Liverpool?
(b) At what schools are these classes operating?
(3) (a) How many composite classes existed in the electorate of Liverpool in the years 1991 and 1992?
(b) At what schools were they operating?
(4) (a) How many composite classes in the electorate of Liverpool have more than 25 pupils?
(b) At what schools are they operating?
(5) (a) How many composite classes in the electorate of Liverpool contain kindergarten children?
(b) At what schools are they operating?

Answer -

(1) to (5) The Department of School Education has a clear commitment to excellence in New South Wales schools, providing for more than 750,000 young people currently enrolled in the Government School System.
The Department's efforts are directed to improving educational standards in schools, improving parental choice and participation and increasing learning opportunities for all. To provide the detailed information requested in the Member's question would impinge on the resources and time of Senior Departmental Officers. As a consequence, I am not willing to move resources from the Department's core responsibility to meet this request. General statistical information on the Department of School Education is available in the Department's Annual Report.

LIVERPOOL TAFE COLLEGE COURSES

Mr Anderson asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) What courses available at Liverpool TAFE College in 1992 are not available at this college in 1993?
(2) What reasons are advanced for cancellation of these courses?
(3) How many students were enrolled in each of these courses in 1992?
(4) How many students were enrolled in Liverpool TAFE in the years 1991, 1992 and the present year?
(5) How many courses were conducted at Liverpool TAFE in the years 1991 and 1992?
(6) How many courses are currently being conducted at Liverpool TAFE?
(7) How many teachers were employed at Liverpool TAFE in the years 1991 and 1992?
(8) How many teachers are currently employed at Liverpool TAFE?

Answer -

(1) to (8) The information requested by the honourable member for Liverpool is lengthy, statistical and mainly tabular in nature. The material could be more efficiently obtained by direct reference to the South Western Sydney Institute of TAFE.
The Director, Ms Jozefa Sobski, may be contacted on telephone No. (02) 826 0511. The address of the Institute office is Miller College of TAFE, corner Hoxton Park and Banks Road, Miller, 2168.

MILLER TAFE COLLEGE COURSES

Mr Anderson asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) What courses available at Miller TAFE College in 1992 are not available at this college in 1993?
(2) What reasons are advanced for cancellation of these courses?
(3) How many students were enrolled in each of these courses in 1992?
(4) How many students were enrolled in Miller TAFE in the years 1991, 1992 and the present year?
(5) How many courses were conducted at Miller TAFE in the years 1991 and 1992?
(6) How many courses are currently being conducted at Miller TAFE?

(7) How many teachers were employed at Miller TAFE in the years 1991 and 1992?
(8) How many teachers are currently employed at Miller TAFE?

Answer -

(1) to (8) The information requested by the honourable member for Liverpool is lengthy, statistical and mainly tabular in nature. The material could be more efficiently obtained by direct reference to the South Western Sydney Institute of TAFE.
The Director, Ms Jozefa Sobski, may be contacted on telephone No. (02) 826 0511. The address of the Institute office is Miller College of TAFE, corner Hoxton Park and Banks Road, Miller, 2168.

GOSFORD LEGAL AID

Mr McBride asked the Minister for the Environment representing the Attorney General and Minister for Industrial Relations -

(1) How many applications for legal aid were received in 1992 by the Gosford Legal Aid office?
(2) How many of those applications related to:
  (a) Criminal matters?
  (b) Civil matters?
  (c) Family law matters?
(3) How many of the applications referred to in question (2) were approved in each category?
(4) How many of the refusals in each category were based on:
  (a) Means?
  (b) Merit?
  (c) Lack of funds?

Answer -

(1) A total of 3340 applications were received by the Gosford Legal Aid Office in 1992.
(2) (a) 3090 related to criminal matters.
  (b) No applications received related to civil law matters.
  (c) 250 applications related to family law matters.
(3) (a) 2730 grants were approved in criminal law matters.
  (b) See (2)(b) above.
  (c) 200 grants were approved in family law matters.
(4) (a) In non-Local Court criminal matters:
    (i) 10 matters were refused for reasons including means.
    (ii) 8 matters were refused for reasons including merit.
    (iii) The Legal Aid Commission does not refuse matters due to lack of funds. However, 11 matters were refused in accordance with the Commission's guidelines for reasons other than means or merit.
    In addition, 331 criminal matters were refused in the Local Court. Although statistics are not available, the refusals would be on the basis of means and/or policy guidelines.
  (b) See (2)(b) above.
  (c) In family law matters, 50 applications were refused aid in 1992. Although statistics are not available, the refusals would generally be on the basis of means.

ROYAL AGRICULTURAL SOCIETY

Mr Martin asked the Minister for Conservation and Land Management and Minister for Energy -

(1) Has the Royal Agricultural Society expressed concern about its tenure and financial burden as it relates to the present location at Moore Park?
(2) Can he assure that the mortgage between the RAS and Westpac will not impede the RAS conducting its activities?

(3) Will adjustments be made to accounting procedures to account for the removal of the showground as an asset controlled by the RAS?
(4) (a) Is there personal liability by the councillors should uncertainty cause financial problems to the Royal Agricultural Society?
(b) Will the liability be treated the same as Luna Park, Darling Harbour and Newcastle Showground Trusts?
(5) Has the repeal of the Royal Agricultural Society Act meant that the RAS is not liable to pay rates?
(6) (a) Will he legislate to secure the RAS until it is located at Homebush?
(b) If so, when?

Answer -

(1) No.
(2) The mortgage was consented to with a view to assist the RAS to make structural changes to the Society's operations and provide flexibility and future growth.
(3) This is a matter for the Minister for Agriculture and Rural Affairs and/or the Minister for the Environment.
(4) (a) and (b) This is a matter for the Minister for Agriculture and Rural Affairs and/or the Minister for the Environment.
(5) This is a matter for the Minister for Agriculture and Rural Affairs and/or the Minister for the Environment.
(6) (a) and (b) This is a matter for the Minister for Agriculture and Rural Affairs and/or the Minister for the Environment.

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SHERIFF'S OFFICERS ENTERPRISE AGREEMENT

Mr Rogan asked the Minister for Justice and Minister for Emergency Services -

(1) Has an enterprise agreement been signed between the Public Service Association and the Department of Courts Administration covering Sheriff's Officers?
(2) Did this agreement, whilst providing salary increases for senior Sheriff's Officers, also lead to a reduced grading and smaller salary levels for lower level officers?
(3) What steps are to be taken to ensure those lower paid Sheriff's Officers are not financially disadvantaged by the enterprise agreement?

Answer -

(1) Such an Enterprise Agreement has been signed.
(2) There is provision in the Agreement for a small proportion of positions to be reduced in grading.
In accordance with the Agreement, all promotional positions were declared vacant and advertised within the Office of the Sheriff. Each Officer had the opportunity of applying for these positions.
While 34 positions out of a total of 195 positions will be reduced in grading resulting in an approximate 1.5 per cent salary reduction for those positions, several of the Officers occupying those positions will gain promotion during the current reorganisation of the Office. The Agreement, which provides for salary increases ranging from 4 per cent to 22 per cent to the majority of Sheriff's Officers, will encourage Officers to seek promotion. It will facilitate career path flexibility and provide multi-skilling opportunities.
(3) There is provision in the Agreement for an Officer who is not successful in being promoted to retain his/her current salary for a minimum period of 12 months.

DEPARTMENTAL OFFICE REFURBISHMENTS

Mr Scully asked the Minister for Conservation and Land Management and Minister for Energy -
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 -

Department of Conservation and Land Management
(1) $1,595,550.
(2) $2,517,775.

Pacific Power
(1) $25,523,000.
(2) $17,758,000.
A significant proportion of the abovementioned expenditure on office refurbishments or fit-outs within Pacific Power involved a program of asbestos removal and subsequent refurbishment of all 38 floors of Pacific Power's Head Office, the Pacific Power Building. This work alone cost almost $25 million in 1991/92, and it is estimated that another $16 million will be spent in 1992/93.

Sydney Electricity
(1) $1,570,000.
(2) The original estimated expenditure for 1992/93 was $17.5M, including an amount of $6.82M for refurbishment of the Head Office Building. However the $7.5M budgeted for refurbishment of premises at Homebush will not be spent in 1992/93.

Office of Energy
(1) Nil.
(2) $172,220.

Forestry Commission
(2) $9,000.
(3) $232,733.

SCHOOL COMPOSITE CLASSES

Mr McBride asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

(1) How many schools have in excess of 30 pupils in classes in the following electorates:
   (a) The Entrance?
   (b) Gordon?
   (c) Lane Cove?
(2) How many composite classes currently exist, and at what schools are these classes operating, in the electorates of:
   (a) The Entrance?
   (b) Gordon?
   (c) Lane Cove?
(3) In the years of 1991 and 1992, how many composite classes existed, and at what schools were they operating, in the electorates of:
   (a) The Entrance?
   (b) Gordon?
   (c) Lane Cove?
(4) How many composite classes have more than 25 pupils, and at what schools are they operating, in the electorates of:
   (a) The Entrance?
   (b) Gordon?
   (c) Lane Cove?
(5) How many composite classes contain kindergarten children, and at what schools are they operating in the electorates of:
   (a) The Entrance?
   (b) Gordon?
   (c) Lane Cove?

Answer -

(1) to (5) The Department of School Education has a clear commitment to excellence in New South Wales Schools, providing for more than 750,000 young people currently enrolled in the Government School System.

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The Department's efforts are directed to improving educational standards in schools, improving parental choice and participation and increasing learning opportunities for all. To provide the detailed information requested in the Member's question would impinge on the resources and time of Senior Departmental Officers. As a consequence, I am not willing to move resources from the Department's core responsibility to meet this request. General statistical information on the Department of School Education is available in the Department's Annual Report.

CABRAMATTA SCHOOLS

Mr Newman asked the Minister for Consumer Affairs and Assistant Minister for Education representing the Minister for Education and Youth Affairs and Minister for Employment and Training -

What is the position relating to the following issues in all schools in the electorate of Cabramatta:
(a) Teacher shortages?
(b) Class size numbers beyond 25 students?
(c) Composite classes?
(d) Classroom shortages?
(e) Estimated budget shortfalls for 1992/93?

Answer -

(a) to (e) The Department of School Education has a clear commitment to excellence in New South Wales Schools, providing for more than 750,000 young people currently enrolled in the Government School system.
The Department's efforts are directed to improving educational standards in schools, improving parental choice and participation and increasing learning opportunities for all. To provide the detailed information requested in the Member's question would impinge on the resources and time of Senior Departmental Officers. As a consequence, I am not willing to move resources from the Department's core responsibility to meet this request. General statistical information on the Department of School Education is available in the Department's Annual Report.

CITY OF PENRITH AND WARRAGAMBA

Mr A. S. Aquilina asked the Minister for Local Government and Minister for Cooperatives -

(1) Has he received representations from residents of Warragamba for inclusion of this township in the City of Penrith?
(2) If so, how many?
(3) If not, will he consider such representations?

Answer -

(1) and (2) I have not received any such representations.
(3) If such representations are received, they will be carefully examined to see whether the representations constitute a formal boundaries alteration proposal and, if so, whether the reasons given for the desired transfer of the township would justify further action being taken on the proposal.

TAXICAB PROTECTION BARRIER

Mr Langton asked the Minister for Transport and Minister for Tourism -

(1) Has the Department of Transport been requested to approve a taxi protection barrier?
(2) Why does the Department require approval for each individual vehicle?
(3) Will he direct the Department to grant blanket approval in the interests of driver safety and in view of the cost involved?

Answer -

(1) Responsibility for approving taxi driver protection barriers falls within the administration of the Deputy Premier, Minister for Public Works and Minister for Roads.
(2) See question 1.
(3) See question 1.

BATHURST ROADWORKS

Mr Clough asked the Minister for Local Government and Minister for Cooperatives -

(1) What income is Bathurst City Council receiving from the Roads and Traffic Authority for roadworks currently taking place in Durham and Stewart Streets, Bathurst?
(2) What is their anticipated expenditure for both jobs?
(3) What costs have been incurred to date?

Answer -

This question should be more appropriately addressed to my colleague the Minister for Public Works and Minister for Roads.

CENTRAL WEST WOMENS HEALTH CENTRE

Mr Clough asked the Minister for Community Services and Assistant Minister for Health -

(1) Has funding to the Central West Womens Health Centre at Bathurst remained unchanged for the last 3 years?
(2) Is he aware that the centre through lack of funds is turning away people seeking counselling with regard to sexual assault?
(3) Has he recently received a submission asking that transport be supplied so that the centre may offer counselling to isolated country women victims of sexual assault?
(4) Will the application be approved?
(5) Has the Sexual Assault Program budget for previous years since 1989/90 been fully spent?

Answer -

(1) The NSW Department of Health provides funding to the central West Women's Health Centre for a range of women's health services. Adult sexual assault counselling, however, is carried out at the

Bathurst Base Hospital's Regional Sexual Assault Counselling Services. The Department of Community Services funds a Child Sexual Assault Service of the Central West Women's Health Centre. The funding from both departments had increased over the last three years.
(2) Statements have been made that infer that there is a waiting list. However, there have been no referrals from the Central West Womens Health Centre to the Bathurst Base Hospital's Regional Sexual Assault Counselling Service. This is the action that would normally be undertaken if the Womens Health Centre was concerned about sexual assault clients not having appropriate, timely counselling.
The Department of Community Services informs me that no child in the target group has been refused crisis counselling. Appropriate referrals are implemented to assist clients, where necessary.
(3) A submission was received by the Department of Community Services requesting funding for transport to assist child victims in the Lithgow area. Funds were also sought for worker hours.

(4) Funds at the present time are being utilised in a variety of service provisions for disadvantaged people of New South Wales. The service provision is based on those clients most in need.
The Department of Community Services advised that this Service is most effective and that no children in need have been denied counselling. The submission will be considered in the light of area priorities, should funds become available.

(5) At the end of the 1991/92 financial year there was a surplus in funding of approximately $10,000 in the Child Sexual Assault Service. The amount of $5,000 was allocated for a further counsellor position in Bathurst, the remaining monies were allocated to the purchase of program materials, equipment and implementing and conducting therapeutic groups for adolescents.

RURAL INDUSTRIES ASSISTANCE

Mr Page asked the Minister for Agriculture and Rural Affairs -

(1) Which rural industries in New South Wales receive assistance from the State Government?
(2) What form does that assistance take?

Answer -

(1) There is a wide range of State Government regulations and activities which benefit the agricultural sector through budgetary outlays, statutory marketing and other arrangements.
Accordingly, every rural industry in New South Wales receives assistance in at least some form.
(2) There are two broad types of assistance: direct budgetary outlays, and indirect assistance.
The following table provides a summary of the main forms of State assistance to agriculture.

Forms of State Assistance to Agriculture

Assistance to Outputs	Assistance to Inputs	Assistance to Value-Adding Factors
Marketing arrangements	Weed control	Research and extension services
Inspection services	Disease control	Concessional credit facilities
Market reporting service	Veterinary costs	Natural disaster relief
	Exemption from land taxes	Structural adjustment assistance
	Water subsidy	Soil conservation services
	Motor vehicle registration concessions	Farm water supply and development

NEWCASTLE ENTERTAINMENT CENTRE

Mr Price asked the Minister for Conservation and Land Management and Minister for Energy -

With regard to the Newcastle Showground Trust and Newcastle Entertainment Centre -
(1) What is the collective financial liability of the trust in the deficit incurred as a result of the construction of the Entertainment Centre?
(2) What maximum financial liability can be incurred by individual trustees in relation to expenditure on the Entertainment Centre?
(3) (a) Was International Facility Corporation selected as the feasibility consultant from a list of tenderers?
(b) Was the firm invited to undertake this consultancy?
(4) (a) Were tenders called for the facility management of the Exhibition Centre?
(b) If so, who were tenderers for this project?
(5) When will the following annual reports of the trust be tabled:
(a) 1990/91?
(b) 1991/92?
(6) Has the Government been requested by the trust to vary the interest rates applying to the loans obtained for the

construction of the Entertainment Centre?
(7) What problems emerged during the construction of the centre that caused an escalation in the order of $3 million over the tender price?
(8) If the cause was a structural design error:
(a) Who was responsible?
(b) Why was the tender allowed to proceed on this basis in the first place?

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(9) Given that this project was let as a "lump sum" contract, how could escalation of this order (over 25 per cent) be allowed?
(10)Who authorised this excess payment?
(11)Was the Department of Public Works involved in design checking?
(12)Who were the structural engineers and the quantity surveyors in this project?

Answer -

The Minister gave the following corrigendum to the answer appearing in the Question and Answer Paper dated 9 March 1993 (page 331).
(9) Public Works was engaged by the Department of Lands to provide oversight services. This did not involve the certification of any works or variations and, as stated, previously, Public Works had no delegated authority, but simply advised the Department of Lands as appropriate or when requested.
(10)Payments were approved by the Trust following certification from the Project Manager. The private sector architect also certified some of the valuations.
(11)Public Works was not appointed by the Trust, but by the Department of Lands and had no management authority for the overall construction.
Public Works' only role on behalf of the Trust was to provide expert advice and supervision regarding the installation of special acoustic panels.

SPORT AND RECREATION CAPITAL WORKS

Mr Face asked the Minister for Sport, Recreation and Racing -

(1) What was the total amount of sport and recreation capital works money for New South Wales in the recent round of allocations?
(2) What amounts of money were received by each electorate in New South Wales for sport and recreation capital works assistance?

Answer -

(1) The Department of Sport, Recreation and Racing was allocated an amount of $7,258,000 from the Treasury Consolidated Fund for Capital Works in 1992/93.
(2) The following amounts were allocated to electorates from within the Department's 1992/93 Consolidated Fund Capital allocation:

ELECTORATE	AMOUNT $	ELECTORATE	AMOUNT $
Auburn & Drummoyne	3,058,000	North Shore	530,000
Ballina	60,000	Orange	136,000
Kiama	3,000	Swansea	227,000
Ku-ring-gai	373,000	Peats	56,000
Lake Macquarie	30,000	Tamworth	90,000
Londonderry	1,247,000	Wagga Wagga	39,000
Monaro	580,000	Wakehurst	543,000
Newcastle	20,000	Various - Unspecified	266,000

TOTAL 7,258,000

MILK MARKETING (NSW) PTY LTD CHAIRMAN

Mr Martin asked the Premier and Treasurer -

With regard to the answer to Question on Notice No. 974 in Paper No. 34 -
(1) Which Minister or authority is responsible for the remuneration of Mr Crouch in respect of work done for the Government?
(2) Who appointed Mr Crouch to undertake the work?
(3) What was/are the various terms of employment for Mr Crouch?
(4) Did Mr Crouch undertake any work for the Government in relation to the closure of the Edgell Cannery at Cowra?

Answer -

(1) Mr Crouch as part-time Chairman of the Milk Marketing (NSW) Pty Ltd is paid a retainer of $40,000 p.a. This rate was approved by the Minister for Agriculture and Rural Affairs following receipt of advice from independent assessors and the Board of Directors. Milk Marketing (NSW) Pty Ltd is an industry funded body.
Mr Crouch's remuneration as part-time General Manager, Homebush Bay Abattoir Corporation (at a rate of $500 per day with a total annual payment not to exceed $50,000 p.a.) was determined by the Statutory and Other Offices Remuneration Tribunal.
Mr Crouch is now the General Manager of the Fish Marketing Authority which is a level 3 Senior Executive Service Officer position - (remuneration

package range $101,565 p.a. to $110,125 p.a.). The level for this position was determined by Premier's Department.
(2) The Governor on the recommendation of the Minister for Agriculture and Rural Affairs appointed Mr Crouch to the three above positions.
(3) Mr Crouch was appointed part-time Chairman of the Milk Marketing (NSW) Pty Ltd for the first time on 1 June 1989 for a 3 year term, which was then extended for a further 3 years by the Governor and the Executive Council until 30 June 1995.
The Governor on the recommendation of Mr Armstrong appointed Mr Crouch as part-time General Manager Homebush Bay Abattoir Corporation subsequently renamed the Homebush Bay Ministerial Corporation between 1990 and 30 June 1992.
He was appointed General Manager of the Fish Marketing Authority by the Governor on the recommendation of Mr Armstrong in April 1991. This appointment was continued and extended until November 1995 on the recommendation of the Minister for Natural Resources.
(4) No.

DEPARTMENT OF MINERAL RESOURCES COMMERCIAL FUNCTIONS

Mr Rogan asked the Minister for Natural Resources -

(1) Are approximately 90 per cent of the funds collected by the Department of Mineral Resources from the commercialisation of its various operational and information distributing activities allocated to administrative functions which have no commercial earning capacity?
(2) Is this an effective allocation of resources?
(3) What are the projected future earnings of the commercial functions of the Department for the next 2 to 5 years?

Answer -

(1) No. Funds collected by the Department of Mineral Resources from commercialisation of functions are first applied to recover the costs of performing those functions. Up to 90 per cent of funds remaining are applied to general Departmental purposes while some 10 per cent is retained for use by the groups which earned them.

(2) Yes.
(3) While it is difficult to be precise, the Department expects to earn between $4 million and $4.5 million a year from commercial functions over the next five years.

ATTORNEY GENERAL'S DEPARTMENT CONSULTANCIES

Mr Scully asked the Minister for the Environment representing the Attorney General and Minister for Industrial Relations -

(1) What are the costs of outside firms being engaged in non-legal aid matters by the Attorney General's Department?
(2) (a) How much money was paid to each firm?
(b) What is the name of each firm?
(c) How much was paid to the firm that received the highest amount of money?
(3) Will he direct the Registry of Births, Deaths and Marriages agency not to draw down its $7 million borrowing entitlement while this cloud hangs over this computerised program?

Answer -

(1) and (2) As I indicated when this issue was raised during the Estimates Committee hearing in October 1992, the recording system in the Attorney General's Department does not allow for this information to be readily available. Consequently, providing a detailed answer at this stage would involve the dedication of considerable time and resources, which I believe cannot be justified given the other priorities of my Department.
(3) As the dispute with the supplier has been satisfactorily resolved and the contract terminated, the $7 million borrowing entitlement of the Registry of Births, Deaths and Marriages is no longer an issue.

PUBLIC SECTOR STAFF-ELECTED DIRECTORS

Mr Sullivan asked the Premier and Treasurer -

With regard to staff elected/employee/worker directors on the boards of Government bodies and statutory authorities -
(1) What boards have these directors?
(2) What support is given to allow these directors to:
(a) Carry out their duties as a director?
(b) Report the activities of the board to employees of the organisation?
(3) Has any evaluation been undertaken as to:
(a) The effectiveness of these directors in representing employees of the organisation?
(b) Giving an alternative view to such boards' deliberations?

Answer -

(1) The Government's policy with regard to staff elected/employee/worker directors on the boards of Government bodies and statutory authorities is that there should not be an automatic right for any group or sectional interest to be represented. It is a matter for each portfolio Minister to review boards under their administration in order to determine the most appropriate membership.
The boards which have these staff elected/employee/ worker directors are:
Public universities (9)
Pacific Power
Sydney Electricity
Water Board
Area Health Service Boards (11)
Ambulance Service Board
State Bank of NSW Limited
Hunter Water Corporation
NSW Lotteries

(2) and (3) Questions (2) and (3) are answered below under the relevant Minister. All other Ministers have advised the Premier that the boards for which they are responsible do not have staff-elected directors.

MINISTER FOR EDUCATION

Public Universities

(2) and (3) The universities are automonous bodies responsible for their own management and administration. The provision of support to staff and student elected representatives is a matter for university governing bodies themselves. The Government has no role in this aspect of university affairs.

MINISTER FOR ENERGY

Pacific Power

(2) (a) The incumbent is able to attend Board and other official meetings during paid working time and has access to secretarial services, including a personal computer.
(b) The decisions of the Board are communicated by way of Board minutes and in appropriate cases are the subject of written communication to employees by the General Manager.

(3) (a) No.
(b) No.

Sydney Electricity

(2) (a) Leave without loss of pay to attend all meetings of the Board and other related functions.
(b) Leave without loss of pay to report the activities of the board to employees of the organisation.

(3) (a) No.
(b) No.

MINISTER FOR HOUSING

Water Board

(2) (a) The staff elected representative is allowed to meet with any staff members and frequently attends meetings during working hours to consult with staff. The Water Board provides transport and secretarial assistance as required.
(b) The Water Board provides any support requested by the staff elected representative to facilitate communication with the staff. The Water Board also provides distribution services for the key unions' newsletters and publications which often carry articles prepared by the staff elected representative.

(3) (a) No. The Board is confident, however, that the role has assisted the organisation's employees during a period of rapid change.
(b) The Water Board does not rely solely on the input of the staff elected representative when seeking to guage the views of employees. Regular meetings are held between the Board and the senior officials of key unions. Market research on the views of employees is also considered by the Board from time to time.

MINISTER FOR HEALTH

Area Health Service Boards

Ambulance Service Board

(2) (a) Staff elected directors may carry out their duties as director during paid working time. They have the same access to executive staff, secretarial and other support staff and to information and material submitted to the Board as all other directors.
(b) Staff elected directors are under the same duty of confidentiality as other directors regarding the deliberations of the Board. However, they may report Board decisions which would otherwise be publicly available through Board minutes, etc. which are generally accessible.

(3) (a) No.
(b) No.

MINISTER FOR FINANCE

State Bank of NSW Limited

Hunter Water Corporation

(2) (a) Time off from normal duties to attend Board and Board Committee meetings.
(b) The activities of the Board are only communicated in the broadest terms in keeping with the conventions of Board confidentiality.

(3) (a) No.
(b) No. Note that the law constrains all directors in the same way to act in the company's best interests.

CHIEF SECRETARY

NSW Lotteries

(2) (a) Administrative support and the allocation of free time for the staff elected member to attend the monthly staff meetings that are conducted in the various sections of the NSW Lotteries.
(b) Information that is not "commercial in confidence" or confidential at the executive level is passed on to the staff during these monthly meetings or when requested by staff from the staff elected member.
(3) (a) No.
(b) No.

PARKING AND TRAFFIC INFRINGEMENTS

Mr Gaudry asked the Minister for Police -

(1) How much revenue was paid into the NSW Treasury Consolidated Fund arising from:
(a) Parking infringements for the years 1990/91 and 1991/92?
(b) Traffic infringements for the years 1990/91 and 1991/92?
(2) How many parking infringements and traffic infringements were issued in:
(a) 1990/91?
(b) 1991/92?
(3) How many parking police and dedicated traffic police were employed in those years?
(4) What was the cost of their salary for each period?
(5) What was the percentage of recovery of fines for each of the categories listed for those years?

Answer -

(1) and (2) See attached schedule. These statistics relate only to on-the-spot traffic and parking

infringement notices. Radar and camera offences are excluded.
(3) The actual number of employees allocated to specific duties within the Police Service varies from month to month within a financial year but, as at 30 June 1991, there were 298 Parking Patrol Officers employed by the Police Service and as at 30 June 1992, there were 307 such officers employed.
At the end of June 1991 and June 1992, the number of sworn police officers solely dedicated to traffic duties of one sort or another was as set out in the following tables:

JUNE 1991

	Supt.	Chief Insp.	Inspector	Senior Sgt.	Sergeant	Constable	Total
State Staff Officer Traffic	1						1
State Traffic Operations Group			1	1		1	3
Traffic Camera Unit					1	6	7
Accident Investigation Squads				1	8	47	56
District Traffic Services Inspectors			25				25
Highway Patrol				17	115	895	1027
General Traffic				1	54	58	113
Total	1		26	20	178	1007	1232

JUNE 1992

	Supt.	Chf Insp.	Inspector	Senior Sgt.	Sergeant	Constable	Total
State Staff Officer Traffic	1						1
State Traffic Operations Group			2	1		1	4
Traffic Camera Unit					1	6	7
Accident Investigation Squads					7	47	54
District Traffic Services Inspectors				16	114	890	1020
Highway Patrol					53	46	99

(4) Because the Police Service's payroll system at the time did not record salaries paid by duty type, it is not possible to precisely determine the salary costs of the two groups of employees for the periods in question.
However, using average salary rates for the ranks involved, it is possible to conclude, approximately, that Parking Patrol Officer salary costs in 1990/91 were $6,302,096 and in 1991/92 were $6,883,287

while traffic police salary costs were $41,368,384 in 1990/91 and $39,271,739 in 1991/92.
The reduction in expenditure on police salaries was directly attributable to the abolition of the District Traffic Inspector positions in all Districts following the devolution of greater responsibility for such matters to Patrol Commanders.
(5) See attached schedule.

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PARKING AND TRAFFIC INFRINGEMENTS

Infringement Type	Revenue paid into NSW Treasury Consolidated Fund		No. of Infringements Issued		Percentage Recovery of Fines	
	July 1990 to July 1991	July 1991 to June 1992	July 1990 to June 1991	July 1991 to June 1992	July 1990 to June 1992	July 1991 to June 1992
Traffic	$63,685,562	$70,255,000	671,425	683,424	84.19%	78.54%
Parking	$36,229,261	$43,230,000	916,679	962,690	80.84%	77.18%

FORMER POLICE OFFICER EMPLOYMENT

Mr Anderson asked the Minister for Police -

(1) When did the Police Service introduce a policy of re-employing former sworn members of the Police Service as sworn officers?
(2) How many former officers have applied to rejoin the Police Service?
(3) How many former officers have been accepted back into the Police Service?
(4) Why was the application for re-employment lodged by former Constable A. R. Plummer, registered No. 96857, rejected?

Answer -

(1) The Re-joinee Program in its present form was introduced in October 1990. The Program was initiated as a result of the Police Service Act.
(2) 216 have applied under the Re-joinee Program.
(3) Since October 1990, 56 have been re-employed.
(4) Mr Plummer's application to re-join was reviewed by the Senior Police Medical Officer on three occasions between May 1991 and October 1992, as a result of representations.
On all three occasions the Medical Officer advised that the application be rejected. Such advice was based on Mr Plummer's previous sick report record and serious concerns regarding his fitness for duty.

POLICE OFFICER RANK REDUCTIONS AND PROMOTIONS

Mr Anderson asked the Minister for Police -

(1) How many commissioned New South Wales police officers have been reduced in rank since 1983?
(2) Who were they?
(3) When did the reductions in rank take place?
(4) For what reason in each case was the action taken?
(5) How many commissioned New South Wales police officers having been promoted to a particular position since 19 March 1988, have been transferred to another position?
(6) Who were they?
(7) When did the transfer take place?
(8) For what reason was each officer transferred?

Answer -

(1) One.
(2) Detective Inspector Ellis.
(3) 14 March 1990.
(4) Three charges of "Disrespect of a superior officer" found proven by the Police Tribunal.
(5) Seventy-two.
(6) to (8) See tables on pp. 877-885 of Q & A No. 17.

ROY WATTS ROAD

Mr Knowles asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) What advice did the RTA give Campbelltown Council following Council's formal request under section 62 of the Environmental Planning and Assessment Act in relation to their decision to prepare a draft LEP in respect of land adjacent to Macquarie Fields House at Macquarie Fields, particularly in reference to proposals to use Roy Watts Road as a major access point for the proposed development?
(2) When was the advice given?
(3) Does the RTA's advice in this case differ from the historic RTA view about the use of Roy Watts Road as an access point onto Campbelltown Road?

Answer -

(1) In brief, the RTA indicated to Council that:
* there should not be any direct access to South Western Freeway from the proposed development;
* there should be no access to Quarter Sessions road from Campbelltown Road even when the Freeway is constructed between Casula and the Cross Roads;
* the RTA had no objection in principle to access to the western site from Campbelltown Road provided the RTA approved the location and intersection design;
* the RTA did not favour access onto Glenfield Road;
* for any access under the Freeway, the developer would be required to seek RTA approval; and
* the RTA was seeking legal opinion regarding existing and proposed internal access under the Freeway and would further advise Council.

(2) 15 March 1990.
(3) The advice to Council made no mention of the use of Roy Watts Road as an access point.

SWANSEA CHANNEL BRIDGES

Mr Bowman asked the Deputy Premier, Minister for Public Works and Minister for Roads -

What was spent on maintenance on the twin bridges across Swansea Channel in the years:
(a) 1990?

(b) 1991?
(c) 1992?

Answer -

		Northbound Bridge	Southbound Bridge
(a)	1990	$182,829	Nil.
(b)	1991	$185,488	Nil.
(c)	1992	$ 78,278	$21,680

INDUSTRIAL POLICE

Mr Mills asked the Minister for Police -

(1) Is there a unit or group in the NSW Police Force known as Industrial Police?
(2) If so:
(a) How many officers constitute the unit?
(b) How many officers are full-time, part-time and on secondment from other police duties?
(c) What is the name and rank of the officer-in-charge?
(d) Where is the unit based?
(e) What is the role and responsibilities of the unit?
(f) Are the services of the unit called into operation on the sole authority of the Commissioner of Police?
(g) Can non-police bodies or authorities direct the activities of the unit?
(3) If not:
(a) Why did the police who attended an industrial dispute at Singleton Army Base in February describe themselves as "Industrial Police"?
(b) How many police attended the Singleton Army Base dispute?
(c) From which units, stations and patrols did these police come?
(d) What is the name and rank of the officer-in-charge at the Singleton demonstrations?
(e) On whose authority were police directed to attend the Singleton base?

Answer -

(1) No.
(2) (a) to (g) Not applicable.
(3) (a) I am advised that the police stated they were part of a Task Force on secondment to the Industrial Commission, i.e. the Building Industry Task Force (BITF). This comment appears to have been misinterpreted by those present.
(b) Generally, there were only two police in attendance at any given time. On one occasion a police officer from the Task Force and a civilian investigator attended and on another occasion 2 civilian investigators from the BITF attended.
(c) BITF and Singleton Patrol.
(d) Commander, BITF and Patrol Commander, Singleton.
(e) Police responded to a complaint by the Site Manager of the construction firm.

F2 CASTLEREAGH MOTORWAY

Mr Langton asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Did the RTA prepare a detailed written response to the Report of the Commission of Inquiry - F2 Castlereagh Expressway, over and above the briefing note prepared by Mr R. Morris (Director, Sydney Western Region) on 4 September 1990?
(2) Was the response made available for his consideration during September 1990?
(3) If no written response was prepared, why did Mr Morris state in the abovementioned briefing note on page 4, that "the

RTA response to the report is being prepared and will be available by Wednesday"?
(4) If the written response was prepared, will he table it as a matter of urgency?

Answer -

(1) The RTA did not produce a detailed report on the Commission of Inquiry but rather prepared notes to assist discussion on how the Government should deal with the situation.
(2) See (1) above.
(3) The RTA provided background notes for a meeting between Members of Parliament, the RTA and me to discuss the Expressway corridor.
(4) Upon request, a copy of the notes will be made available to you. The RTA has already undertaken to release a copy of the notes to the Coalition of Transport Action Groups (CTAG) Incorporated.

AUBURN AND LIDCOMBE POLICE STAFFING

Mr Nagle asked the Minister for Police -

(1) What is the current police strength of Auburn Police Station?
(2) What is the current police strength of Lidcombe Police Station?
(3) (a) When and for what time is Lidcombe Police Station operated by regular police officers?
(b) Is it the situation that Flemington Police Station is manning the Lidcombe Police Station through an Eagle phone system?
(4) Will he ensure that Lidcombe Police Station is manned from 7 a.m. to 11 p.m. Sunday to Saturday each week in the future?

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Answer -

(1) Authorised strength 71. Operational strength 68.
(2) Authorised strength 11. Operational strength 5.
(3) (a) Monday to Friday
7.00 a.m. to 11.30 p.m.
Saturday
9.00 a.m. to 5.30 p.m.
(b) An "eaglefone" system is used when the Lidcombe Police Station is unattended.
(4) I have been advised that the existing policing arrangements for the Lidcombe area are adequate. Lidcombe Police Station operates as a "shop front" inquiry office.
A large proportion of the suburb of Lidcombe falls within the boundaries of Auburn Police Patrol and Flemington Police Station is only a short distance from the remainder of the suburb.

PHILLIP PARKWAY TRAFFIC

Mr Amery asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Does the Roads and Traffic Authority monitor the number of vehicles using the Phillip Parkway between Eastern Road and Woodstock Avenue, Rooty Hill?
(2) If so, what are the figures for each month since this road was opened?

Answer -

(1) Yes.
(2) Traffic counts indicate that the road carried average daily volumes of traffic as follows:

	Weekdays	Weekends
September 1992	6320	4340
October 1992	6420	4340
November 1992	6880	4770
December 1992	7140	4930
January 1993	6670	4610

Statistics prior to September 1992 could not be provided because of accident damage to monitoring equipment. Statistics for periods after January, 1993 need to be processed by computer and are not currently available.

POLICE NON-FATAL GUNSHOT WOUNDS

Mr Anderson asked the Minister for Police -

(1) Since 1 January 1991, how many members of the NSW Police Service have suffered a non-fatal gunshot wound, irrespective of however slight any such wound may have been?
(2) How many of the incidents involved the discharge of the relevant firearm by the member of the Police Service subsequently suffering a wound?
(3) In each case involving the discharge of a firearm by a member of the Police Service, not being a member subsequently suffering a wound, what was:
(a) The name, rank and station or branch of the officer discharging the firearm?
(b) The date and location of the incident?
(c) The police in charge of any investigation?
(d) The action taken, if any, and the outcome of any departmental or other proceedings?

Answer -

(1) Five as at 7 April 1993.
(2) Three as at 7 April 1993.
(3) (a) to (d) To provide an answer to this question would require considerable dedication of staff time which is not warranted within the priorities of the Police Service.
However, I can advise that since 1 January 1991, there have been:
* 376 incidents of police officers discharging firearms to humanely put down injured animals.
* 24 incidents when police officers discharged their firearms in pursuit of offenders. In 7 of these incidents, gunshot injuries were sustained by civilians.
* 2 reported incidents when police firearms were accidentally discharged. There were no injuries.
These figures are as at 7 April 1993.

OBERON TO BATHURST ROAD

Mr Clough asked the Deputy Premier, Minister for Public Works and Minister for Roads -

(1) Who is responsible for the upkeep and maintenance of the Oberon to Bathurst road?
(2) Is the road currently in a very poor state of repair?
(3) What plans are currently being considered to upgrade the road?
(4) How safe is the road in its present condition?

Answer -

(1) The Oberon - Bathurst road (Main Road No. 253) passes through the areas of Bathurst City, Evans and Oberon Shire Councils, and is maintained by those Councils within their respective areas. Funding for approved works is provided by the Government through the Roads and Traffic Authority.
(2) The road is considered to be generally satisfactory.

(3) This is a Regional Road, and planning for improvement works is primarily the responsibility of the Councils concerned. A total of $1.8 million has been made available this financial year for specific rehabilitation and improvement works on the road.
All three Councils have placed a high priority on the route and further works will be proposed under future programs.
(4) The road is safe for motorists travelling in a manner appropriate to prevailing conditions and in accordance with the rules of the road.

EMERGENCY TELEPHONE NUMBER SERVICE

Mr Newman asked the Minister for Police -

With regard to the triple 000 emergency telephone number -

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(1) How many calls received police attention in:
    (a) 1992?
    (b) 1991?
    (c) 1990?
(2) How many calls were received for the ambulance and fire brigade services?
(3) (a) How many complaints have been received concerning the service?
    (b) What were the nature of the complaints?
(4) What is the cost of the triple 000 service?

Answer -

(1) (a) 260,465.
    (b) 246,664.
    (c) 144,917.
(2) This information is not available.
(3) (a) Four written complaints.
    (b) Two complaints alleged the caller was abused, one related to response time and the other concerned the inability of the "000" service to assist the elderly.
(4) Telecom Australia meets the costs for the "000" service.

LIDCOMBE POLICE STATION

Mr Nagle asked the Minister for Police -

When will Lidcombe Police Station be fully operational and opened to the public from 7.00 a.m. to 11.00 p.m.

Answer -

Lidcombe Police Station operates as a "shop front" inquiry office and is manned from 7.00 a.m. to 11.30 p.m. on weekdays and from 9.00 a.m. to 5.30 p.m. on Saturdays. An "eaglefone" system operates when the station is unattended.