

LEGISLATIVE ASSEMBLY

Thursday, 14th October, 1993

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

Mr Speaker offered the Prayer.

ESTIMATES COMMITTEES

Mr Speaker reported the receipt of the following message from the Legislative Council:

Mr Speaker -

The Legislative Council desires to inform the Legislative Assembly that, having taken into consideration the Assembly's Messages of 16 September 1993 and 12 October 1993, it has this day agreed to the following resolution:

That:

(1) The following Estimates Committees be appointed:

- (a) The Legislature Estimates Committee;
- (b) Premier and Economic Development Estimates Committee;
- (c) Treasury and Arts Estimates Committee;
- (d) Agriculture and Fisheries and Mines Estimates Committee;
- (e) Attorney General and Justice Estimates Committee;
- (f) Chief Secretary and Administrative Services Estimates Committee;
- (g) Community Services and Aboriginal Affairs Estimates Committee;
- (h) Consumer Affairs Estimates Committee;
- (i) Education and Youth Affairs and Tourism Estimates Committee;
- (j) Environment Estimates Committee;
- (k) Multicultural and Ethnic Affairs Estimates Committee;
- (l) Health Estimates Committee;
- (m) Industrial Relations and Employment and Status of Women Estimates Committee;
- (n) Police and Emergency Services Estimates Committee;
- (o) Energy and Local Government and Co-Operatives Estimates Committee;
- (p) Land and Water Conservation Estimates Committee;
- (q) Planning and Housing Estimates Committee;
- (r) Public Works and Ports Estimates Committee;
- (s) Sport, Recreation and Racing Estimates Committee;
- (t) Transport and Roads Estimate Committee; and
- (u) Small Business and Regional Development Estimates Committee;

(2) The following Members be appointed to the Estimates Committees:

- (a) The Legislature Estimates Committee;

Government Members - Mrs Evans and Mr Ryan
Opposition Members - Mr Johnson and Mr O'Grady
Non-Government Member - Revd Mr Nile

(b) Premier and Economic Development Estimates Committee;

Government Members - Mr Jobling and Dr Pezzutti
Opposition Members - Dr Burgmann and Mr Egan
Non-Government Member - Revd Mr Nile

(c) Treasury and Arts Estimates Committee;

Government Members - Dr Goldsmith and Mr Samios
Opposition Members - Mrs Symonds and Mrs Walker
Non-Government Member - Mr Jones

(d) Agriculture and Fisheries and Mines Estimates Committee;

Government Members - Mr Bull and Mr Coleman
Opposition Members - Mr Kaldis and Mr Obeid
Non-Government Member - Mr Jones

(e) Attorney-General and Justice Estimates Committee;

Government Members - Miss Gardiner and Mr Mutch
Opposition Members - Mr Dyer and Mrs Symonds
Non-Government Member - Revd Mr Nile

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(f) Chief Secretary and Administrative Services Estimates Committee;

Government Members - Mrs Sham-Ho and Mr Smith
Opposition Members - Mr Johnson and Mr Manson
Non-Government Member - Revd Mr Nile

(g) Community Services and Aboriginal Affairs Estimates Committee;

Government Members - Mr Coleman and Mrs Sham-Ho
Opposition Members - Mr Dyer and Mrs Symonds
Non-Government Member - Ms Kirkby

(h) Consumer Affairs Estimates Committee;

Government Members - Mr Bull and Miss Gardiner
Opposition Members - Ms Burnswoods and Mr Johnson
Non-Government Member - Mrs Nile

(i) Education and Youth Affairs and Tourism Estimates Committee;

Government Members - Mr Moppett and Mr Ryan
Opposition Members - Mrs Arena and Mr Vaughan
Non-Government Member - Revd Mr Nile

(j) Environment Estimates Committee;

Government Members - Mr Ryan and Mr Samios
Opposition Members - Ms Burnswoods and Mrs Kite
Non-Government Member - Mr Jones

(k) Multicultural and Ethnic Affairs Estimates Committee;

Government Members - Mr Samios and Mrs Sham-Ho
Opposition Members - Mrs Arena and Mr Kaldis
Non-Government Member - Revd Mr Nile

(l) Health Estimates Committee;

Government Members - Mrs Evans and Dr Pezzutti
Opposition Members - Mrs Arena and Mrs Isaksen
Non-Government Member - Ms Kirkby

(m) Industrial Relations and Employment and Status of Women Estimates Committee;

Government Members - Mrs Forsythe and Miss Gardiner
Opposition Members - Dr Burgmann and Mr Shaw
Non-Government Member - Ms Kirkby

(n) Police and Emergency Services Estimates Committee;

Government Members - Mr Gay and Mr Mutch
Opposition Members - Mr O'Grady and Mrs Walker
Non-Government Member - Ms Kirkby

(o) Energy and Local Government and Co-operatives Estimates Committee;

Government Members - Mr Bull and Mr Jobling
Opposition Members - Mrs Kite and Mr Shaw
Non-Government Member - Revd Mr Nile

(p) Land and Water Conservation Estimates Committee;

Government Members - Dr Goldsmith and Mr Moppett
Opposition Members - Dr Burgmann and Mr Egan
Non-Government Member - Mr Jones

(q) Planning and Housing Estimates Committee;

Government Members - Mrs Forsythe and Mr Gay
Opposition Members - Mr Macdonald and Mr Obeid
Non-Government Member - Mr Jones

(r) Public Works and Ports Estimates Committee;

Government Members - Mr Moppett and Mr Pickering
Opposition Members - Mr Enderbury and Mr Macdonald
Non-Government Member - Mrs Nile

(s) Sport, Recreation and Racing Estimates Committee;

Government Members - Mrs Forsythe and Mr Smith
Opposition Members - Mr Enderbury and Mr Manson
Non-Government Member - Revd Mr Nile

(t) Transport and Roads Estimates Committee;

Government Members - Mr Coleman and Dr Goldsmith
Opposition Members - Mrs Isaksen and Mrs Walker
Non-Government Member - Ms Kirkby

(u) Small Business and Regional Development Estimates Committee;

Government Members - Mr Mutch and Dr Pezzutti
Opposition Members - Mr Macdonald and Mr Vaughan
Non-Government Member - Mr Jones

The Leader of the Government, the Leader of the Opposition, the Leader of the Australian Democrats and the Leader of the Call to Australia Group may nominate in writing to the Committee Chairman prior to a Committee meeting an alternative Member of the Legislative Council to represent an appointed Member, if that Member is unavailable to attend the meeting.

(3) The clauses and items of the Appropriation Bill and the Parliamentary Appropriation Bill set out in Schedule 1 to this motion be referred to the Estimates Committees as set out in that Schedule.

(4) The Committees shall have power to send for and examine persons, papers, records and things and to report from time to time.

(5) The quorum of an Estimates Committee shall be eight Members provided that the Committees meet as Joint Committees at all times.

(6) The Chairman of an Estimates Committee shall exercise a deliberative vote and, in the event of an equality of votes, a casting vote.

(7) A Chairman may from time to time appoint another Member to act as Deputy Chairman and the Member so appointed shall act as Chairman when the Chairman is not present at a meeting of the Committee.

In the event of absence of both the Chairman and the Deputy Chairman, a Member of the Committee shall be elected by the Members present to act as Chairman for that meeting.

(8) The proceedings of the Committees shall be open to the public unless otherwise ordered by the Committees.

(9) The Clerk of the Legislative Assembly shall arrange the places for meetings of the Committees and to notify, formally, the Members of the Committees of the times and places for said meetings.

(10) The Chairmen of the Estimates Committees be as follows:

The Legislature Estimates Committee - Mr Jeffery

Premier and Economic Development Estimates Committee - Mr Yabsley

Treasury and Arts Estimates Committee - Mr Zammit

Agriculture and Fisheries and Mines Estimates Committee - Mr Small

Attorney General and Justice Estimates Committee - Mr Kerr

Chief Secretary and Administrative Services Estimates Committee - Mr Kinross

Community Services and Aboriginal Affairs Estimates Committee - Mr Rixon

Consumer Affairs Estimates Committee - Mr Bull

Education and Youth Affairs and Tourism Estimates Committee - Mr O'Doherty

Environment Estimates Committee - Mr Ryan

Multicultural and Ethnic Affairs Estimates Committee - Mr Samios

Health Estimates Committee - Mr Glachan

Industrial Relations and Employment and Status of Women Estimates Committee - Mrs Forsythe

Police and Emergency Services Estimates Committee - Mr Mutch

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Energy and Local Government and Co-Operatives Estimates Committee - Mr Turner

Land and Water Conservation Estimates Committee - Mr Cochran

Planning and Housing Estimates Committee - Mr D L Page

Public Works and Ports Estimates Committee - Mr Beck

Sport, Recreation and Racing Estimates Committee - Mr Petch

Transport and Roads Estimates Committee - Mr Merton

Small Business and Regional Development Estimates Committee - Mr Fraser

(11) In an Estimates Committee

(a) the responsible Minister shall be present at all times;

(b) the Chairman shall call over the estimates for each ministry and declare the proposed expenditure open for examination;

- (c) the question shall be proposed for each organisational unit "That the Vote be recommended";
- (d) the proceedings of a Committee shall be recorded by Hansard;
- (e) the Clerk shall prepare minutes of meetings which shall be signed by the Clerk and the Chairman.

(12) During the conduct of the Estimates Committees questions be limited to a maximum of one minute and replies be limited to a maximum of three minutes.

(13) When each area of estimates in the first Schedule is commenced the period set aside shall be equally apportioned between Government and non-Government members. The Chairman of the Committee shall permit non-Government members to question the Minister for the first twenty minutes: Government Members for the next twenty minutes and so on in rotation until the expiration of the allocated time.

(14) Advisers who are present at an Estimates Committee to assist Ministers and the Presiding Officers (in the case of the Estimates of the Legislature) may address a Committee or answer questions if referred to them by a Minister or the Presiding Officers as the case may be.

(15) The proceedings of a Committee shall be regarded as proceedings of the Parliament.

(16) The Report of each Estimates Committee shall state whether the votes of each organisational unit in the Estimates and the corresponding clauses and schedules in the Appropriation Bill are recommended or otherwise.

The failure of an Estimates Committee to report on any part of the votes shall be deemed to be a report recommending the proposed expenditure.

(17) Upon conclusion of its deliberations and after the question on the second reading of the Appropriation Bill and the Parliamentary Appropriation Bill has been agreed to, a Member deputed by the Chairman of each Estimates Committee, shall present the Committee's Report to the President in the House.

The Reports shall be set down for consideration in Committee of the Whole House on the Appropriation Bill and the Parliamentary Appropriation Bill respectively.

Consideration of a Report in the Committee of the Whole House shall be deemed to be consideration of those clauses and schedules of the Appropriation Bill and the Parliamentary Appropriation Bill referred to that Estimates Committee.

(18) Notwithstanding anything to the contrary contained in the Standing or Sessional Orders, Ministers may indicate to Estimates Committees that information supplementary to a response given to the Estimates Committee in reply to a question asked by a member of that Committee may be lodged with the Clerk of the Parliaments. Such information shall be regarded as part of the proceedings of the Parliament (and published as an annexure to the Questions and Answers Paper of the Legislative Council). Answers to questions taken on notice are to be answered by 16 November, 1993.

Procedure in Committee of the Whole House

(19) In a Committee of the Whole House:

- (a) the Chairman shall put the Question in respect of each Committee Report, "That the Report of the (name of the Committee) be adopted"; and
- (b) those clauses and schedules of the Appropriation Bill and the Parliamentary Appropriation Bill not referred to an Estimates Committee shall be considered as one Question, "That the remaining clauses and schedules of the Bills be agreed to".

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(20) At the conclusion of proceedings in Committee of the Whole, the Chairman shall report to the President that the Committee has or has not adopted the Reports from the Estimates Committees.

(21) The times and dates for consideration of the estimates by the Estimates Committees and Committee of the Whole be as set out in the Schedule 2 to this Motion.

(22) The Committees have the power to sit during the sitting or any adjournment of the House.

Legislative Council
13 October 1993

Franca Arena
Acting President

SCHEDULE 1

BUDGET ESTIMATES COMMITTEES - MINISTERIAL PORTFOLIO ALLOCATIONS

APPROPRIATION BILL REFERENCES

| Estimate Committee No. | | Recurrent Items | Capital Items |
|---------------------------|--|--------------------|------------------|
| 1 | Legislature | | |
| | The Legislature - subject to a separate Appropriation Bill | | |
| 2 | Premier and Economic Development | | |
| | Cabinet Office | 6.1.01 | 6.2.01 |
| | Parliamentary Counsel's Office | 6.1.02 | 6.2.02 |
| | Premier's Department | 6.1.03 | 6.2.03 |
| | Independent Commission Against Corruption | 6.1.04 | 6.2.04 |
| | Ombudsman's Office | 6.1.05 | ... |
| | State Electoral Office | 6.1.06 | ... |
| | Government Pricing Tribunal | 6.1.07 | ... |
| 4 | Agriculture and Fisheries | | |
| | Rural Assistance Authority | 7.1.01 | 7.2.01 |

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|---|---|---------|---------|
| | Department of Agriculture | 7.1.02 | 7.2.02 |
| | New South Wales Fisheries | 7.1.03 | 7.2.04 |
| 4 | Mines | | |
| | Department of Minerals Resources | 7.1.04 | 7.2.03 |
| | Coal Compensation Board | 7.1.05 | 7.2.05 |
| 5 | Attorney General | | |
| | Attorney General's Department | 8.1.01 | 8.2.01 |
| | Judicial Commission | 8.1.02 | 8.2.02 |
| | Legal Aid Commission | 8.1.03 | ... |
| | Office of the Director of Public Prosecutions | 8.1.04 | 8.2.03 |
| 5 | Justice | | |
| | Department of Courts Administration | 8.1.05 | 8.2.04 |
| | Department of Corrective Services | 8.1.06 | 8.2.05 |
| | Office of Juvenile Justice | 8.1.07 | 8.2.06 |
| 6 | Chief Secretary and Administrative Services | | |
| | Chief Secretary's Department | 9.1.01 | 9.2.01 |
| | Casino Control Authority | 9.1.02 | ... |
| | Office of the Chief Secretary and Minister for Administrative Services | 9.1.03 | 9.2.02 |
| 7 | Community Services | | |
| | Department of Community Services | 10.1.01 | 10.2.01 |
| | Social Policy Directorate | 10.1.02 | ... |
| 7 | Aboriginal Affairs | | |
| | Office of Aboriginal Affairs | 10.1.03 | ... |
| 8 | Consumer Affairs | | |
| | Department of Consumer Affairs | 11.1.01 | 11.2.01 |
| | HomeFund Commissioner's Office | 11.1.02 | 11.2.02 |

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| 9 | Education, Training and Youth Affairs | | |
| | Ministry of Education and Youth Affairs | 12.1.01 | 12.2.01 |
| | Department of School Education | 12.1.02 | 12.2.02 |
| | New South Wales Technical and Further Education Commission | 12.1.03 | 12.2.03 |
| 9 | Tourism | | |

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| | Tourism Commission | 12.1.04 | ... |
| 15 | Local Government and Co-operatives | | |
| | Department of Local Government and Co-operatives | 13.1.02 | 13.2.01 |
| 15 | Energy | | |
| | Office of Energy | 13.1.01 | ... |
| 10 | Environment | | |
| | Environment Protection Authority | 14.1.01 | 14.2.01 |
| | National Parks and Wildlife Service | 14.1.02 | 14.2.02 |
| | Royal Botanic Gardens and Domain Trust | 14.1.03 | 14.2.03 |
| | Urban Parks Agency | 14.1.04 | 14.2.04 |
| 12 | Health | | |
| | Department of Health | 15.1.01 | 15.2.01 |
| 13 | Industrial Relations and Employment | | |
| | Department of Industrial Relations, Employment, Training and Further Education | 16.1.01 | |
| | | 16.2.01 | |
| 13 | Status of Women | | |
| | Ministry for the Status and Advancement of Women | 16.1.02 | 16.2.02 |
| 16 | Land and Water Conservation | | |
| | Department of Conservation and Land Management | 17.1.01 | 17.2.01 |
| | Department of Water Resources | 17.1.02 | 17.2.02 |
| 11 | Multicultural and Ethnic Affairs | | |
| | Ethnic Affairs Commission | 18.1.01 | 18.2.01 |
| 17 | Planning and Housing | | |
| | Department of Planning | 19.1.01 | 19.2.01 |
| | Homebush Bay Development Corporation | 19.1.02 | 19.2.02 |
| | Community Service Obligations to Other Government Bodies under the Control of the Minister | 19.1.03 | ... |
| 14 | Police and Emergency Services | | |
| | Ministry for Police and Emergency Services | 20.1.01 | ... |
| | The Police Service of New South Wales | 20.1.02 | 20.2.01 |
| | New South Wales Crime Commission | 20.1.03 | 20.2.02 |
| | New South Wales Fire Brigades | 20.1.04 | ... |
| | Department of Bush Fire Services | 20.1.05 | ... |

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| | State Emergency Services | 20.1.06 | 20.2.03 |
| 18 | Public Works and Ports | | |
| | Office of the Minister for Public Works and Minister for Ports | 21.1.01 | ... |
| 21 | Small Business and Regional Development | | |
| | Department of Business and Regional Development | 22.1.01 | 22.2.01 |
| 19 | Sport, Recreation and Racing | | |
| | Department of Sport, Recreation and Racing | 23.1.01 | 23.2.01 |
| 20 | Transport | | |
| | Department of Transport | 24.1.01 | 24.2.01 |

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| 20 | Roads | | |
| | Roads and Traffic Authority | 24.1.02 | 24.2.02 |
| 3 | Treasurer | | |
| | Treasury | 25.1.01 | 25.2.01 |
| | Crown Transactions | 25.1.02 | 25.2.02 |
| | Advance to the Treasurer | 25.1.03 | ... |
| 3 | Arts | | |
| | Ministry for the Arts | 25.1.04 | 25.2.03 |
| | State Library | 25.1.05 | 25.2.04 |
| | Australian Museum | 25.1.06 | 25.2.05 |
| | Museum of Applied Arts and Sciences | 25.1.07 | 25.2.06 |
| | Historic Houses Trust | 25.1.08 | 25.2.07 |
| | Art Gallery of New South Wales | 25.1.09 | 25.2.08 |
| | Archives Authority of New South Wales | 25.1.10 | 25.2.09 |
| | New South Wales Film and Television Office | 25.1.11 | ... |

SCHEDULE 2

— Monday, 18 October 1993 —

COMMITTEE NO. 20

9.30 am - 12.30 pm Transport and Roads (Hon Bruce Baird, MP)

COMMITTEE NO. 17

9.30 am - 12.30 pm Planning and Housing (Hon Robert Webster, MLC)

COMMITTEE NO. 18

2.00 pm - 4.30 pm Public Works and Ports (Hon Ian Armstrong, MP)

COMMITTEE NO. 6

2.00 pm - 4.30 pm Chief Secretary and Administrative Services (Hon Anne Cohen, MP)

COMMITTEE NO. 8

7.00 pm - 9.00 pm Consumer Affairs (Hon Wendy Machin, MP)

COMMITTEE NO. 11

7.00 pm - 9.00 pm Multicultural and Ethnic Affairs (Hon Michael Photios, MP)

— Tuesday, 19 October 1993 —

COMMITTEE NO. 4

9.30 am - 12.30 pm Agriculture and Fisheries and Mines (Hon Ian Causley, MP)

COMMITTEE NO. 13

9.30 am - 12.30 pm Industrial Relations and Employment and Status of Women (Hon Kerry Chikarovski, MP)

COMMITTEE NO. 10

2.00 pm - 4.30 pm Environment (Hon Chris Hartcher, MP)

COMMITTEE NO. 7

2.00 pm - 4.30 pm Community Services and Aboriginal Affairs (Hon James Longley, MP)

COMMITTEE NO. 19

7.00 pm - 9.00 pm Sport, Recreation and Racing (Hon Chris Downy, MP)

COMMITTEE NO. 21

7.00 pm - 9.00 pm Small Business and Regional Development (Hon Raymond Chappell, MP)

— Wednesday, 20 October 1993 —

COMMITTEE NO. 9

9.30 am - 12.30 pm Education, Training and Youth Affairs and Tourism (Hon Virginia Chadwick, MLC)

COMMITTEE NO. 14

9.30 am - 12.30 pm Police and Emergency Services (Hon Terry Griffiths, MP)

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COMMITTEE NO. 2

2.00 pm - 4.30 pm Premier and Economic Development (Hon John Fahey, MP)

COMMITTEE NO. 3

2.00 pm - 4.30 pm Treasury and Arts (Hon Peter Collins, MP)

COMMITTEE NO. 1

7.00 pm - 9.00 pm Legislature (Hon Kevin Rozzoli, MP and Hon Max Willis, MLC)

— Thursday, 21 October 1993 —

COMMITTEE NO. 5

9.30 am - 12.30 pm Attorney General and Justice (Hon John Hannaford, MLC)

COMMITTEE NO. 12

9.30 am - 12.30 pm Health (Hon Ronald Phillips, MP)

COMMITTEE NO. 15

2.00 pm - 4.30 pm Energy and Local Government and Co-operatives (Hon Garry West, MP)

COMMITTEE NO. 16

2.00 pm - 4.30 pm Land and Water Conservation (Hon George Souris, MP)

SYDNEY HELIPORT BILL

Bill introduced and read a first time.

Second Reading

Ms NORI (Port Jackson) [9.6]: I move:

That this bill be now read a second time.

The object of this bill is to prevent the development of a heliport at Pyrmont Wharf No. 8. Clause 3 of the bill will prohibit a person from carrying out a development for the purposes of a heliport at Pyrmont Wharf No. 8 or at any other place within one kilometre of that wharf. The clause also will prevent a person, who might otherwise be authorised to do so, from granting any form of consent or permission that would enable the carrying out of any such development. Development is defined to have the same meaning as the word development in the Environmental Planning and Assessment Act 1979. As so defined, it will include the erection of buildings, the carrying out of works, the use of land, buildings or works and the subdivision of land.

Clause 4 will provide that the proposed Act will not prevent a person from using any place as a heliport in an emergency. Clause 5 will provide for breaches of the proposed Act to be dealt with in the same way as breaches of the Environmental Planning and Assessment Act 1979. Clause 6 provides for offences against the proposed Act to be dealt with in the same way as offences against the Environmental Planning and Protection Act 1979. Clause 7 will ensure that the proposed Act will be binding on the Crown, and clause 8 will provide that the proposed Act has effect, despite any other Act, including the Environmental Planning and Protection Act 1979.

It is more in sorrow than in anger that I find myself introducing this bill into the Parliament. During the past five years I have been associated with the struggle against a central business district based heliport. In that time three attempts have been made to place a heliport within the Pyrmont precinct and I, and residents who will

be affected, have vehemently opposed that. I cannot fathom why the Pymont precinct is continually proposed for a heliport site. In my view it is the worst possible site. I am not sure who has been pressuring the Government to look at Pymont as a possible heliport site.

Mr Cochran: It is called progress.

Ms NORI: It is not progress, and if the honourable member listens to the rest of my speech he will understand why and vote for the bill. I shall give a little of the history of the current proposal. Towards the end of 1991 the Government announced that the third attempt would go ahead for a heliport in Pymont at wharf No. 8. The Government, in a Cabinet decision, said that the noise standard it would use would be the one known as AS 2363. The paper calling for tenders directed that any subsequent environmental impact statement on the operations of the heliport would be under the auspices of this noise standard. That was a very curious thing to have done. The taxpayers of New South Wales pay good money to have the Environment Protection Authority. That authority has its own helicopter noise guidelines and they are very different from those outlined in AS 2363. As a taxpayer I have been always very curious about why the Environment Protection Authority noise guidelines had been bypassed in this process. Everyone has ignored the Environment Protection Authority throughout this long and sorry saga.

My discussions with various people made it clear that the Environment Protection Authority was spitting chips about this. That organisation did not like its guidelines being overlooked or ignored; especially because the Government's reason for doing this was so utterly transparent. It is quite clear what the Government was doing; the Cabinet was shopping around for a noise standard that would ensure the commercial viability of the heliport. That was the only purpose in adopting AS 2363, because AS 2363

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goes completely against the direction in which noise standards are heading internationally. The way in which AS 2363 was adopted by Standards Australia causes me disquiet. I have spoken about this in the House before but it is worth mentioning again.

Standards Australia had a committee that was looking at helicopter noise standards. They drew up AS 2363. It was quite a controversial standard even within that committee. Each Standards Australia committee has a range of experts and people interested in the particular area represented, but each committee also has what is referred to as a major collective interest. In this case the committee had two representatives from the Environment Protection Authority. It is normal practice when the major collective interest - represented by the Environment Protection Authority on this occasion - votes against a noise standard, feeling that it was not in accord with the best interests of noise control and against the trend of what was considered to be the better method of determining noise standards. It was published anyway.

Standards Australia determinations are meant to be a result of consensus. There are plenty of other examples to show that where the major collective interest votes against a standard within Standards Australia it will not be published. So I am very disappointed that Standards Australia did in fact publish this standard despite the fact that the major collective interest, represented by the Environment Protection Authority, had voted against it. No doubt the Government was delighted that the standard was published because it could not wait to get its little hands on it and direct that that standard be used to develop the heliport at Pymont.

The worrying concerns do not end there. It became quite clear to me both before and during the environmental impact statement process late last year that this noise standard was totally unacceptable. Earlier in 1992 I had written to Standards Australia asking who had sat on that committee and how the standard had been arrived at. In July 1992 I received a very interesting reply from Standards Australia, which read in part:

There has been a great deal of public confusion about the content of this Standard and I feel I should make clear its scope and interaction with Government agencies. AS 2363 sets out a method for assessment of the noise from existing or proposed helicopter landing sites based on actual noise measurements. It does not set the criteria to be used by Statutory Bodies with a responsibility either for granting planning permission or for noise abatement as these criteria are based on a subjective judgment of what constitutes annoyance.

Standards Australia does not have the authority to make such subjective judgements on behalf of the community . . .

It went on to say:

The element which has caused the confusion is an informative Appendix to the Standard which gives guidelines on typical criteria which might be used in the absence of any Statutory requirements. The information in the Appendix was included to assist local authorities, with little acoustical expertise, particularly those in remote townships, in developing their own criteria or considering what might be typical 'ballpark' values to use.

Standards Australia would not suggest that Appendix A had any relevance to the Pyrmont proposal, as the New South Wales Environment Protection Authority certainly has the necessary expertise to set appropriate criteria for this sensitive environment.

That message was for the Government. Standards Australia did not feel that its standard, which the Government had grabbed with open arms, had any relevance to the Pyrmont proposal. The letter, which made interesting comments that worry me even further, continued:

AS 2363 was originally developed by our committee on Community Noise, with detailed drafting being undertaken in a subcommittee of people involved with aircraft and helicopter noise. It has recently become clear that the important and controversial nature of aircraft and helicopter noise warrants a separate Committee of stakeholders in this issue to be responsible for developing future editions of AS 2363 and related Standards.

A separate committee of stakeholders! Are they telling us it was stacked? Standards Australia went on to say that it was forming another committee. I feel I have ample reason to be very concerned about the way the Government used AS 2363. The Government continued to persist with this standard even up to the environmental impact statement. Standards Australia made a submission in regard to the environmental impact statement. Subsequently the Government finally realised it could not continue to rely on AS 2363. The Government hesitated for some time, resisting calls for a commission of inquiry, despite many hundreds of people writing to the Minister urging that a commission of inquiry be held to investigate the concerns that I have raised. Some time during the session between February and May I moved a matter of public importance and the result was that a commission of inquiry subsequently took place.

But first I shall return to the noise standard and the way the Environment Protection Authority has been treated. I have received from different quarters the alarming information that people from the Cabinet Office made it their business to go and speak about the noise standard to certain people in the Environment Protection Authority. I understand there was what has been described as a very vigorous discussion, slanging matches, about the noise standard. My concern is: What are people from the Cabinet Office doing going to the Environment Protection Authority and talking to them about the noise guidelines? Reading between the lines, it is quite clear that the Government was embarrassed by the enormous discrepancy between the noise standard it wanted to use and what the Environment Protection Authority was saying.

I would hate to think that that is how safe levels of air pollution or standards of clean water are determined: that if we do not like what our Environment Protection Authority tells us we shop around and get another standard just to create a venture that is commercially viable. I do not think that is acceptable or responsible planning procedure. Another concern relates to the Australian and New

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Zealand Environment and Conservation Council. That body works as a ministerial council and comprises representatives of all the State and Federal environment protection authorities. Dr Neil Shepherd, the head of our own Environment Protection Authority, is the chairperson. That organisation set up a subcommittee to develop draft national uniform helicopter noise guidelines; in my view a most sensible thing.

The draft report was subsequently completed and submitted to the New South Wales Cabinet. Of course, no one has seen that report since. In fact, the New South Wales representatives on that subcommittee were subsequently withdrawn. My attempts to uncover why this should be so, through questions upon the notice paper - which were answered only in the last couple of weeks - have completely failed to enlighten me as to why these unusual and curious actions took place. One does not have to be a genius to work it out.

The Australian and New Zealand Environment and Conservation Council draft guidelines showed just how wrong was the New South Wales Cabinet in adopting AS 2363. The Government did not like the report and knew that it would be embarrassed so it has buried it somewhere. Not even a question from another member of this House can get to the bottom of it. The Government should come clean; it should explain why that draft policy has never seen the light of day, why it has not been released, and why the New South Wales representatives have been pulled off that subcommittee.

I refer next to the commission of inquiry. There was criticism when I called for a commission of inquiry, but the inquiry was held and the umpire made his decision. I did not like it and the community did not like it. With great respect to the umpire, he simply got it wrong. A number of things concern me about the results of the commission of inquiry. My main concern is that the commissioner did not take into account the difference in impact on individuals that quite clearly occurs in their reactions to fixed wing aircraft - planes - and helicopters. It is well known that people's reactions to helicopters are very different - some find them to be much more intrusive, invasive and annoying. I believe that is the fundamental flaw in the reasoning of the commission of inquiry.

It is important for me to introduce this bill because the results of the commission of inquiry did not clarify the issues that I had hoped it would. In fact, it came up with a third noise standard, a noise standard that has not been tested publicly and which I believe to be scientifically flawed. However, first I will refer to the more technical aspects of why I thought the commission of inquiry's conclusions on the noise standard are wrong. The commissioner arrived at the recommendation that 48 helicopter movements per day should be allowed on Mondays to Saturdays and 20 movements should be allowed on Sundays and public holidays until after the Olympic Games. I regret to say that the commissioner omitted substantive materials, misrepresented an Australian standard, applied contradictory reasonings and left many concerns unanswered. He also used untested contentions and directed that an economic justification was unnecessary.

Besides arriving at an unsupportable conclusion, the report also gives inadequate safeguards and conditions for the operation of the heliport. I will refer to what additional safeguards would have been necessary as a minimum if the commission's report were to have been adopted and proceeded with. I need to give honourable members some background information before the next point will make sense. Studies clearly demonstrate that people's reactions to helicopter noise are very different from their reaction to aircraft noise. The state-of-the-art study comes from Dr Ollerhead of the United Kingdom. Dr Ollerhead's data was very ably presented to the commission of inquiry by Dr John Goldberg from Sydney University. Unfortunately, I believe that the commissioner did not take these findings seriously or perhaps did not understand them - that is not clear to me.

The report, although purporting to take into account Ollerhead's data from the United Kingdom on noise annoyance caused by helicopters, does not contain Ollerhead's data and dismisses the results as being affected by attitudinal factors. If the commissioner had read any significant studies on noise annoyance, he would know that noise level is not the sole determinant of annoyance. If he had read the study on which the Australian Noise Exposure Forecast system that he favours is based on, he would also find attitudinal factors are very important. The commissioner opted for ANEF 20 as the relevant criterion. Both Bullen and Hede, the authors of the report which recommended the ANEF system be adopted for fixed wing aircraft in Australia, live in Australia, one in Sydney. There is no evidence that either of these authors was asked to give an opinion on whether their work would apply to helicopters.

The study does not apply to helicopters. Even if it did, both Bullen and Hede have previously indicated, in relation to the third runway at Mascot, for example, that their data apply only to communities already affected

by existing aircraft noise and not to newly affected communities, as will happen with the heliport. The commissioner's criteria for ANEF 20 are unsupportable on three important grounds. First, they ignore the best available evidence on helicopter noise annoyance, even though Ollerhead is on record as saying that he believes his results were applicable to other countries, including Australia; second, ANEF 20 is an inappropriate criterion even for fixed wing aircraft when a community is to be newly affected; and, third, the commissioner has introduced another condition which is not part of the ANEF system - the average maximum noise level should not exceed 85dB(A).

Why is the commissioner departing from the ANEF system he proposes is relevant? Why has he not defined what he means by the average of the maximum? The present wording is open to more than one interpretation. This condition is less onerous than that used in the discredited AS 2363 standard. The commissioner's report has other flaws. The

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commissioner found that the concern of the Waterside Workers Federation of Australia, the maritime union, was well founded with respect to the need for voice contact. The commissioner stated, "This matter must be further investigated by the Maritime Services Board". No solution has been put forward. I think we would all agree that that is an important problem to solve prior to the heliport going ahead.

There were other technical flaws in the commissioner's reasoning, in my view. The commissioner did not provide any technical basis for recommending appropriate metre fittings for monitoring helicopter noise. This goes back to the original noise test. The commissioner rejected the notion of metre impulse setting. This means that because helicopters generate blade slap noise they will be measured as generating less noise than they really are. That is another important concern. The criteria recommended by the commissioner were claimed to be more stringent than those specified in AS 2021. This claim is both inappropriate and incorrect. The ANEF criteria for acceptability in AS 2021 refer to external site noise levels and not internal noise levels in buildings, as claimed by the commissioner. I believe that that error of the commissioner has led to the erroneous conclusions in the report.

The other points I want to make relate to the opportunity cost forgone by placing the heliport at Pyrmont wharf 8. The Government's Property Services Group admits that 200 units of residential housing will be forgone because the heliport is going to wharf 8. Those units could realise the taxpayers of New South Wales somewhere between \$20,000 and \$30,000 each. That is a lot of money for the taxpayers of New South Wales to have to kiss goodbye to permit a heliport at Pyrmont wharf 8. That is of grave concern. It is quite clear that this State's finances are in a shambles. I cannot believe that we are forgoing that amount of income just so that a maximum 120 people a day can fly around into Pyrmont in a helicopter and feel really good about doing it.

I want to refer to other documents that clearly make this point. This heliport will alienate 9.8 hectares of prime harbour location from more intense commercial or residential development. It will depress development potential within at least a 400-metre radius from the heliport owing to the noise impact and perceived reduction in environmental amenity. As most of the land in this area is owned by the State Government, it will incur a direct financial penalty. Construction costs within the immediate vicinity of the heliport - 150 metres and possibly more - are likely to be at least 10 per cent higher because of the need to mitigate anticipated noise impact. The heliport will significantly reduce the development capacity of surrounding areas. It is quite easy to calculate that, if the heliport is not established, the Government could achieve higher revenue returns.

The targeted residential component for Pyrmont- Ultimo as a whole will result in other areas making up for the residential shortfall. For example, the Saunders Street area near the new Glebe Island arterial road, which may have been better suited to commercial use, is now almost entirely residential. We will have to build more houses near freeways, highways and byways instead of having commercial development in order to ensure that the heliport can go ahead. That is too high a price to pay. Lend Lease, which obviously has a large financial stakeholding in the area, made a submission to the commission of inquiry. I will quote briefly from the Lend Lease submission, which states in part:

Lend Lease outlined its concern that the EIS did not adequately address Regional Environmental Plan No. 26 for City West and

was in fact in conflict with it.

In addition concern was raised that the noise generated in the heliport would effectively "sanitise" the surrounding area, severely restricting the potential for residential development, a major objective of the Government's policy for inner city medium density residential redevelopment generally and the City West strategy in particular.

This can only be considered a poor start to the redevelopment of City West as a vibrant model of a mixed use inner-city redevelopment scheme.

Lend Lease, which is no friend of mine, is a major business concern - a major developer in our city. That is what it has to say about the establishment of a heliport at Pymont. I do not believe that the nexus between the proposed location and the economic benefits to the community have been demonstrated. Cost savings or productivity increases that are meant to accrue to the business and commercial world have not been demonstrated. That was a major flaw in the commissioner's report. The commissioner simply said, "They exist but no one has been able to provide any empirical data". That is not good enough. If we have to put up with a heliport at Pymont, the community is entitled to know that it will be of economic benefit to them and to the people who will use it. That empirical data has been absent all along. No one has been able to provide it, because it does not exist.

People who want to fly around in helicopters and arrive in the central business district are more concerned about their egos than they are about time or cost savings. I want to state clearly why I have introduced this bill. I firmly believe that we do not need a heliport at Pymont or in the central business district; we have a perfectly good one at Sydney (Kingsford-Smith) Airport. It takes about 10 to 15 minutes to get from the airport to the city. It will take a person landing at Pymont in a helicopter another 10 minutes to get into the city, so the proposal has nothing to do with saving time. If I have not convinced honourable members by any other argument, I suggest that they look at the artist's impression of the heliport. It will look like a great, big, ugly military base and will be situated in the middle of our premier tourist precinct, right near Darling Harbour and next to the Maritime Museum. A country that has just won the Olympic Games bid should not have such an ugly thing, with room for 14 helicopters, jutting into the harbour. It will totally ruin the visual panorama.

Debate adjourned on motion by Mr Downy.

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AZZOPARDI INQUIRY BILL

Suspension of Standing and Sessional Orders

Mr WHELAN (Ashfield) [9.36]: I move:

That so much of the Standing and Sessional Orders be suspended as would preclude consideration forthwith of Order of the Day No. 15 of General Business (for Bills).

I have moved this important motion because the injustice against Mr Azzopardi has continued since 1971. I made my second reading speech on 20th May. Anyone with a degree of fairness would regard this bill as being equitable. It will provide equity to a man who has been seriously disadvantaged, financially ruined and personally affected because of a series of incidents that have controlled his life. Since 1971 Mr Azzopardi has been a victim of this State's inadequacies. As I said in my second reading speech, what happened to Mr Azzopardi will lead to major changes in the Coroners Act. What happened to Mr Azzopardi is to the shame of all governments. The incident happened in 1971 and this matter was not finalised in the years the Labor Party was in government.

This bill will simply provide for an inquiry to be held to determine this issue. The bill will not appropriate money; it does not state that Mr Azzopardi is entitled to \$100,000, \$200,000 or \$500,000. The bill will enable

an inquiry to be held to determine whether compensation should be awarded to Mr Azzopardi because of the failure of police and the coronial and justice systems to properly investigate the fire. I am mindful that two other private members' bills - the bill of the honourable member for Rockdale and the bill of the honourable member for Wallsend, which relate to Douglas Harry Rendell and Ziggy Pohl - are as important as the Azzopardi Inquiry Bill. Debate on those bills should also be expedited. I understand that during this session of Parliament the Government has undertaken to introduce legislation that will contain all the elements of those private members' bills. I indicate at this stage that the Opposition agrees to matters 16 and 17 being deferred until the completion of the Government's bill.

Motion for the suspension of standing and sessional orders agreed to.

Second Reading

Debate resumed from 20th May.

Mr KERR (Cronulla) [9.39]: None of what has been put before the Parliament by the honourable member for Ashfield is new. The fire that destroyed Mr Azzopardi's garage at Whalan in 1971 has been one of the most inquired into matters in the history of New South Wales. I shall provide the House with a few details of those inquiries. There have already been three inquiries into that fire. The first coronial inquiry, which was held at Penrith in 1971, returned an open verdict. Mr Azzopardi was legally represented at that hearing.

A second coronial inquiry was held in 1978 before a coronial jury of six. It was conducted by a senior coroner, Mr Kevin Waller, who later became State Coroner. He wrote the text on coronial inquiries. So the matter was in expert hands. All members of this House would agree that Mr Waller is an excellent judicial officer. He was an extremely experienced magistrate in general matters and later conducted many coronial inquiries. Mr Azzopardi was legally represented by counsel at that hearing. The inquiry concluded that the fire had been set by a person unknown. A third inquiry was conducted by a District Court judge. Again Mr Azzopardi had legal aid to be represented. The person responsible for the fire could not be identified.

Large amounts of public funding have been used in this matter. Members on the Government side have considerable sympathy for Mr Azzopardi in this matter. The police officer responsible for much of his troubles was a Sergeant Christopher Jones, who I think at the time was a member of the Australian Labor Party. He was supported in Federal Parliament by members of the Labor Party in relation to this matter. He was described as a legend in his own lunchtime by a former Labor member, who gave a considerable character reference for Mr Christopher Jones. What we are seeing is political opportunism. Mr Azzopardi did not get any sympathy from Labor Party members when he most needed it. Many facts have been brought out by actions taken in this House and Mr Jones has been convicted of offences. The cost of an inquiry before a District Court judge is substantial. If another inquiry were conducted, no doubt Mr Azzopardi would seek legal aid to be represented. An inquiry of the type suggested in the bill could therefore cost the public \$10,000 a day.

Mr Scully: That is more than for Collins.

Mr KERR: Well, is it not interesting that the Opposition wants to spend much more public money. So far as I know, not a cent of public money has been spent in relation to any legal aid in that matter, nor would it have been if sensible counsel had prevailed on the other side. But because Opposition members enjoy destroying people's reputations and dragging people to inquiries in relation to what was, in effect, private litigation, there is a possibility that public money will be spent. We are looking at a bill conservatively estimated to cost the taxpayer \$10,000 a day, plus judicial and court time. We were left with a considerable mess when we took over government.

The honourable member for Ashfield is on the record as admitting, "Yes, we had a share of the blame for the court delays in this case". Because of the efforts of the Minister for Police and Minister for Emergency Services when he was Minister for Justice and because of the endeavours of various coalition Attorneys General court delays are being reduced. But the situation is still not satisfactory. People are still waiting for justice.

Yet the Opposition wants to impose an additional burden on the justice system; that will ensure that people are delayed in getting to court. That is the result of what the Opposition is doing. It wants to divert funds from hospitals, schools and police stations.

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Mr Scully: To the Olympics?

Mr KERR: Amazing - another antediluvian, another anti-Olympian. That is all we get from the Opposition. It will not allow the Olympics to go ahead. It keeps undermining them, despite the people of western Sydney wanting them. The honourable member for Auburn has been to the Premier, and I wonder what he would say about the attitude of the honourable member for Smithfield. I wonder what the honourable member for Penrith would say about the attitude springing from the Opposition side. I will not allow myself to be diverted; I will return to the bill.

Mr Whelan: Let us hear your arguments about legal aid for Collins.

Mr KERR: Let us talk about legal assistance. Public money should go where it is most needed.

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

Mr KERR: I am being extremely conservative when I say that the cost of the proposed inquiry would be about \$10,000 a day. Independent members should think about what such an inquiry would cost their electorates. There have been three substantial inquiries into the matter and no fresh evidence has been brought before the House. If Opposition members have such evidence they should by all means come to the Minister for Police or to the Attorney General. We want to see justice done, but let us stop having fishing expeditions in an area that has been fished out. Is there any suggestion that any member on the Government side is part of a cover-up? As I said, we have considerable sympathy for Mr Azzopardi as a citizen. He was wrongly treated by a police officer in the first instance. As I said, that officer had substantial ties with the Labor Party and was defended by members of that party. Strong justification is required for incurring the expense to the public purse that is proposed in the bill, particularly when the Federal Government has caused a recession that we have been told we had to have.

Mr Jeffery: Keating's gift.

Mr KERR: Yes. It is not the ideal Christmas present for Australian families. Where is the public interest that would be served by the proposed inquiry? That is the question that must be answered in reply. Where is the fresh evidence? Where is the criticism of the previous inquiries? For the benefit of the House I will repeat that there was a coronial inquiry at Penrith court in 1971 which returned an open verdict. A second coronial inquiry was conducted by Mr Kevin Waller before a jury of six. If Opposition members have any criticisms of Mr Waller let us hear them. On both occasions Mr Azzopardi was legally represented. But the matter did not end there. After the second inquiry had concluded that the fire was set by a person unknown there was a third inquiry, which was conducted by a District Court judge. Once again Mr Azzopardi was legally represented. Once again it was not possible for that tribunal to establish who was responsible for the fire. Can evidence of identification be brought before this House now? What are the criticisms of the coronial inquiry that took place? The coronial inquiry under Mr Waller took place in 1978 when Mr Frank Walker was the Attorney General.

Mr Jeffery: Who was the police Minister then?

Mr KERR: I think it may have been Mr Wran.

Mr E. T. Page: Are you saying he corrupted the judicial process?

Mr KERR: The honourable member for Coogee asks whether he corrupted the judicial process. I say no. I say the inquiry was conducted properly. I say Mr Wran in that instance was an innocent man. I say that if the honourable member for Ashfield has evidence that shows that there has been corruption, that there has been a cover-up, he should convince the honourable member for Coogee of that. It will be interesting to see how the honourable member for Coogee votes on this matter. Will he support Mr Wran, or does he believe that another inquiry is warranted? Does he believe Mr Wran did not do his job? Is that the way he will vote?

Mr SPEAKER: Order! The honourable member for Cronulla will direct his remarks to the Chair. The honourable member for Coogee will desist from interjecting.

[*Interruption*]

Mr KERR: In answer to that interjection - and I was provoked beyond endurance when the honourable member mentioned the Labor candidate who was the distinguished mayor of Coogee -

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

Mr KERR: If he wants to call for a post mortem, we may well make Mr Waller available to conduct a post mortem into the election results. That would be a political post mortem, I hasten to add. What is at stake here is the integrity of the judicial process. If there is no fresh evidence, if there is no criticism of Mr Waller and Mr Wran and the way they conducted their duties in the offices they held, surely this House would not condone diverting funds from education, health and the Police Service. The Minister for Police and Minister for Emergency Services, in his former capacity as Minister for Justice, may be able to inform the House of additional costs. I do not think \$10,000 a day would even cover the legal representation required. There is also the cost in judicial time. Perhaps members opposite, including the honourable member for Manly, the honourable member for Bligh, and the honourable member for South Coast should attend the courts and observe the number of people who want their cases heard - people who have not been there three times or who want a best out of five or best out of seven result.

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If the next inquiry returns an open verdict, will there be another inquiry? What about the people who are waiting for justice? What about the honourable member for Bligh who needs funds to treat AIDS patients? Will those funds be diverted? What about the roads and schools in the electorate of the honourable member for Manly? There have been three inquiries already in this matter. Where is the fresh evidence? Is there criticism of the Ministers and of the judicial officers who were involved in the three inquiries? It was appropriate that a second inquiry should follow the first inquiry. I also believe the third inquiry may have been justified, but it still did not provide any evidence that identified the culprit.

I emphasise that the Government has considerable sympathy for Mr Azzopardi. It has provided him with legal assistance. This Government set up the Independent Commission Against Corruption, which enabled Mr Azzopardi to go before it when he was subjected to harassing telephone calls. What did the Opposition do for Mr Azzopardi? The Government provided senior counsel, from memory, on legal aid to appear before the ICAC. Even the honourable member for South Coast would not complain about the actions taken by Mr John Dowd in regard to Mr Azzopardi. However, a judicial inquiry is not the only avenue open. If the Opposition has fresh evidence and material, it should go to the Ministers because investigations will be open.

Mr J. J. AQUILINA (Riverstone) [9.53]: I wish to speak briefly on this bill. A few points need to be made in regard to the Azzopardi Inquiry Bill. The honourable member for Cronulla has gone on with a lot of nonsense. As a solicitor he should know far better than to waste the time of the House with the pandering, cliché type statements he has just made for the past 15 minutes. I am sure these statements, when they appear in *Hansard*, will be read with disgust by Mr Azzopardi and by every other person concerned for the welfare of Mr Azzopardi and his family. Mr Azzopardi has suffered as no other person in New South Wales has suffered in recent times. He has suffered because he is straightforward, his major virtue being that he can tell the

difference between right and wrong. He will go to extreme lengths to ensure that the right of his case is made known to everyone, and that right will out. He has suffered as very few individuals have ever suffered at the hands of the law.

It has been my pleasure, and at times my pain, to have known Mr Azzopardi for many years. I have been in public life for 16 years. The concerns raised by Mr Azzopardi date back to 1971, some 22 years ago. My first encounter with Mr Azzopardi was when I was mayor of Blacktown. He raised a number of issues relating to the administration of Blacktown Council. Having been newly elected as the mayor of Blacktown, I was not too impressed with his comments at that time. I thought Mr Azzopardi was going overboard. However, time proved him to be right; and on every other occasion he has raised matters of personal concern Mr Azzopardi has been right. He has suffered harassment, and in many instances he has suffered a momentary loss of face in the various communities in which he circulates.

At the very end, when every issue he has raised has been vindicated, Mr Azzopardi can now hold his head up high among people from all walks of life, because he is able to say to everyone, "I told you so. I was right and you were wrong". When I use the term "you" I mean not only individuals or groups of individuals but the establishment, the legal system and the whole box and dice of the legal framework of the State. This one man has had the courage of his convictions and has put his reputation, his personal welfare and that of his family at stake to prove his case. This man deserves justice because for 22 years he has hit his head against a brick wall of bureaucracy and governments. That is what this inquiry should be all about, not, as the honourable member for Cronulla tried to tell us, the integrity of the judicial process.

I am sure, knowing him as I do, that the last thing that Mr Azzopardi would want is sympathy. He wants justice for what he has had to bear. As a fellow member of the western suburbs and of the New South Wales Maltese-Australian community, I say to Mr Azzopardi, "Good on you, because you have had the courage to put your own personal welfare at stake and have had the courage of your convictions". Tens of thousands of people are cheering for Mr Azzopardi. He represents the interests of a large number of people whose concerns are rarely voiced and are often unheard because there is no one to take up their cause. Mr Azzopardi has been a leading light for these people.

During the past 22 years people, in particular from within the Maltese-Australian community, have been following Mr Azzopardi's career with substantial interest. He is held in great esteem by the community. Every battler in the western suburbs who has had a brush with red tape, the bureaucracy, the establishment, the judicial process, and who has been unjustly dealt with is proud of Mr Azzopardi.

I support the bill wholeheartedly. Indeed, if anything, I would say to the honourable member for Ashfield that it probably does not go far enough. The point I wish to make is that by calling for this inquiry no corollary is to be drawn that we feel in any way that what has happened in the recent past has been inappropriate. We are not here condemning the Coroner. We are not here condemning the Minister for Police or this Government for this matter. We are saying that Mr Azzopardi deserves just compensation, and in order to assert what that compensation should be, he deserves the right to a public inquiry, at which a judge of the District Court will be empowered, 90 days after the date of assent to the bill, to determine the amount of compensation that should be awarded.

I emphasise once again the point made by the honourable member for Ashfield when he introduced this bill. He said, "We will all benefit from amendments to the Coroners Act but I hope the short-term beneficiary will be Mr Azzopardi". I emphasise these words of the honourable member, "He should be compensated for the grave injustices that he has suffered". The bill is about compensating a man who

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for 22 years has fought a lone battle against the various injustices of the establishment, of the legal system, and of bureaucracy and red tape. I commend Mr Azzopardi for what he has done and what he continues to do. I commend the bill in the hope that by passing this resolution a further inquiry will proceed. That inquiry will be conducted in an open forum and Mr Azzopardi will be given absolute and total justice by way of compensation.

Mr HAZZARD (Wakehurst) [10.2]: I can modestly say that I have some knowledge of injustice and unfairness and perhaps more experience than some members of this place to make comment about Mr Azzopardi. I make no bones about it. Mr Azzopardi has had a fairly rough period over the past 22 years and so has his family. As a result of a number of inquiries he has been vindicated in a number of ways. Any right thinking person would say that Mr Azzopardi is deserving of our sympathy and understanding. One could only imagine the pressures that were placed on his wife and other members of his family over the past 22 years. The Government and others should be aware that he has suffered in that way, but then move on to the question whether the bill should have Government support, and whether the broader community would support it.

To do that one has to look back and ask what has happened during the past 22 years. It is not as if nothing has happened about Mr Azzopardi's complaints. There has been quite a deal of activity in relation to the complaints raised by Mr Azzopardi over a very long time. There have been a number of inquiries, a referral to the Independent Commission Against Corruption, and proceedings before the Victims Compensation Tribunal. The question to be answered is what is fair today, not what might have been fair back in 1971. Though I have sympathy for Mr Azzopardi, I have no hesitation in saying that, on balance, I think he has been given not a fair shake but certainly a reasonable shake from the community and from the taxpayers of New South Wales.

In each of the proceedings that have taken place over the past 22 years Mr Azzopardi has received assistance from the taxpayers. He has received money from community funds. I do not for one minute resile from the fact that he was entitled to those funds. I do not resile from the fact that because of the way this matter came about and has developed he is worthy of those dollars and cents from community funds. Today we are considering whether there should now be another inquiry to determine whether Mr Azzopardi should be given compensation. I am somewhat at a loss about why he should be compensated this far down the track.

I guess what I would say to Mr Azzopardi and to my colleagues on the Opposition benches is that my colleagues would be doing Mr Azzopardi a favour if they said to him that it is time to rule off the ledger. I am one for having a fight when it is worthy, when it will be beneficial, and when in the end those involved will be better off as a result of the fight. However, I am at a loss to understand why members on the Opposition benches think that 22 years later Mr Azzopardi will be better off, perhaps even being led up the garden path on this issue, by having another inquiry. The bill is, in its simplest terms, a bit of a worry. Clause 4 states that a judge, in determining whether any such compensation is to be awarded, should have regard to a number of matters.

One of those matters is simply whether there has been any "unfair treatment of or unreasonable disparagement of Edgar John Azzopardi by police officers or public servants, including any classification of him as a vexatious letterwriter". I must say that in all my years as a lawyer I have never seen that type of concept presented as something that should give rise to compensation. Perhaps it is invoking a degree of sensitivity which really is beyond the pale. We are talking about someone who really has had a rough trot arising out of a number of things that have happened during the past 22 years. Let us not lose sight of the fact that he may well have sent many, many letters; but who should determine whether he was a vexatious letterwriter and whether, because of the number of letters he has written, he somehow received some ethereal type of "unfair treatment".

This issue goes back to that unfortunate day in 1971. I notice today a host of school students in the public gallery. In 1971 I was barely out of school; that is 22 years ago. I hardly remember the details of what I was doing at that time. It makes me sad that Mr Azzopardi has focused on this issue for 22 years. The fact that the garage at his home in the western suburbs was destroyed by fire on 22nd March, 1971, would have been an awful shock to him and to his family. In the light of things that were happening at that time and what has happened since, unquestionably Mr Azzopardi would still be concerned. But why the dickens are we now contemplating spending more taxpayers' funds to try to turn around the history of 22 years ago, and perhaps trying to turn round the unquestionable unfairness of certain circumstances that have occurred over the past 22 years.

Mr Azzopardi has done what others have not had the opportunity to do. He has been able to air his justifiable grievances in three separate inquiries. He has had the opportunity to go to the Independent

Commission Against Corruption, though perhaps I would not agree that is a great opportunity. I have sympathy with the fact that Mr Azzopardi was pushed into the forum of the ICAC by circumstances. Heaven only knows that I am one person who can say that I have sympathy with anyone who has to go before that hallowed and revered institution - at least it is hallowed and revered by Mr Temby. Recently he told us that New South Wales is a nicer place because of the ICAC. I do not know Mr Azzopardi's view of the ICAC, but in passing I mention for the information of Mr Temby that I think this will be a nicer place when the ICAC stops dragging out taxpayers' funds and Mr Temby has moved on to other equally significant issues, when taxpayers' funds will be made available in more profuse amounts after the ICAC with its ivory lashings, brass and mahogany is closed up. I think it is about \$12 million a year that has to be expended to keep Mr Temby well fed down at the ICAC. Is that what it costs?

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Mr Nagle: It is \$12.6 million.

Mr HAZZARD: When the boys and girls down at the ICAC and Mr Temby have finished telling us what a wonderful job they have done for us, when the brass is more tarnished and the mahogany chipped and people are not looking through rose-coloured glasses, we can all say what we really think about the ICAC. It will be goodbye Mr Temby and another \$12 million will be available for other purposes. If those sorts of funds were available, perhaps members opposite extend themselves into the ethereal realms and say that Mr Azzopardi should have another inquiry. We must be rational. All sorts of people in the community are deserving of community funds. We are talking about an issue in respect of which there have been three inquiries already, including an ICAC hearing and proceedings before the Victims Compensation Tribunal. Though I have the greatest sympathy for Mr Azzopardi, I do not believe that the people of New South Wales would want this matter to go on and on.

I say with great feeling and sensitivity to the situation of Mr Azzopardi and his family that it is time he ruled a line across the ledger and said that enough is enough. I agree with those who may think that someone who has had his garage burnt down in the strangest of circumstances, who has clearly been on the receiving end of a deal of unfairness in the last 20 years, should be paid compensation. However, as I said, Mr Azzopardi has done better than most. He went to the Victims Compensation Tribunal and got \$30,000, plus \$1,367 in professional costs; Mrs Azzopardi got \$40,000 from the Victims Compensation Tribunal and \$1,153 in costs. Mr and Mrs Azzopardi have done better than most. Many other people in the community would be grateful to have had the opportunity to air their grievances. We do not necessarily get justice in life, but it is nice to know that we have had the opportunity to be heard.

Mr and Mrs Azzopardi can say that they have been heard fairly and reasonably. They have had the opportunity to seek compensation and have received it. It may not be enough. There are the Lindy Chamberlains of the world who will never get enough, and perhaps Mr and Mrs Azzopardi will never get enough. But I say to members opposite that they should not encourage the Azzopardis to pursue any further action. Counsel them with wisdom, counsel them with care and counsel them with concern. Tell them that this is it, they have had a fair go and it is time to move on in life. For that reason I support the Government in opposing the bill.

Mr HATTON (South Coast) [10.16]: Anyone who makes platitudinous comments in this House, as the honourable member for Wakehurst did, and says that Mr Azzopardi has done better than most and reasonably well, has no understanding of the Azzopardi case. He has no understanding of what the bill is all about. He has no understanding of the role of Parliament or the justice system and the role of public servants and police in this State. This is an historic bill because it is what Parliament is all about. It is about protecting the rights of a citizen against the State when the State has used its wealth and powers - in particular its powers of suppression - to try to silence, harass and beat a citizen into the deck because that citizen stood up for what was right. That is what Mr Azzopardi has done, and it has taken 20 years of his life. It caused his wife to have a heart attack and caused severe damage to his family and his own health. Yet the honourable member said that they got \$50,000 or \$70,000 between them. That is a shocking thing for anyone to say, particularly a lawyer.

Mr Hazzard: It was \$70,000.

Mr HATTON: That is right, it was \$70,000 between them. Is it not a basic principle that justice delayed is justice denied? Is it not a basic principle that the truth must out? If the truth does not come out in the court system and the court system fails, the Parliament is the last bastion. That is why I support the bill and why every backbench member should support it. The bill says to the Parliament that it has an opportunity to do something because the system failed. That is what the bill is really about. The honourable member for Cronulla spoke about money - it might cost \$10,000 a day. It might cost \$20,000 a day. Big deal! I have no doubt in my mind that Eddie Azzopardi has perhaps saved this State tens of millions of dollars - certainly many millions. I shall give an example. On 8th April 1992 I wrote a letter regarding the Charitable Collections Act and better procedures for the collection of revenue. Mr Azzopardi has on file a letter dated 1st May, 1986, from the Department of Finance, signed by Mr A. D. Clyne, addressed to Mr Gerry Gleeson, Secretary of the Premier's Department. It quoted the Department of Motor Transport advice:

... that the longer time measures such as the Deemed Value System cannot be implemented for at least two years. In the meantime, my Department estimated that the revenue shortfall from underpayments of duty was \$50 million per annum, a figure supported by the recent Efficiency Audit.

A recent inquiry by Mr Azzopardi of the Auditor-General's Department revealed that in 1986-88 the deemed value was changed and the revenue went up 77 per cent. This man pointed out that people were ripping off the Charitable Collections Act. I address my comments to the Minister for Police. Mr Azzopardi revealed not only the activities of Christopher Robin Jones but the activities of those people whom the Minister is rightly determined to weed out from the force - and I commend the Minister for that. Those officers abused the trust placed in them by, of all things, abusing the Police Citizens Boys Club movement, as it was known in those days. Think about the potential that action has to damage the good name of the Police Service. One of the rackets involved, other than the racket involving art unions, was the racket of stamp duties on cars. Eddie Azzopardi exposed that racket and once again saved the State millions of dollars. Let us not talk about how much it will cost for this inquiry to examine how the system worked.

This inquiry is not intended to go over the ground of the three coronial inquiries into the fire. One must ask why it was necessary to have three inquiries. How much did they cost the State? They

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cost hundreds of thousands, if not millions of dollars. Why did that coronial system fail twice? Why did this man have to sacrifice his health and that of his family, not to mention money and opportunity of enjoyment of life, to fight the system three times in a row? That is what this inquiry will determine. The purpose of this bill is not to have another coronial inquiry, as has been improperly represented here. The bill refers to the failure of any police officers to properly investigate the circumstances surrounding the fire and the complaints made by Mr Azzopardi. It refers also to the findings of each of the coronial inquiries, and any unfair treatment or unreasonable disparagement of Edgar Azzopardi.

This is not about a few harassing phone calls; this is about death threats. Mr Azzopardi tracked one of the death threats in which the person who made the threat said that Mr Azzopardi would end up in concrete boots. Mr Azzopardi defended himself in court and the fellow concerned was gaoled. This is not about unsubstantiated death threats; this is about substantiated death threats against Eddie Azzopardi. It is about harassment of his family. It is about the failure of many departments and the failure of the system, as well as the loss and damage sustained to Mr Azzopardi. Clause 4 of the bill refers to the matters to be considered by the court, including:

- (h) any adverse effect that the conduct of police officers towards Edgar John Azzopardi and his wife may have had on their health;
- (i) whether any aggravated and exemplary damages should be awarded and, in considering whether to award such damages, the Judge may take into account, in addition to any other relevant matter, the conduct of police officers and any neglect or wilful failure on their part, or on the part of any public servant, to act promptly and appropriately in response to complaints . . .

(j) the compensation awarded or being paid to other persons injured as a result of police action;

(k) such other matters as may seem relevant to the Judge.

In other words, the judge will look at how the system did and did not work and whether the people in the system performed their roles as they ought to and picked up salary for doing that. Through Mr Azzopardi's persistence, Christopher Robin Jones was convicted and lost his police pension. That action alone would have saved perhaps several hundred thousand dollars. It is very important that the Minister for Police support this inquiry because it will give a clear statement that if a few police officers within the Police Service stain the reputation of other officers, they will be rooted out and punished.

It has to be made clear that Parliament is the bastion. If the system fails, a private member will be able to move a motion for the establishment of a parliamentary inquiry to establish why the system failed. Such an inquiry would establish why such people bring a stain to the reputation of the public service, the justice system, and the Police Service. An inquiry would root them out and expose their deeds. The passage of this bill, and the establishment of an inquiry, would do justice to a citizen who lost 20 years of his life because he had to fight the corruption of the system. It is significant that this bill has been introduced by a private member.

To the Parliament's credit, it recognised the just claims of Philip Arantz, a whistle blower who saw a higher public duty. Eventually Mr Arantz was paid compensation. His book, *Collusion of Power*, shows clearly what can happen when political forces and bureaucratic forces get together against a citizen of the State; they can destroy that citizen. In that case there was collusion of forces. I admire the courage of the honourable member for Ashfield because Labor Party connections could be exposed by this process. I remember only too well, when I was defending Eddie Azzopardi in the House, the amount of harassment and yelling that went on when I raised matters to do with a Mr Wilde, a former member for Parramatta, and the role he may have had in the Azzopardi matter. I may be a very brave thing for a private member, who happens to belong to the Labor Party, to introduce legislation such as this.

I do not see this issue in party political terms. I see this as an issue involving a citizen against the State. We are not talking only about letters written. We are talking about a person who had to apply himself, learn law and stand in front of a judge to protect himself by taping phone calls and so on. I remember one memorable occasion in court when the question before the judge was whether taped evidence was admissible. If I remember correctly, it concerned the concrete boots evidence. Mr Azzopardi was against a barrister who said that it should not be admitted because the phone calls were taped illegally. Mr Azzopardi opened his law books and said, "It is a matter for your judgment, your Honour, as to whether this is admissible in court". The judge put his glasses on the end of his nose, leaned over and said, "It would appear, Mr [so and so], that Mr Azzopardi knows more about the law than you do and I rule the evidence to be admissible".

Mr Azzopardi came to this country as a migrant. He had to overcome language difficulties in order to fight the system. He ran the risk of his own life and that of his family, and he suffered for it for 20 years. Why? Because there was cover-up, because there was corruption. It was not merely unfair treatment. The system failed - the public servants, the police, the justice system and Parliament. Also, political influences were at work. We cannot turn history around but we can find out what happened. Such an inquiry will give this man some opportunity to expose how the system failed, because it will consider why the system failed. I strongly support this bill and commend the honourable member for Ashfield for bringing it to the House. It is a matter that deserves bipartisan support.

There has been talk of the cost of compensation and that the inquiry might cost \$100,000, \$200,00 or \$300,000. The way that lawyers operate, it does not surprise me if it gets into hundreds of thousands of dollars. A very detailed submission was made by Mr Barry Hall, Q.C., and I compliment him because he is a man who has defended many impecunious people. He has done that at great personal expense in terms of time and energy and he has been a great assistance to Mr Azzopardi. Mr Hall made a very closely argued

case for compensation to the Premier. I believe that compensation could be of the order of \$250,000. If this were only a question of money, perhaps it would be better to give Mr Azzopardi and his family the money. But this is not just about money. This bill is about the establishment of an inquiry into how the system did not work, why it did not work, and why a citizen who sought to fight the State was destroyed. What this debate should be about is plain justice and a fair go.

Mr YABSLEY (Vaucluse) [10.29]: My mind goes back to occasions during the past 10 years when, I suspect like many other members of this place, I have walked through the front door and the vestibule of Parliament House and there, time and time again, sitting on one of the sofas in the vestibule was the sole and lonely figure of Eddie Azzopardi. Invariably when I went up to my office, there would be a message, "Eddie Azzopardi called; he would like to see you". I suppose what I have to say in this debate may be inspired partly by a feeling of guilt on my part - I suspect that guilt should be shared by most members of this place - because invariably I thought, oh, not again. I have never taken the time or made the effort to look into what this bloke is on about. All I know is that the messages were frequent and, I suspect like many other people, having somewhat of a cracked record effect, I tended to think that people like Eddie Azzopardi were hovering around the margins, or that there was some credibility problem. One was even inclined to use the word "vexatious", a word which has already been used in this debate.

I regret that it was only over a long period of time, and after having put a little more time and effort into reading about the life and times of Eddie Azzopardi, that I became convinced that he was anything but a vexatious complainant and that he deserved the attention and sympathy of people who occupy positions of responsibility in the Legislature and the judicial system. I am indebted to Mark Ray of the *Sunday Age* newspaper for providing an accurate paraphrasing of just what Eddie Azzopardi has been through. Mark Ray recalls:

The saga began in November 1969 with a minor car accident between Mr Azzopardi and a man who turned out to be a less-than-honest policeman. What followed were years of harassment and frustration as Mr Azzopardi not only fought to have the policeman, Sergeant Christopher Jones, brought to justice, but battled as the classic "little man" against "the system".

I do not want to become misty eyed about all of this or make it sound as though it is taking on bleeding heart proportions. I want to cast my mind back to the time I spent as Minister for Corrective Services. That experience has been shared by the Minister for Police and Minister for Emergency Services, who is present. From time to time when I was visiting various gaols, a prisoner would come up to me and say, "I didn't do it". Sometimes those prisoners had tears in their eyes; sometimes they were merely making a general impassioned plea: "Minister, I didn't do it". It was far beyond the jurisdiction of the Minister for Police and Minister for Emergency Services, when he was the Minister for Corrective Services, or my successor or any Minister to promptly start getting into that realm.

All I knew was that on the law of averages, and the system of justice being as fragile as it is, without doubt from time to time people had unfairly spent time behind bars. The only reason I refer to that matter in the context of this debate is to show that the case of Eddie Azzopardi is probably one of the most clear-cut and demonstrable examples of injustice, and injustice being heaped upon injustice, that one could possibly envisage. This might be one of the rare occasions, perhaps the only occasion, when I line up in a debating sense with the honourable member for South Coast and, to make it even more unusual, with the honourable member for Ashfield. However, there is compelling and overwhelming evidence to support Mr Azzopardi. All of that has been established through something like 28 inquiries, which have basically come to the conclusion that Mr Azzopardi had right on his side and had been dealt dreadful injustices along the way.

A few months ago - and this was not the starting point of my coming to terms with Mr Azzopardi, and coming to understand and sympathise with him, but it was certainly part of the discussions that I have been involved in that have helped me understand the extent of what I believe to be an injustice - I sat down with Mr Azzopardi and the Hon. Dr Derek Freeman, who was previously a member of the upper House and who has been involved in a conscientious and thorough way in seeking to have injustices addressed and to have justice maintained. Subsequently Dr Freeman and I talked about Mr Azzopardi. I dropped him a line in which I said:

I remember, when I was Minister for Corrective Services, being told -

I do not know the source of the quote but I will read it:

The hero will get his pension, but no praise; the villain will get his penalty, but no punishment; both will get what they are entitled to and neither will get what they deserve.

In the letter I continued:

It strikes me that Eddie has probably both missed out on the pension and what he deserves.

I suspect that to this day, despite having established and re-established his name as a good and honest person who fought the system and won, in the minds of many people Eddie Azzopardi is that diminutive individual who has made a bit of a pest of himself, who has basically been found to be in the right, but who is still regarded as lacking some credibility or having a missing link - and there is still uncertainty about just how correct he was. I want to place on record that I believe that all doubt should be removed once and for all in relation to any suggestion of a lack of credibility of Mr Azzopardi. I am not convinced that another inquiry is necessarily the best means of achieving that, but I want to establish that Mr Azzopardi certainly deserves unqualified support and sympathy from all levels of the system - whether it is this Legislature, the judicial system or people working within public office in one form or another. It is

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worth returning to the article written by Mark Ray in the *Sunday Age*, in which he correctly reports, referring to the time Mr Azzopardi's troubles began, as follows:

Mr Azzopardi, then a forklift driver in Sydney's outer western suburbs, was wrongly charged with negligent driving for the accident with Sergeant Jones.

Two years later the two came across each other in a hotel. There was a confrontation. Three days later, the Azzopardis were awoken by the sound of exploding fibreglass. Their garage had been set on fire.

They were quick enough to get their three children, whose bedroom was closest to the garage, out uninjured. The main casualty was Mr Azzopardi's cherished Holden, the first car he had owned.

The fire ignited all Mr Azzopardi's fierce determination. By lobbying politicians, the ombudsman and journalists and becoming a de facto legal expert, he managed to bring about three coronial inquiries into the fire, often finding witnesses and evidence that had eluded the police.

The arsonist was never found, but in 1987 Jones was convicted of perjury committed during the second inquest. This was the second time that Mr Azzopardi's amateur sleuthing had brought Jones undone.

Through Mr Azzopardi's agitation, Jones, originally a detective, had been put back into uniform and then moved to the Parramatta Police Boys' Club. Due to investigations by Mr Azzopardi, Jones was gaoled in 1985 for malpractice in his running of raffles at the Police Boys' Club.

The Azzopardis paid heavily for these victories.

During these years Mr Azzopardi's children were repeatedly booked by local police for alleged minor offences; relatives were questioned by police as they left the Azzopardis' house; the family's social life evaporated as the parents were too afraid to leave their children unattended; and Eddy's relationship with his family faded as he spent more and more time studying law and preparing to represent himself in court.

So it goes on: continuing phone calls, deteriorating health. It is all part of what must rate as one of the saddest sagas of corrupt police involvement and the failure of the system to be able to recognise injustice when it

occurs. As most honourable members - and I suspect all honourable members on the Government benches - will acknowledge, through my involvement in the corrective services portfolio I am not one to bolt to my feet and wear my heart on my sleeve in relation to alleged injustices. It takes a lot to get me to the point of saying the sorts of things I have said in the past 10 minutes or so.

This is a serious issue because it goes to the heart of the justice system. It concerns me that in relation to some of the things that have been raised in the past by the honourable member for South Coast and others, these claimed injustices can fly thick and fast. What happens is that sometimes people like the honourable member for South Coast devalue the currency by the sheer volume of the complaints they make; they throw the net so wide. But in this case it is certainly not a matter of throwing the net wide. It is demonstrably clear that there has been a most grave injustice perpetrated on Eddie Azzopardi. I guess two names that come particularly to mind are Arantz and Blackburn. The analogy is clear and the similarities, at least in part, are there.

I add to that this thought: we have been told today, and it is a fact, that an amount of compensation has been paid. As described in this article, the compensation paid to Eddie Azzopardi and his wife Pam is chicken feed. One only has to look at some of the defamation settlements that have been made in recent time to establish a further perspective as to what extent that amount of \$70,000 is chicken feed. In this case, more than any other case that I have looked at, there is a crying need to ensure that justice is not only done but seen to be done. I suspect that there are mechanisms available that are cheaper and more effective to the Government to ensure that end result is achieved.

I thought long and hard about what I have said in this place this morning in relation to Mr Eddie Azzopardi and the way in which I could best contribute to ensure that justice is achieved. Complaints mechanisms can be established - and recently one was established in the Police Service to make sure that dishonest police and people who are corrupt are not operating within that service - but the life and times of Eddie Azzopardi and what he has achieved are far more significant and meaningful than all the complaints units and everything else put together. Through sheer determination, tenacity, savvy and guts he has been prepared to pursue this matter to the end merely in the name of justice. Of all the unsung heroes that I have seen in the past decade, Eddie Azzopardi probably rates as the most significant, as a man who took on the system and won, and he deserves our support.

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [10.43]: On a positive note may I say how delightful it is to have members of Loreto College, Normanhurst, in the gallery, a college that has a reputation for producing some very talented ladies. I would like to look at the Azzopardi Inquiry Bill in a positive light, but I must be as realistic as possible. In the past I and other Government members have shown that when a request for an inquiry was put forward and we genuinely believed that something could come from it, we supported that. No one can deny the sympathy or concern that most people in New South Wales have for Eddie Azzopardi and his family, but what concerns me is that this issue has gone on for 22 years. None of what I am hearing do I genuinely believe is new, and that is why I am concerned that this bill will take us nowhere. It is unfortunate that it has been put forward 22 years later. Had this bill been introduced earlier, we would have all been in a position to act differently, but we are talking about the 1971 fire that destroyed Mr Azzopardi's garage at Whalan, one of the most investigated matters in the history of this State.

Many of my learned colleagues have said that the compensation paid to Mr Azzopardi is chicken feed, but having been raised in circumstances where money was never plentiful, I have never considered money to be chicken feed, particularly when millions of dollars have been spent already on the issue. There have been three judicial inquiries into that fire. The first coronial inquiry was conducted at Penrith Court in 1971, at which Mr Azzopardi was legally represented.

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It resulted, as we all know now, in an open verdict. In other words, there was insufficient evidence to determine who was responsible for the fire.

A second coronial inquiry was conducted in 1978, seven years later, before a senior coroner and a coronial

jury of six. Mr Azzopardi was represented by counsel at that hearing also. Again, the inquiry concluded that the fire had been set by a person unknown. A third inquiry was conducted in 1988, some 10 years later, before a District Court judge. Again, Mr Azzopardi had legal aid representation. As in the other two inquiries, the evidence was not sufficient to allow the judge to identify the person responsible for the fire. More significantly, although Judge Thorley made nine separate recommendations in his report, not one of them suggested that compensation should be paid to Mr Azzopardi.

The direct and indirect costs of an inquiry before a District Court judge are substantial. I cannot accept the notion of chicken feed; there is a substantial cost to the taxpayers. In direct terms there is the cost of the judge and the support staff, the cost of accommodation, and the cost of counsel assisting the inquiry. We must be careful that we do not inquire ourselves to death. The cost of the 12-month Joint Select Committee Upon Police Administration was about \$2 million - an amount that would have built one police station, or half a school. It depends on where our priorities lie. I will fight for justice with every breath in my body, but I cannot say that I will do so at any cost.

Honourable members must be realistic and responsible. Quite honestly, taxpayers and families are hurting and we cannot place another burden on the taxpayer. If honourable members believe they can achieve something by an inquiry, let us do it; but there is no evidence to suggest that it will achieve anything. There is also the cost of financial assistance for legal representation before the inquiry for Mr Azzopardi, which I am sure he will seek to have funded by the taxpayer. An inquiry of the type suggested would cost, as the honourable member for South Coast said, of the order of \$10,000 a day from the public purse. I agree with the honourable member for South Coast; that is a realistic figure. As a father of five children and having been broke many times, \$10,000 a day I consider to be lot of money.

In indirect terms the cost of a judicial inquiry must include the opportunity costs. It is a matter of concern to the Government that this bill could result in unnecessary waste of the valuable time of a District Court judge and put Mr Azzopardi and his family through further trauma. The proposed inquiry will not be completed in one day or one week; it may not even be completed in a month. Who knows how long it will take the inquiry to review all the material produced by the three previous judicial inquiries and the Independent Commission Against Corruption inquiry. One thing is certain: every day that the inquiry runs, the backlog of matters in the District Court will increase. The services of a District Court judge are valuable and need to be used to maximum effect in areas where results can be achieved.

The Government takes very seriously its responsibility to ensure that judicial resources are not squandered on inquiries where there is no issue of public interest at stake, and even less chance of anything worth while being achieved. I do not say that in a callous way; I just do not believe that there is any evidence to suggest that there would be a resolution if we entered into this. The Government asks the question which the Labor Party has deliberately ignored: Who will tell the many people awaiting trial that Eddie Azzopardi is more important than their liberty?

An inquiry that will result in considerable costs, for which the public is expected to foot the bill, requires the strongest justification. I am sorry, but that justification is not there. There is no public interest that would be served by this inquiry because there can be no productive outcome. If a judicial inquiry is warranted in this case, then why would not one be warranted for all suspicious fires? Are we to spend up to \$10,000 a day on each of 6,000 or more suspicious fires reported each year? The Opposition has made much of jobs during the budget debate, but it is prepared to throw away hundreds of thousands of dollars of public money. I agree with the honourable member for South Coast - we are looking at a minimum of \$250,000. I believe that nothing will be achieved by such an inquiry.

The honourable member for Ashfield said in his second reading speech that the Australian Labor Party was of the view that Mr Azzopardi should be compensated. Unfortunately, he did not assist the House by elaborating and explaining how that view was reached by the Labor Party. Perhaps he will tell us in his reply. What are the grounds on which there can be any legitimate claim for compensation in Mr Azzopardi's circumstances? Is the compensation for damage arising from the fire? As a matter of policy, property damage

caused by criminal activity is treated differently from personal criminal injury damage. Compensation is not paid from the public purse for property damage. The position does not alter just because there is insufficient evidence to identify the culprit.

Almost 6,000 suspicious fires were reported to the Coroner last year. Surely the Opposition is not suggesting that we should pay for the property damage suffered in every one of those 6,000 cases. If that is not what is being suggested, what distinguishes the Azzopardi fire from the 6,000 suspicious fires that occurred last year? I believe that the honourable member for Ashfield cannot answer that question, because ultimately there is no difference. People are people; hurt is hurt. There is no reason why Mr Azzopardi can be compensated for the loss he suffered, and all people who have suffered similar losses will be treated likewise.

Perhaps the honourable member for Ashfield is suggesting that compensation should be paid for alleged failures of the police and the coronial and

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justice systems. If that is the case, I cannot agree with that. The integrity of law and order in New South Wales is not an issue here. As with any case that is dealt with by our justice system, Mr Azzopardi was able to avail himself of a right to challenge the determinations of tribunals that he did not agree with, funded by the taxpayer. And he successfully did just that. As a result, where deficiencies in the administration of justice were detected, they were addressed by quashing the earlier determination and ordering a new inquiry. Mr Azzopardi was successful with the judicial system. However, it is not a systemic failure of our justice system that in this case no tribunal has been able to find that there is sufficient evidence to support Mr Azzopardi's belief that Christopher Jones set the fire.

It is possible that the honourable member for Ashfield considers that the telephone harassment of Mr Azzopardi warrants the payment of compensation. For once he is right. I absolutely agree with him. But that compensation has already been paid. Earlier this year the Victims Compensation Tribunal awarded quite rightly to Mr Azzopardi \$30,000 compensation plus costs, and it awarded to Mrs Azzopardi \$40,000 compensation plus costs. That compensation was determined by the judicial system. The honourable member for South Coast, the honourable member for Ashfield and I do not think that compensation was enough, but we are not the judicial system. We, the legislators, set up a judicial system and we must respect its independence in making its decisions. Appeal mechanisms are there for those who disagree.

Mr Azzopardi received that compensation not because of any special consideration, but because he was legally entitled to it, in the same way any person would have been had they been subjected to that same harassment. The fact that police officers in a private capacity were responsible for that harassment had no bearing on the matter, other than to result in the commissioner laying departmental charges against them in addition to the criminal charges they faced. The perpetrators have faced the justice system, and they deserved to.

The honourable member for Ashfield says that Mr Azzopardi has been denied justice for too long and that he deserves to be compensated for the grave injustices he has suffered. The Government challenges the honourable member for Ashfield to point to any denial of justice that warrants the payment of compensation. Perhaps the honourable member will do that in his closing remarks but, to date, nothing has been put forward that answers that question. Nobody disputes that Mr Azzopardi has tirelessly campaigned against corruption in the Police Service. His efforts are commendable and, indeed, I share his commitment to ensuring the integrity of the Police Service. But Mr Azzopardi's outstanding sense of public duty is not in itself sufficient to give rise to an entitlement to compensation.

I take a moment to correct the record on a matter raised by the honourable member for Ashfield in his second reading speech to this bill. The honourable member said that the experiences of Mr Azzopardi were central to the reforms to the coronial system that the Government is proposing. He has unfortunately overstated the position. In fact, it was the Royal Commission into Aboriginal Deaths in Custody, the review of the coronial system by a consultative committee set up at the behest of the former Attorney General, John Dowd, and the recommendations of the present and former State coroners that were the central inspiration for the

reform package - not Mr Azzopardi.

The Government does not oppose compensation being paid to any person where a proper claim can be established. If there are grounds on which a District Court judge may determine that an award of compensation should be made, the appropriate course of action would be to institute legal proceedings to get the matter before a court in the proper manner. The use of a judicial inquiry to determine questions of compensation is inappropriate. The Government will therefore oppose the bill.

Mr WHELAN (Ashfield) [10.57], in reply: I thank honourable members for their contributions. I look forward to the vote, which will ultimately determine whether members will put their words into practice. I am disappointed that the Government, notwithstanding what the Minister for Police and Minister for Emergency Services said, has chosen to oppose the legislation. I would not like it to become a precedent, but I liked what the honourable member for Vacluse said. He raised some very interesting points, and I understood exactly where he was coming from. Eddie Azzopardi was not responsible for the proposed coronial inquiry. Whoever wrote your speech, Minister, did not read my second reading speech, and you have committed a grave wrong in suggesting that I said Eddie Azzopardi was responsible in the main. If you want me to read what I said, I will.

Mr DEPUTY-SPEAKER: Order! The honourable member for Ashfield will direct his remarks through the Chair.

Mr WHELAN: I refer the Minister to my second reading speech. The purpose of this bill seems to have been lost on some Government members. The object of the bill is to provide for an inquiry to be held. That inquiry, headed by a District Court judge - of which the Minister knows there are 54 - is to determine whether compensation is to be awarded to Eddie Azzopardi with respect to the failure of the police. Clause 4 of the Azzopardi Inquiry Bill lists the matters to be considered. One of those matters is, "(j) the compensation awarded or being paid to any other persons injured as a result of police action". The judge will have to consider matters taken into consideration by the Victims Compensation Court. I do not believe that the Minister believes in his own heart that \$30,000 is adequate compensation for what Eddie Azzopardi has suffered. If he does, I am bitterly disappointed.

Mrs Azzopardi got the maximum amount of victims' compensation, \$40,000 plus \$10,000. If the Minister claims that \$90,000 is sufficient compensation for experiencing lives of hell, I am very

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wrong. Yesterday the Court of Appeal found that a masked photograph of a sportsman is not worth \$350,000 but may be worth \$200,000. No one disputes that Mr Azzopardi and his wife are not entitled to compensation. The Minister claims that the inquiry would starve his budget and the Government's budget. What price justice? What price the injustice suffered by this man? In Cabinet the other day the Minister was one of 18 Ministers who decided to give to a fellow Minister unlimited legal aid in relation to a closed inquiry before the Independent Commission Against Corruption.

The Minister had no difficulty in ensuring that Mr Collins was adequately and properly represented by his barrister, Mr Roger Gyles, Q.C., and his junior. The Government's press release stated that the cost would be \$7,200. The Minister knows that is a grossly inadequate amount, because Mr Gyles is one of the pre-eminent lawyers in the nation. Mr Moore and former Premier Greiner will testify to his legal expertise. Mr Gyles legal costs for the building royal commission were \$1.5 million. And the Government talks about waste of money! The Government spent \$21 million on the building royal commission yet it has backed away from its two major recommendations. The Government gave an unlimited financial guarantee to a Cabinet Minister in relation to his legal complaints.

The Collins closed inquiry will cost hundreds of thousands of dollars. It is not even the open inquiry that will be funded; it is the closed inquiry to determine whether there is evidence. It is strange that the Government should give the blank cheque at this stage because there is no reason for anyone to believe that that will be the end of the inquiry. The joint Houses of Parliament have referred the matter to the Independent Commission

Against Corruption, so the inquiry will proceed. Mr Collins was involved in a failed private matter before becoming the Treasurer. The Cabinet has given him a blank cheque to pay his legal costs yet at the same time the Minister cries that an inquiry into the Azzopardi matter would stretch the budget for the people of New South Wales. I again ask: What price the injustice to this man?

The honourable member for Vacluse said that Mr Azzopardi took on the system and won. He has not won yet. I hope the inquiry will go some way towards repairing the damage occasioned to him. Mr Azzopardi has lost his family and his house. The lawyers who helped him never received compensation or adequate payment. They received some moneys for legal aid but they have not received anywhere near the legal costs required to compensate them. That is not part of the bill. The lawyers provided their services voluntarily in many cases. The honourable member for South Coast mentioned Barry Hall, Q.C., who has almost dedicated his practice free of charge to ensuring that Eddie Azzopardi ultimately achieves justice from the people of New South Wales. A great deal of public benefit is to be achieved by having the public inquiry. It will enable a judge to explain to the people of New South Wales how he or she has assessed the compensation to be awarded to Eddie Azzopardi to ensure that he receives just compensation.

No one denies that it is going to cost. I am amazed that the Government put this forward as the ultimate reason for not voting for the bill. Of course Mr Azzopardi should be represented properly and adequately by skilled solicitors and barristers to enable him and Mrs Azzopardi to put their cases to the court so that it can make a valid assessment. There are many precedents in the unfortunate history of New South Wales. Philip Arantz blew the whistle on Askin and received \$250,000 in compensation from the former Labor Government. He got a job. The compensation was totally inadequate and he was later given an additional benefit. The gravest injustice was done to Harry Blackburn. Evidence produced before a later inquiry, which cost \$2 million, led to the Government having to compensate him after private legal action. Harry Blackburn was set up for a media walk and was later compensated for it. His life was ruined by the gravest injustice. There is a distinct parallel there except that in Azzopardi's case the injustice has continued.

There have been a vast number of cases since the Azzopardi matter. The Minister mentioned what happened at Mount Druitt police station. That was clearly an example of a police officer harassing Mr Azzopardi at his home in 1992. One of the officers involved had to perform 100 hours of community service. Does the Minister think that gave justice to Eddie Azzopardi? Of course he does not. One of the factors that the judge will take into consideration is how much personal damage has occurred. I am disappointed that the Minister and the Government oppose the bill. I thank the honourable member for South Coast and applaud his persevering on behalf of Eddie Azzopardi over many years. It is total hypocrisy for the Government to say today that Eddie Azzopardi's judicial inquiry, set up with the single purpose of determining whether compensation should be awarded, will have an impact on the State Budget. Compare that with the blank cheque given by 18 Cabinet Ministers to Peter Collins, the Treasurer, as legal aid following his failed private defamation action. I can tell the Minister of two people the Cabinet did not consult. One of them is Dr Michael Ryan, who has made two applications for legal aid, but the Government has not considered them.

Mr Humpherson: That is not relevant.

Mr WHELAN: Of course it is relevant. It was raised by the honourable member for Cronulla. The other person is the member sitting behind the Minister - the honourable member for Wakehurst. The Minister should ask him privately for his view. I do not know his view, but I have read what he said about how the Government denied him legal aid when he was required to appear privately before the Independent Commission Against Corruption. In a non-official capacity, the State's Treasurer was given a blank cheque by the Cabinet to cover his legal costs, yet the Government will not agree to supply money to fund an independent inquiry by a District Court judge to determine if compensation should be awarded to Eddie Azzopardi. The Minister will not have any moral fibre left if he votes against this bill.

The House divided.

Ayes, 48

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

Noes, 42

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|-----------------|--------------------|
| Mr Armstrong | Mr W. T. J. Murray |
| Mr Baird | Mr O'Doherty |
| Mr Beck | Mr D. L. Page |
| Mr Blackmore | Mr Peacocke |
| Mr Causley | Mr Petch |
| Mr Chappell | Mr Phillips |
| Mrs Chikarovski | Mr Photios |
| Mr Cochran | Mr Richardson |
| Mrs Cohen | Mr Rixon |
| Mr Collins | Mr Schipp |
| Mr Cruickshank | Mr Small |
| Mr Downy | Mr Smiles |
| Mr Fraser | Mr Smith |
| Mr Glachan | Mr Souris |
| Mr Griffiths | Mr Tink |
| Mr Hartcher | Mr Turner |
| Mr Humpherson | Mr West |
| Dr Kernohan | Mr Zammit |
| Mr Kinross | |
| Mr Longley | <i>Tellers,</i> |
| Ms Machin | Mr Jeffery |

Mr Merton

Mr Kerr

Pairs

Mr Amery

Mr Fahey

Mr Carr

Mr Morris

Mr Ziolkowski

Mr Schultz

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LAND ACQUISITION (JUST TERMS COMPENSATION) AMENDMENT BILL

Second Reading

Debate resumed from 9th September.

Mr E. T. PAGE (Coogee) [11.20]: I lead for the Opposition in this debate and I foreshadow that the Opposition will support the proposal. The aim of this amending bill is to add a further clause to section 42 of the Land Acquisition (Just Terms Compensation) Act 1991. The original bill was introduced into the Parliament by the former Deputy Premier on 11th April, 1991, following an election promise by the coalition parties to rationalise the compensation that people could expect to receive when their land was acquired by public bodies. For a long time those whose land had been acquired for legitimate purposes had complained that the method of acquisition was often harsh and also complained about the amount of compensation paid. The aim of the bill in 1991 was contained in the five objects that covered the proposal. The first object was:

(a) to guarantee that, when land affected by a proposal for acquisition by an authority of the State . . .

And that included local government:

is eventually acquired, the amount of compensation will be not less than the market value of the land (unaffected by the proposal)
...

In other words, the land could not be devalued on the basis that it had the impediment that some government department wanted to acquire the land. The second object was:

(b) to ensure compensation on just terms for the owners of land . . .

When that land was not normally available for public sale. The fourth object was:

(d) to require an authority of the State to acquire land designated for acquisition . . . when hardship is demonstrated;

In other words, the authority could not say, "We do not have the money to purchase the land at the moment", or, "We do not want the land for another 20 years. So, regardless of your feelings in the matter as the property-owner, we will not continue with the acquisition". The fifth object was:

(e) to encourage the acquisition of land by agreement instead of compulsory process.

That is a reasonable thing to do. Germane to this particular amendment is a third object:

(c) to establish new procedures for the compulsory acquisition of land by authorities of the State to simplify and expedite the

acquisition process;

Of course, that is of tremendous importance to the person whose land is being taken by the authorities. Section 42(1) of the Act is concerned with the notice of compensation entitlement and the offer of compensation. It states:

42. (1) An authority of the State which has compulsorily acquired land under this Act must, within 30 days after the publication of the acquisition notice, give the former owners

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of the land written notice of the compulsory acquisition, their entitlement to compensation and the amount of compensation offered (as determined by the Valuer-General).

Again, quite a clear statement of intention by this Parliament as to what was expected of government authorities in acquiring land over the wishes of the owner. There is one rider to that in the Act, and that is section 42(4):

(4) The Minister responsible for an authority of the State may extend the period of 30 days within which the compensation notice is required to be given (but not by more than 60 days) if the Minister is satisfied that it is necessary to do so to enable a valuation to be made of any interest in the land concerned.

This can be brought about if there are competing interests in the land. Other than that rider, which provides the Minister with some discretion in the matter, section 42(1) sets out quite clearly what is required to safeguard the interests of the person who is to lose the land. The honourable member for Murwillumbah - I think correctly, and I will explain that later - has identified a problem in the community. In his second reading speech the honourable member told of concerns where some councils had failed to comply with the provisions of section 42(1) in that they had not forwarded the valuations, as determined by the Valuer-General, to the property-owner within the 30-day period.

The honourable member mentioned one case where a council failed to offer compensation within 30 days because the council did not agree with the valuation. So the due process was held up because the council had a disagreement with the Valuer-General. The honourable member for Murwillumbah did not quote any cases. I will take at face value the propositions that he raised, but I should have been happier if he had quoted specific cases and named councils so that I was left in no doubt that there was a firm basis for the bill. I give the honourable member credit for informing the House that the Government has virtually no legislative program. In my 12 years in this Parliament government supporters have not spoken in the budget debate in the period between the Treasurer bringing down the Budget and the Leader of the Opposition replying. This time the Leader of the Opposition replied a week later. That occurred because of the Government's lack of legislation. It is indicative of the fact that the Government has no steam, no foresight and no legislative program.

Having regard to the rationale put forward by the honourable member for Murwillumbah, if the Government had introduced this bill, it would have had more clout and more urgency. It is wrong and illegal for councils - or any other body, for that matter - to circumvent the provisions of section 42(1). The section was designed by the Parliament to ensure that property-owners are not put at a disadvantage, that they are not given a bonus. The legislation does not say that they are to be paid double the value, or 10 per cent more than the property is worth; it says they are to receive just compensation. That provision was supported by the Opposition and is still supported by the Opposition. When a specific requirement is placed on authorities by the Parliament and the provision has unanimous support it is horrendous that authorities seek to circumvent the provision to the detriment of property-owners.

It is an unfair ball game also if an outside body can say, "I want your land for some reason and I am going to take it. These are the conditions under which I will take your land". The property-owner has no real say in it and, no matter how much he might fight, at the end of the day he would lose his property. The Parliament says, "Okay, we will make sure that there is a level playing field here, that the person who owns the property has an expectation of receiving compensation within a reasonable period". However, some councils, for their own purposes, seem to think that they need not comply with the requirements of the provision. The Opposition is

pleased to support the bill, which clarifies section 42 of the existing legislation. The bill seeks to amend the Land Acquisition (Just Terms Compensation) Act by inserting after subsection (7) the following subsection:

(8) If a former owner of land has not been given a compensation notice as provided by this section, the Valuer-General must, as soon as practicable after being requested to do so, give the former owner written notice of the amount of compensation to be offered to the former owner as determined by the Valuer-General. This subsection extends to a compulsory acquisition of land before the commencement of this subsection.

Proposed subsection 8 provides that section 42(1) must be complied with, so one might think the amendment is superfluous. However, if certain authorities believe they can circumvent the provisions of section 42(1), proposed subsection 8 will give the landowner a little more clout and the ability to apply a little more pressure. At present, if an authority does not comply with section 42(1), the council has to take legal action to force the authority to comply with what the Opposition regards as a binding provision. That seems to be horrendous. As I have said, the Opposition believes the amendment is reasonable. I would have been happier if some specific instances, rather than general statements, had been cited. The honourable member for Murwillumbah may do that in his reply so as to give some more meat to the proposal.

I do not question the validity of what has been put forward by the honourable member for Murwillumbah, but if, as legislators, we establish rules and laws, the documentation should be thorough. It appears that judges are now going behind the statutes. They are perusing second reading debates to ascertain what the Minister, the private member or the Parliament thought about a particular proposal so as to ascertain the intent behind the legislation. In that sense the cause would be helped if specific instances were given. Notwithstanding that, the bill is good legislation. I am a little perturbed that government groups in our community knowingly and deliberately try to circumvent statutes passed by this Parliament which are believed by members to be for the general good of the community. Under the existing legislation

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the property-owner is at a distinct disadvantage. He is not in a position, either in the short term or the long term, to say, "No, you cannot take my property because I want to use it and I do not believe the community should have it". There must be rules and regulations to ensure that an overriding authority cannot unduly disturb the freedom and expectations of property-owners.

Mr JEFFERY (Oxley) [11.33]: I support the Land Acquisition (Just Terms Compensation) Amendment Bill. At the outset I congratulate my colleague the honourable member for Murwillumbah on introducing the amendment, which refines and further improves the landmark just terms legislation passed by the Parliament of New South Wales. The former Deputy Premier, the Hon. Wal Murray, introduced that legislation. One of the reasons I am a member of this Parliament is because of my strong belief in the rights of the owners of private property. I was delighted when this can do Government introduced the just terms legislation. In his second reading speech the honourable member for Murwillumbah referred to concern that the existing legislation imposes no sanction upon an authority that refuses to comply with requirements under the law. My strong belief is that it is against the spirit of the Act to leave a landholder unable to force the issue of a valuation of resumed land except by costly and time-wasting recourse to the courts, when the Act is clear in its intent to impose proper obligations on all parties to a resumption. I hope all members of this House believe that landholders whose land is resumed deserve prompt payment of compensation. The last thing landowners need under such circumstances is the additional cost burden of unnecessary court proceedings.

Although the amendment will ensure that the rights of property-owners are protected, there is no substitute for good will on all sides. I call on all players in resumption matters to express good will to all other parties involved in those resumptions. Stiff penalties are no substitute for good will. I congratulate the Government on its initiative in devising the just terms legislation. By introducing that legislation the Government honoured a commitment made during the 1988 election campaign. The amendment will enhance the effectiveness of an excellent Act. The amendment is timely because it will ensure that the statutory timetable associated with claiming compensation for the compulsory acquisition of land is observed. As has already been mentioned, the need for this amendment has arisen because of suggestions that some councils have not forwarded valuations to relevant landowners. Under the Act councils have a statutory obligation to do so.

I note that it has been claimed that a council failed to offer compensation within 30 days of resumption because it did not agree with a valuation from the Valuer-General. That in turn allowed the council to deliberately stall the compensation process. That could happen to anyone anywhere in the State. The amendment enables the owners of resumed land to make a direct application to the Valuer-General to obtain a copy of the valuation if a government authority has failed to provide it. In rural Australia the just terms legislation has been a most successful initiative. It is another step towards ensuring that citizens of New South Wales have proper recourse to the law to preserve their individual rights. The amendment will strengthen the rights of the owners of private property and, at the same time, it will ensure that where a council or a government department compulsorily acquires land from a landowner, the council or department must do so on just terms. It will ensure also that the resumption must be dealt with in the shortest possible time. That is important. I again congratulate the honourable member for Murwillumbah for introducing the legislation. I am pleased that both sides of the House support this important bill.

Mr BECK (Murwillumbah) [11.39], in reply: I take this opportunity to thank members who have participated in the debate. I thank the Opposition for its support and for its acknowledgment of the importance of the legislation. I thank the honourable member for Coogee and my National Party colleague the honourable member for Oxley for their support of the legislation. I emphasise that the amendment is very much within the spirit of the just terms legislation introduced in 1991 by the previous Deputy Premier, the Hon. Wal Murray. It is complementary to that legislation. It is important that private landholders have fair and reasonable access to the Valuer-General's valuation of resumed property. It is not acceptable that a council should be able to force a landowner into expensive, lengthy litigation simply because that council disagrees with the valuation of the Valuer-General and has refused to make an offer of compensation.

The honourable member for Coogee said that he would have liked me to mention specifics but I do not believe that it would be right for me here today to mention any specifics, or refer to a specific council. There are 176 councils throughout the State of New South Wales. As State members we represent areas of local government and we must make sure that the councils that we represent abide by the legislation. The Land Acquisition (Just Terms Compensation) Amendment Bill tidies up the original bill introduced by Mr Murray in 1991. The amendment will not only ensure that the valuations are acceptable, but will also serve as a warning to any party involved in the compensation process that it should abide by the spirit of the Act as well by its terms. This is another example of the New South Wales Government giving consideration to the people we represent and putting those people first. People whose land is to be resumed for a motorway or sewerage plant, whatever it may be, should receive fair and just terms. I look forward to the enactment of this amendment at a very early time.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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POST-CONVICTION INQUIRY (QUASHING OF CONVICTION) (DOUGLAS HARRY RENDELL) BILL

Second Reading

Debate resumed from 28th May.

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [11.43]: When the honourable member for Ashfield earlier today moved to accelerate the Azzopardi Inquiry Bill, he said that he would seek an assurance from the Government as to its intentions in respect of the Post-Conviction Inquiry (Quashing of Conviction) (Douglas Harry Rendell) Bill. My purpose in speaking to this matter today is to place on the record the fact that I have spoken with the Attorney General and he has advised me that a bill has

been prepared in respect of this matter. What I am unable to indicate is whether it will cover all the aspects that the honourable member for Ashfield has raised, including the time frame. The Government proposes that the Attorney General's bill pass through the Parliament during the present session. In that regard, it is clearly appropriate that this bill not disappear from the notice paper and that the rights of the honourable member are preserved if he considers the Government's bill does not satisfy all matters that have been requested. I give that assurance to the House and I seek leave to move the adjournment of the debate of this bill.

Mr Whelan: Leave is not granted.

Mr WEST: That is the assurance you wanted.

Mr Whelan: No, the assurance I wanted was that the matter would be adjourned and that the Government would introduce a bill that contained all the elements of this bill - of the two bills, dealing with both Mr Pohl and Mr Rendell. The Minister should read what was said earlier.

Mr WEST: I cannot give that guarantee because I have not seen it.

Mr Whelan: The Opposition will have to oppose the motion for adjournment.

Leave not granted.

Mr MILLS (Wallsend) [11.46], in reply: The only other speaker in this debate was the Leader of the House and he said that it is the Government's intention to bring in a bill related to the matters that are the subject of this bill. Unfortunately, he was not able to give the assurances that I, as the mover, would have sought; that is, he has not seen the Government's bill and has not received the commitments that both objects of the present bill will be considered if the Government brings in its own bill. The bill that I introduced in May this year had two thrusts. The first was to provide for application to be made to the Supreme Court to quash Douglas Harry Rendell's conviction. The second was to provide for judicial assessment of the compensation that should be paid to Mr Rendell for loss or damage suffered as a consequence of the conviction.

I have a copy of a press release from the Attorney General, dated 28th September, which led to a story in the *Sydney Morning Herald* on 29th September. In that press release the Attorney General announced details of reforms to the procedure for reviewing criminal convictions. I shall paraphrase what he said. Effectively it was that, having considered over a fairly lengthy period of time the implications of section 475 of the Crimes Act - the section under which the inquiry in regard to Douglas Harry Rendell was made - the Government was prepared to move essentially along the lines outlined in my bill for the quashing of Douglas Harry Rendell's conviction; that is, that a person having received a pardon following a section 475 inquiry would be able to apply to have the conviction reviewed and quashed if that were appropriate. I quote from the Attorney General's press release:

The most important change will be eliminating the restriction on the rights to have a conviction quashed after a pardon. A person to whom a free pardon has been granted will be able to apply to the Court of Criminal Appeal to have the conviction reviewed, and quashed, if that is appropriate.

In addition to the affected individual being able to apply personally, a judicial officer conducting an inquiry under the revised s.475 procedures will be able to refer the case directly to the Court of Criminal Appeal if satisfied that there is a reasonable doubt as to the guilt of the convicted person.

The press release went on to state how the Court of Criminal Appeal would be able to review and quash a conviction if the case were referred to it directly by the Attorney General following a petition to the Governor, or if the case were referred to it by a judicial officer conducting the inquiry, or on the application of the convicted person after being granted a free pardon. The Attorney General went on to say in the second last paragraph of his press release of 28th September:

Thus people who have already been pardoned, such as Douglas Rendell and Siegfried Pohl, will be able to apply to have their convictions reviewed and quashed by the Court of Criminal Appeal.

The *Newcastle Herald* editorial of Thursday, 30th September, reads:

Justice is hardly done when a person given an unconditional pardon by a government is left with the stigma of having a criminal conviction on the record. That has been the case in NSW, where people have been freed from gaol after being found innocent of a crime but have still found themselves on the public record as criminals. The State Government is planning a change to the law that will remove the difficulties such people face in having their good name restored. While the change is not before time, it still might not have been on the books if the Opposition had not introduced two Private Members' Bills to Parliament this year in a bid to force the Government's hand.

What the Leader of the House told honourable members today - and it is most unfortunate that his communication with the Attorney General was incomplete and did not indicate what would be done - ignored the second part of the thrust of the bill that I introduced in May, and that is to provide for

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judicial assessment of the compensation that should be paid to Douglas Harry Rendell for loss or damage suffered as a consequence of the conviction. Earlier today in debate on the Azzopardi legislation honourable members heard of some large compensation payments paid in certain circumstances. I remind the House that, as I said in my second reading speech, in November last year after questions and Private Members' Statements in both Houses of this Parliament, the Attorney General, on the advice of the Solicitor General, offered an ex gratia payment of \$100,000 to Douglas Rendell.

Legislation dealing with the quashing of the conviction of Ziggy Pohl may be debated; his case provided for an ex gratia offer of \$200,000. Frankly these are, if you like, political sums of money. It is irresponsible of governments of whatever political colour to pluck a figure out of the air. They ought to look at a more rigorous approach in cases arising out of section 475 inquiries where a judicial officer has the task of assessing the compensation; and preferably it ought to be the judicial officer who carried out the inquiry and who made the report to the Governor in the first place.

If a similar proposal to that contained in my bill were made general law, it would be an advance on the New South Wales law. However, this is a private member's bill from an Opposition member. The bill seeks to provide for a judicial assessment of the compensation in the case of Douglas Harry Rendell. I hope that when this bill is carried, the judicial officer chosen will be the same judicial officer, Mr Justice Hunt, who reported on the inquiry. He is already aware of the circumstances of the case. The Government has indicated that, by way of its intention at least to permit an approach to the Court of Appeal to quash Douglas Harry Rendell's conviction, it has essentially accepted the argument that a wrong was done to Douglas Harry Rendell. Therefore the process of compensation, not just an ex gratia payment, should be opened and properly addressed by the judicial system so that the State of New South Wales can attempt to recompense a person who suffered a gross miscarriage of justice in the original trial because police witnesses did not tell the whole truth at the trial.

The Director of Public Prosecutions will not recommend prosecution of the police officer involved and the commissioner will not take any action against that police officer, so therefore it remains the case that because of the false evidence of a police officer Douglas Harry Rendell spent eight years in gaol. The State owes that man some compensation for his suffering, the suffering of his family, and the lost portion of his life. Therefore I urge honourable members to support the bill so that Douglas Rendell will be able to apply to the Supreme Court to have his conviction quashed, and there can be a non-political judicial assessment of compensation to him for the loss or damage he suffered as a consequence of the conviction. I commend the bill.

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

The House divided.

Ayes, 47

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

Noes, 45

| | |
|-----------------|--------------------|
| Mr Armstrong | Mr W. T. J. Murray |
| Mr Baird | Mr O'Doherty |
| Mr Beck | Mr D. L. Page |
| Mr Blackmore | Mr Peacocke |
| Mr Causley | Mr Petch |
| Mr Chappell | Mr Phillips |
| Mrs Chikarovski | Mr Photios |
| Mr Cochran | Mr Richardson |
| Mrs Cohen | Mr Rixon |
| Mr Collins | Mr Schipp |
| Mr Cruickshank | Mr Small |
| Mr Downy | Mr Smiles |
| Mr Fraser | Mr Smith |
| Mr Glachan | Mr Souris |
| Mr Griffiths | Mr Tink |
| Mr Hartcher | Mr Turner |
| Mr Hazzard | Mr West |
| Mr Humpherson | Mr Windsor |
| Dr Kernohan | Mr Yabsley |
| Mr Kinross | Mr Zammit |
| Mr Longley | <i>Tellers,</i> |
| Ms Machin | Mr Jeffery |
| Mr Merton | Mr Kerr |

Pairs

| | |
|---------------|------------|
| Mr Amery | Mr Fahey |
| Mr Carr | Mr Morris |
| Mr Ziolkowski | Mr Schultz |

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

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Mr MILLS (Wallsend) [12.4]: I seek the leave of the House to move the third reading of the bill forthwith.

Leave not granted.

POST-CONVICTION INQUIRIES (QUASHING OF CONVICTIONS) (JOHANN ERNST SIEGFRIED POHL) BILL

Second Reading

Debate resumed from 20th May.

Mr WHELAN (Ashfield) [12.5]: I congratulate the honourable member for Rockdale on his initiative in bringing forward this bill, the general purpose of which is to enable the Supreme Court to quash the murder conviction recorded against Mr Pohl. The bill's general purpose is to amend the Criminal Appeal Act 1912 to provide that where a pardon is granted, the conviction is quashed 28 days after the grant of that pardon. The bill also provides for the express provision that the Attorney General may apply for an order to retain the recording of the conviction in an appropriate case. This provision has retrospective effect because of the very nature of the inquiry, the injustice and the unjust conviction recorded against Ziggy Pohl.

Honourable members might recall the background and history of this matter. In 1973 the wife of Mr Pohl was murdered. In November of that year Mr Pohl was convicted of the murder of his wife after his criminal trial was heard before a judge and jury. He appealed, but the appeal was dismissed. Throughout the whole of Mr Pohl's prison sentence - he spent some eight to 10 years in gaol - he maintained his innocence. He was released on licence in 1983. As fate would have it, the conscience of Roger Bawden was such that he came forward and confessed to the murder, and an application was made under section 475 of the Crimes Act for a post-conviction inquiry.

I came to meet and know Mr Pohl during the section 475 inquiry. I received communications from him complaining about the inadequacy of the Government in treating his post-conviction inquiry seriously. The Government has failed to do so, notwithstanding numerous undertakings that have been given in relation to Ziggy Pohl and the parallel matter relating to Douglas Harry Rendell, which the House recently considered. That application was made, and on 15th July, 1991, His Excellency the Governor ordered that the inquiry be held. Mr Justice McInerney of the Supreme Court, as a result of that inquiry, made a recommendation to the Governor that he grant Ziggy Pohl an unconditional pardon.

The difficulty experienced as a result of the section 475 inquiry is that Ziggy Pohl still has the conviction recorded against him. He has been exonerated by a Supreme Court judge, the exoneration has been ratified by the Governor in the form of a pardon, but the conviction remains. The purpose of the bill is simply to remove the anomaly which exists currently in the law. A person with a conviction recorded against him, who is pardoned after due legal process, should have the conviction automatically expunged from the record.

The bill also deals with compensation. An application for an ex gratia payment has been made on behalf of Mr Pohl through his lawyers. The amount of compensation is a matter for negotiation between the Government and Mr Pohl and his legal advisers. It is public knowledge that the Government has offered \$200,000. I regard that as a meagre amount for an innocent man who received a gaol sentence of more than eight years. It is ridiculous for the Government to offer \$200,000 to repair that man's life. The criminal law division of the Attorney General's Department is reviewing the matter. Earlier today, the honourable member for Wallsend referred to a press release dated 28th September in which the Attorney General stated that the Government was taking action. Yet in this Chamber the Opposition cannot get the Government to guarantee that what is sought in the private members' bills will be provided. That is why we had to have a division. One will be called for on this bill if necessary. The Attorney General's press release virtually says that what the private members' bills are pursuing is right and should happen. The injustice done to Ziggy Pohl and Harry Rendell should be rectified.

Clause 3 of the bill would enable the Supreme Court to quash the murder conviction upon application. In other words, on passage of the bill Mr Pohl may go to the Supreme Court to have the conviction against his name quashed. The stain and the feeling of guilt may be removed. The conviction which remains because of the anomaly in the law will be removed. Other provisions deal with the Criminal Appeal Act. The bill is the third in a trilogy for the removal of injustice. The Parliament has made its decision in relation to the first, which dealt with Eddy Azzopardi. The second related to Douglas Harry Rendell, and the Parliament has agreed to that bill, moved by the honourable member for Wallsend. This bill, the third, deals with a post-conviction inquiry to quash the conviction of Johann Ernst Siegfried Pohl. It was moved by the honourable member for Rockdale. Though the proposed reforms have been announced by the Attorney General in a press release, the Government is not gracious enough to give an undertaking that the forms, the details and the necessary compensation package will be introduced. Shame on the Government!

Mr HARTCHER (Gosford - Minister for the Environment) [12.14]: The honourable member for Ashfield, the shadow attorney general, referred to this bill as the third in a trilogy dealing with injustices. The fate suffered by Mr Pohl and other people in similar circumstances, of having a conviction recorded against them and later evidence strongly arguing that they were innocent, shows that these problems arise in society. Through the Attorney General, the Government has undertaken that there will be a

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comprehensive review of the relevant law to ensure that when these matters come to light they are properly rectified. As the honourable member for Ashfield would well know, it is not good law to deal with these matters on a piecemeal basis. The honourable member for Gordon, an eminent barrister, would agree that hard cases make bad law. The responsibility of this Parliament is not the same as the responsibility of the judicial system, which is to deal with individual cases on their merits. Parliament lays down through the legislative process the general guidelines and policy of the law. The Labor Party is deliberately trying to create sensation in the House by bringing forward individual matters in private members' bills. This is perverting the role of the Parliament.

The role of Parliament is to amend the law where appropriate and to lay down general policy guidelines. It is not to deal with each fire, each coronial inquiry into each fire, each alleged wrong conviction, each alleged miscarriage of justice. Members should by all means bring such matters forward when they learn of their existence, but once their existence is known and once they have gone through the judicial system it is not appropriate then to introduce a whole series of private members' bills to address them. The appropriate way to handle the situation is for the Parliament to lay down the general legislative framework within which the courts can operate.

The honourable member for Ashfield knows that only too well. Yet he and his cohorts in the Opposition - long may they remain so - are interested only in seeking sensation. They are not interested in good government or in serving the interest of common justice in this State. They seek headlines to try to embarrass the Government in its operation. The honourable member for Ashfield spoke of the press release issued by the Attorney General. The Government makes no secret that it wants to clarify and improve section 475 of the

Crimes Act. Let us deal with the matter sensibly and coherently in a planned way, not on an ad hoc and sensationalised basis. All members who reflect on what is happening will understand the motivation for the Government's conduct.

The objects of the bill moved by the honourable member for Rockdale are to provide for the quashing of the conviction for murder which was imposed on Johann Ernst Siegfried Pohl and to amend the Criminal Appeal Act 1912 to provide for the quashing of convictions in certain circumstances on the grant of an unconditional pardon by His Excellency the Governor. The facts are well known: On 2nd November 1973, Johann Ernst Siegfried Pohl was found guilty by a jury and convicted in the Central Criminal Court, Sydney of murdering his wife, Kim Yee Pohl. He was sentenced to life imprisonment. His subsequent appeal to the Court of Criminal Appeal was dismissed on 2nd August, 1974. Mr Pohl served a total of 10 years in prison and was released on licence on 25th February, 1983.

There the matter rested until, on 8th September, 1990, Roger Graham Bawden confessed to Mrs Pohl's murder. The Government acted swiftly. On 6th November, 1990, Mr Pohl's solicitor made application for an inquiry into Mr Pohl's conviction pursuant to section 475 of the Crimes Act. The solicitors were advised that they had two alternatives: a section 475 inquiry, with the best outcome a pardon but no provision for the conviction to be quashed; or an application to the Court of Criminal Appeal pursuant to section 26A of the Criminal Appeal Act, the possible outcome of which might include the quashing of the conviction. Mr Pohl and his solicitors were advised of the choice at the time by the Government. The alternatives were put at the very beginning - not at the end of the process after they had spent money, but before they had made any decision as to which way they would go. Let that be clearly on the record.

Mr Pohl's solicitors, as is their right, on their client's instructions made a decision and indicated a preference for a section 475 inquiry. They accepted, in other words, the inherent consequence that there could be no quashing of the conviction, and they were seeking an inquiry and a pardon. The inquiry was granted by the Government and duly commenced before Mr Justice McInerney on 12th February, 1992. It was a careful and exhaustive inquiry, and on 8th May, 1992, Mr Justice McInerney delivered the report of his inquiry to His Excellency the Governor. On 27th May, 1992, His Excellency, upon the advice of the then Attorney General, granted Mr Pohl an unconditional pardon. They are the facts.

Under the law as it presently stands, once the pardoning power has been exercised by His Excellency there is no power to proceed to a quashing of the conviction. This bill seeks to provide retrospectively a system for the quashing of the conviction of Mr Pohl. The bill also provides, as moved by the honourable member for Rockdale, for an amendment to the Criminal Appeal Act 1912 that would automatically quash a conviction 28 days after the granting of an unconditional pardon pursuant to an inquiry under section 475 of the Crimes Act 1900. The provisions of section 475 of the Crimes Act 1900 have been comprehensively reviewed in this regard, and the Government has announced its intention to introduce legislation into Parliament to amend that section of that Act.

Proposed amendments to section 475 include the introduction of a mechanism for referral of a case to the Court of Criminal Appeal, following the grant of a pardon, to allow the court to determine whether the conviction ought to be quashed. It is proposed that the judicial officer inquiring into the conviction will be permitted to refer the matter directly to the Court of Criminal Appeal. If he or she does not so refer the matter the pardoned person will be entitled to have the matter referred to the Court of Criminal Appeal under section 26 of the Criminal Appeal Act 1912. Mr Pohl would qualify to seek such referral under these proposals. In other words, the Government's legislation will address Mr Pohl's concerns. It will entitle him to seek such a referral.

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The Government, therefore, is not seeking in any way to deprive Mr Pohl of his rights to justice, any more than the Northern Territory Government denied the Chamberlains the right to similarly seek the quashing of their convictions in the famous Lindy Chamberlain case under the same circumstances. The Government has announced that the legislation will be introduced during this Fiftieth Parliament of New South Wales. A real

problem in the bill introduced by the honourable member for Rockdale is his notion of an automatic quashing of a sentence. He suggests that should occur if 28 days elapse after the date of granting of a pardon and neither the Attorney General nor the Minister for Justice has applied to the court for an order that the pardon granted is not to operate as a quashing of the conviction.

This cuts across the fundamental and traditional concept that the quashing power is a judicial function, not an Executive function. All members must understand that. The honourable member for Rockdale is seeking to provide an automatic mechanism for the quashing of convictions - in other words, by a procedure laid down by Act of Parliament - whereas it is well established under our system of common law that these matters are decided by the judiciary. One right we have sought to retain in our history as a Commonwealth of people is the right of the judiciary to make fundamental and important decisions involving the rights of the individual and the liberty of the subject. Those rights should not be subject to the automatic process of some legislative framework. That measure from the honourable member for Rockdale attacks the very heart of our tradition of independence and integrity of the judiciary in this State.

Mr Kerr: That is right.

Mr HARTCHER: It is good to have the support of the honourable member for Cronulla, who is a distinguished barrister in his own right. It is also good to have the ongoing interest of the honourable member for The Entrance, who though not a distinguished barrister in his own right is nonetheless a distinguished member of this House. The honourable member for Rockdale proposes that the opinion of a single judicial officer will be the basis for the Executive quashing a conviction, thereby taking that function away from the court, which traditionally in the case of a quashing is the Court of Criminal Appeal consisting of three judges. Has the honourable member for Rockdale considered what might be the opinion of the Court of Criminal Appeal on legislation being passed by the Parliament in this form? What view would judges have of a Parliament that denied them the right to make fundamental judicial decisions and arrogated that function to some automatic mechanism.

I would imagine the view of the Court of Criminal Appeal - though I do not pretend to speak for it - would be that the Parliament would be usurping that court's traditional, appropriate and proper function. The mechanism proposed in the Government's amendments to section 475 would permit the judicial officer who conducted the section 475 inquiry to refer the matter directly to the Court of Criminal Appeal. It is both a simple and expeditious method of ensuring that the traditional function of the court is not usurped. Honourable members of this House, who believe in our common law traditions, who are conscious always of a determination to uphold the principles of the common law, are the kinds of people whom I would expect to be strongly supportive of the Government's stand on this legislation.

As it is proposed that legislation facilitating this procedure will be introduced into the Parliament, the Government therefore opposes the bill. The Government is not opposing any proposal to ensure that Mr Pohl can achieve a quashing of his conviction, if that is what the Court of Criminal Appeal so determines. The Government is opposing the principle that separate Acts of Parliament should be passed to deal with separate matters such as these. The Government is also opposing strongly the idea that automatic mechanisms should be introduced which will usurp the concept of judicial independence and the role of the Court of Criminal Appeal. It has long been clear that there have been anomalies in the scope and operation of section 475.

I well recall the former Attorney General, the Hon. Terry Sheahan, in a similar situation some time ago, being interviewed on "This Day Tonight" or a similar program that was the Australian Broadcasting Corporation's predecessor to the "7.30 Report". He was asked: "As there is a finding by the inquiry that a pardon should be granted, why should not the granting of a pardon operate as a quashing of the conviction?" Mr Sheahan made the point that that was not the traditional common law system. Of course it was not the traditional system, the system that applied in New South Wales or the system that applied in the Northern Territory. As the honourable member for Rockdale would well know, the Hon. Terry Sheahan certainly did not represent this Government. The Labor Government took no action about section 475; not a thing was done.

Mr Kerr: Who was the member for Rockdale?

Mr HARTCHER: None other than the then Premier of New South Wales, and he took no action. The Labor Party did not see any need to amend section 475. When the honourable member for Rockdale replies to this debate, I and members in the Chamber would like to hear why a Labor Government that was in office in this State for 12 years and was fully aware of problems that could arise under section 475 did nothing about it. The House will welcome those comments of the honourable member for Rockdale, the successor to the Hon. Barrie Unsworth.

The common law as embodied in the statutes by section 475, or as modified by them, has clearly been shown to be inadequate in certain cases. It is clear that an anomaly exists. Why should a situation arise where a person can, on fresh evidence, get a judicial inquiry into his conviction, have that judicial inquiry result in his favour in the sense that it creates a doubt,

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have that doubt considered by His Excellency the Governor who, acting on the advice of the Executive Council that he should exercise the royal prerogative of mercy, grants a full and unconditional pardon and the full and unconditional pardon does not operate to quash the conviction but, rather, as a remission of all penalty that may be due?

At one stage pardons had a significance beyond the simple fact that they released the person from responsibility to serve any further period of imprisonment. Honourable members would remember the case of Darcy Dugan, who sought to bring defamation proceedings against the publishers of the *Daily Mirror* newspaper. It was established that he was a convicted felon. Though he was released, the fact that a conviction was recorded against him meant that he was barred from instituting civil proceedings in the Queen's courts. Therefore, the pardon was designed to ensure that all the consequences of conviction were remitted. It did not quash the conviction itself.

The Government intends to allow a procedure to be introduced into section 475 of the Crimes Act to allow the Court of Criminal Appeal to determine whether a conviction should be quashed. It does not intend to set up a mechanism whereby certain things happen automatically. It may well not be appropriate for those consequences to flow. The Court of Criminal Appeal, comprising eminent judges versed in the law, may well determine that in certain cases it is not appropriate that a person be entitled to have his conviction quashed. In my opening remarks I said, "Hard cases make bad law". No one pretends that Mr Ziggy Pohl has had a good time; no one pretends that he has not served 10 years in gaol; no one pretends that those 10 years of gaol have not been, for him, years of frustration and agony and that a good part of his life has been sacrificed in the process. No one denies or questions the appropriate behaviour of the honourable member for Rockdale in bringing the suffering of Mr Pohl before the House.

The honourable member for Rockdale is to be applauded for the way he has stood up for one of his constituents. What the honourable member is not entitled to do, however, is to change the judicial framework of this State in the way that his bill proposes. The bill proposes to usurp the role of the Court of Criminal Appeal, to cut across the traditional functions of the judiciary in this State. The honourable member may well stand up for Mr Pohl, but he is not entitled to cut through the very fabric of the legal system in this State. Honourable members would have seen the great movie "A Man for All Seasons" and the scene where Thomas Moore is questioning one of his interrogators by saying, "If I were the devil, would you grant me the protection of the law?" The interrogator said, "No, the law is not there to protect devils". Thomas Moore said, "The law is there to protect devils. The law is there to protect everyone".

Once that web of the law is cut down to get at the devil one is not only getting the devil but everyone else in the process. It is the role of the Court of Criminal Appeal to decide whether convictions, once entered, should be quashed. If this hard case is allowed to change the fundamental operation of the law merely to satisfy a grievance, it will create a bad system of justice for the citizenry of this State. The decisions have to be made. The Government, in opposing this legislation, opposes no right to Mr Pohl. The Government is seeking to create a situation where the rights of all will be protected and the rights of individuals will not take

precedence over the general and common good. Let me sound that note of warning.

It is a well-established principle that hard cases make bad law and that honourable members should always be conscious that their role is to ensure that general policies are enunciated and that laws made are of general application and are not specific. The Government opposes this bill for good reason: it intends to introduce appropriate and proper legislation that will afford rights to all citizens of this State. The Government will introduce the legislation that the Labor Party in its 12 years in office never sought to introduce. All members of the Government oppose the bill.

Mr TURNER (Myall Lakes) [12.37]: There can be no question that Ziggy Pohl has gone through a horrendous time in his life. I am sure he is still enduring the horrors of wrongful incarceration for a crime he did not commit, knowing full well while he was in the institution that another had committed the heinous crime against his wife. The Parliament cannot override the current laws of due process to process his pardon and quash his conviction. The honourable member for Ashfield said that this is the third part of a trilogy. I wonder why it is a trilogy. The Opposition is introducing separate bills to deal with the individual cases of Mr Pohl, Mr Rendell and Mr Azzopardi. The Government has given notice that it will introduce legislation to cover the Pohls, the Rendells and others who have been wrongly convicted of crimes and have received pardons.

It is not right and proper to bring in legislation to cover an individual in an attempt to override the current laws. Though I have the greatest sympathy for the difficulties of Mr Pohl and Mr Rendell, we are the representatives of the New South Wales community and we must ensure that the legislation is accurate and applies to all people of the State. This bill does not seek to enhance the rights of the individuals of New South Wales globally but, rather, to bring about a foreseeable result for one person.

In front of me I have 18 orders, which could relate to 18 individual persons. That is not the correct and proper way to go about overriding existing problems in relation to section 475 of the Crimes Act. I am concerned about the advice that Mr Pohl apparently received before he proceeded with his quest for a pardon. Obviously I am not fully aware of what the advice was, but I have been informed from the Government side of the House that he was advised as to what would happen if he elected to apply for an inquiry under section 475 or if he lodged an application under 26A of the Criminal Appeal Act. I

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suggest that one does not need to be a lawyer to understand the ramifications of proceeding under those different sections. The best Mr Pohl could hope for under section 475 was a pardon and no quashing of the conviction. Under section 26A he could get a pardon, which might include a quashing of the conviction. An essential question in this debate is why his legal advisers did not advise him to proceed under section 26A.

I am not casting aspersions on his legal advisers because, as honourable members know, without the file in front of one, it is hard to give advice. In relation to the fundamental choice between a pardon, which might include a quashing of the conviction, or being pardoned only, I should have thought that perhaps Mr Pohl should have instructed his legal advisers to proceed under section 26A. The conviction may not have been quashed, because that is not mandatory, but under section 475 his conviction definitely would not have been quashed. Ultimately he chose to proceed under section 475. As has been unequivocally explained to him, his conviction was not quashed. The matter is now before the Parliament in a private member's bill.

As the Minister for the Environment said, the honourable member for Rockdale is to be congratulated for introducing the bill. There is no question about that. However, he should have gone one step further. The honourable member for Ashfield should also have gone one step further in relation to the bill that was debated earlier. Instead of playing political games, he should have supported the proposed Government reforms to section 475, which will shortly come before the House, so that everyone in the New South Wales community will be afforded the same rights as Ziggy Pohl and Douglas Rendell. Those rights are fine, but why single out two individuals in our community and leave the remaining 4.5 million individuals without the same rights? Why elevate Mr Pohl and Mr Rendell to a higher level?

Mr Hartcher: Justice for all.

Mr TURNER: Even for Mr Azzopardi. Why put them on a higher level than the average person? That is a difficult question, which must be answered by the Opposition. That is not a reflection on the honourable member for Rockdale; it is a reflection on the leader of Opposition business, who played politics with the earlier bill. It is outrageous that the Opposition is using this sensitive issue as a political football. The Minister for the Environment clearly spelt out Mr Pohl's history, to such an extent that one might have difficulty finding anything further to say. However, I should like to return to some of the matters raised by the Minister for the Environment about the role of the judiciary and the Executive in making these sorts of decisions.

The separation of powers is important. Despite the injunctions of some members of this House, Parliament is not the highest court in the State. The courts should remain separate from the Executive aspects of this Parliament. The day we start to meddle in the role of the judiciary will be the day when society as we presently know it breaks down. Anarchy will creep into society's activities if we meddle with the role of the judiciary. I will defend to the hilt the right of the judiciary to act independently of the Executive. If we proceed in this manner proposed in the bill, the independence of the judiciary will be broken down. The judiciary must act independently, fairly and in accordance with stated laws, precedents and principles. When it makes decisions, this House, as a parliamentary body, is not necessarily cognisant of those laws, precedents and principles.

Our decisions are often made on the basis of who sits on the left or who sits on the right in this House. As all honourable members know, a decision can be made on the basis of whether one person is sitting on the left or the right. That is not the correct way to make decisions about the lives of men like Mr Pohl and Mr Rendell. We have a good judicial system, one that is applauded throughout the Commonwealth of Australia and, indeed, throughout the western world. The Parliament should not seek to make constant intrusions into the judicial system. I am not referring only to this matter; it has happened in relation to other matters. The honourable member for South Coast always seems to be asking for inquiries into the judicial system. To constantly erode the powers and rights of the judicial system is to embark on the degradation of society and to criticise the fairness of the judiciary. People will not be attracted to the judicial system if its powers and credibility are continually eroded by Executive decisions made in this Parliament in relation to the activity of the judicial system.

I am concerned also that the bill introduced by the honourable member for Rockdale proposes that an opinion be sought from a single judicial officer. I have not read the definition of "judicial officer". I do not know whether the honourable member for Rockdale considers a judicial officer to be a judge appointed by the court or some other person. In a case as difficult as Mr Pohl's, and perhaps other cases, I have some difficulty accepting that a single judicial officer should determine the matter. Traditionally the Court of Criminal Appeal examines such matters. Three judges sit on that court. To have one person determine the matter, depending on the definition of "judicial officer" and the qualifications of the person, is fraught with danger. After all, the bill seeks to right a terrible wrong, the worst wrong that could be done to anyone. To do that, the best possible people should examine the matter. The highest court in this State should examine the gaoling for 10 years of an innocent man, who has undoubtedly been scarred for the remainder of his life. The proper and correct people to carry out that function are the three judges who sit on the Court of Criminal Appeal. Mr Pohl was convicted and sentenced to gaol for life in a criminal court. He then appealed to the Court of Criminal Appeal against the conviction.

It is only proper that the Court of Criminal Appeal should now rend asunder the wrong that was done to Mr Pohl. That might in a perverse way bring

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to the judiciary a consciousness that the law is not perfect, that there are likely consequences to take into account in the future when assessing such serious cases as murder. Honourable members heard from the Minister for the Environment of the proposed changes to section 475 of the Act. That is the way to go. I return to what I said at the commencement of my speech. I am uneasy about the introduction of pieces of legislation in a hotch-potch fashion for the benefit of individuals. The consideration must always be the greater good of the greatest number of people.

If an injustice was done to Mr Pohl - and obviously it was - and to Mr Rendell and others, they should have the same rights as everyone else in the community or, conversely, everyone else should have the same rights as Mr Pohl and Mr Rendell. When introducing legislation, the Government has to consider the community as a whole rather than individuals. The Government's proposed amendments to the Act - almost ready to come before the Parliament, as I understand it - will confer on every person in New South Wales the rights that Mr Pohl and Mr Rendell seek, and it will extend them. It will be better legislation. The amending bill will clean up section 475 to provide lasting legislation that will be available to all citizens. I oppose the bill.

Mr COCHRAN (Monaro) [12.52]: I will speak only briefly in the debate in order that my colleague may have an opportunity to contribute to it before time beats us. I congratulate the honourable member for Rockdale on having brought this matter before the Parliament. He has truly proved that he takes his responsibilities towards his constituents seriously. As a result of representations I received from the nephew of Ziggy Pohl some time ago, I was pleased to learn that the honourable member for Rockdale was looking after the matter in the same manner that I would have done had Ziggy Pohl been my constituent.

Werner Pohl came to me at a time last year when he was concerned that Ziggy Pohl, his uncle, would not be able to visit his dying mother as an innocent man, one whose conviction had been quashed. I developed a strong view that the system of justice that existed in this country had failed Ziggy Pohl and I am yet to be convinced that there is any way in which that can be rectified. I have spoken to the Minister for the Environment and others in the past few minutes and have been informed that the Government intends to take some action that will rectify this deplorable situation where an innocent man has spent ten years of his life in gaol.

Regardless of what might be said by the legal fraternity on both sides of the House - and it is a pity that the honourable member for Smithfield, the honourable member for Auburn, the honourable member for Ashfield and others of the legal fraternity on the Opposition benches are not present - I say to them that the legal profession has created this problem and is unable to solve it. There may be an opportunity in cases such as this for the Government to be responsible for solving the issue on the floor of the Parliament, thereby allowing Ziggy Pohl to enjoy the freedom of an innocent man, which he seeks. I condemn the legal fraternity on both sides of the House, and also the previous Government, for the way in which they have handled the entire matter. Unless this Government is able to rectify the problem in a reasonable way in a short space of time, I propose to support the honourable member for Rockdale in his action to bring this matter before the House.

Mr KINROSS (Gordon) [12.55]: Before I come to the specific provisions of clause 3 of the bill, I want to canvass a few matters. The Minister for the Environment referred to them as piecemeal or specific proposals and he adopted the phrase, "hard cases make bad law". This morning, for example, the honourable member for Port Jackson introduced a specific bill to deal with the Sydney heliport. In addition, there is before the House a specific piece of legislation to deal with Mr Azzopardi and now, in conjunction with that relating to Mr Pohl, a specific piece of legislation to deal with Mr Rendell.

Those latter two cases are clearly - and have been seen by the judiciary to be - justifiable cases for the quashing of convictions and, where applicable, the provision of compensation. We need to go back to where this House and the Parliament generally fits into the scheme of the judiciary, the Legislature and the Executive, as governed by all systems of government flowing from the Westminster system. We are starting to trammel the very foundations of our judicial system. That is exemplified not only in this legislation but also in that which relates to Douglas Rendell. I would have thought that in this day and age the most important change would be in attitude. The Minister for the Environment pointed to another example - that of Mrs Chamberlain. I well remember when I was at the bar that, even after all the forms of inquiry that had occurred in relation to the Chamberlain family - and Mrs Lindy Chamberlain in particular - some people still regarded her as guilty.

This bill will not address the question of attitude. I acknowledge that it will be very difficult to introduce legislation to effect a change in attitude because, even after a person's conviction has been quashed, many people will still believe that person to be guilty of the crime. That may be due in part to the fact that

information is not disseminated widely enough. I use the analogy of a defamation case, which is similar. Once a person has been defamed, the apology - if it is ordered or occurs before proceedings are commenced - rarely achieves the same level of coverage as the original defamation. Rarely does the quashing of a conviction achieve as much coverage or justification as the original charging and conviction.

Obviously, there was coverage of Mr Pohl's circumstances on 2nd November, 1973, when he was found guilty by a jury, but I think there is some justification to ask why - and the honourable member for Myall Lakes raised this aspect - he did not pursue one of the avenues available to him, a section 26A application pursuant to the Criminal Appeal Act,

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which would have allowed a possible application to that court for the quashing of his conviction. After all, the Court of Criminal Appeal having been seized of the conviction, having heard matters and pronounced the guilty verdict, surely was the most appropriate court to which to return to have the conviction removed.

In that case Mr Pohl did not see fit to adopt that attitude and there is a question mark over not pursuing that avenue. Three months after Mr Justice McInerney commenced his inquiry he presented his recommendations to the Governor for an unconditional pardon; clearly then there was a recognition that there is cause for some change to section 475. The Government, I am pleased to say, is considering proposals for reforming section 475, together with other sections of the Crimes Act. The package will provide for a more direct and expeditious method of quashing convictions following on a section 475 inquiry. The power to do so is currently dependent upon a number of procedural considerations that are not necessary and have no bearing on the merits of a case. Furthermore, it will be proposed -

Mr ACTING-SPEAKER (Mr Tink): Order! It being 1 p.m., business is interrupted for the presentation of committee reports.

JOINT SELECT COMMITTEE UPON POLICE ADMINISTRATION

Final Report: Remaining Issues

Report noted.

JOINT STANDING COMMITTEE UPON ROAD SAFETY

Twentieth Report

Debate resumed from 12th October.

Mr NEWMAN (Cabramatta) [1.3]: It is my pleasure to speak to the Staysafe 20 report. I commend the chairman, the honourable member for Wakehurst, my parliamentary colleagues and particularly the staff, Ian Faulks, Gary O'Rourke, Vanessa Lovett and Wendy Terlecki, for putting together a most comprehensive report to this Parliament on the future and consequences of drinking and driving. Honourable members may rest assured that the traditions of the formation of the committee are set in concrete in terms of the Staysafe 20 report and its recommendations, which will apply at least for another decade. It caused me some concern that the *Daily Telegraph Mirror* editorial of 13th October, 1993, incorrectly summarised the report. The editorial stated:

The Staysafe Committee would probably win strong community support for an argument that the penalties for driving under the influence are too lenient.

But its suggestion that police should be given effectively limitless powers in the administration of drink-driving is misguided and improper.

These comments reveal a lack of understanding of the Staysafe 20 report, and, moreover, a lack of understanding of laws per se, such as the offences of prescribed concentrations of alcohol contained within the Traffic Act 1909. The committee does not suggest that police are to be given limitless powers. Rather, police are to be extended one simple power - the power to suspend the driving privilege of any driver who is drunk. Police already have this power in dealing with high-range prescribed concentration of alcohol offenders. There is no discretion in this proposed police power in the Staysafe 20 report, and, therefore, no question of the possibility of abuse. The committee proposes that each and every motor vehicle driver with an illegal concentration of alcohol will be dealt with equally and swiftly. The message to drivers in our community is clear and simple: if you drive and drink, you will lose your licence.

I do not want to be seen as dismissing or denying the rightful consideration of the civil liberties that underpin our society. This has been a theme in many media reports since the release of the Staysafe 20 report. The committee believes that there should always be debate on issues such as the proposal to immediately suspend the licence of all drunken drivers. But to advance strong criticism without, apparently, reading and considering the detailed arguments addressed by the committee during its deliberations distorts and devalues the work of committee members. The committee recognised that there was a need to safeguard the personal rights of individuals in all areas of social activity, particularly where police powers of enforcement are concerned. The Staysafe 20 report calls for the detailed consideration of both the police and the drink-driver in order to ensure that police actions in dealing with drink-driving offenders are open and carried out in a manner that provides timely and adequate information to the offender about the legal process in which he or she has become involved.

In my view, no corruption of due process has occurred. The drink-driver loses the privilege, not the right, of driving on our roads. But the drink-driver should then be able to make informed choices about acceptance of automatic penalties, seeking the restitution of the privilege of holding a licence, or opting for the judicial process of a court appearance and trial. It is this question of ensuring informed choices by the drink-driver that the civil libertarians must direct their attention. It is important to note that over the past 11 years a number of reports have been tabled in this Parliament, four in all - reports 1, 6, 13 and 19 - that have led us to the point where we now have one of the best recommendations with respect to drink-driving in this State and indeed in the world.

Mr MILLS (Wallsend) [1.8]: I agree with the comments of the chairman of the Staysafe committee when he presented the Staysafe 20 report to the House on Tuesday of this week. I support also the remarks of my colleague the honourable member for Cabramatta regarding drink-driving. I take this opportunity to draw to the attention of the House and to the people of New South Wales that drugs other

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than alcohol were also the subject of recommendations in this report and of the Staysafe 19 report, which was the more general report that referred to available avenues to detect and test people who drive under the influence of drugs other than alcohol. Recommendation 21 of Staysafe 20 report reads:

The Police Service should conduct an evaluation of the archival records held by the Clinical Forensic Medicine Unit, seeking to identify any common factors influencing the incidence of drug driving, including but not limited to: type of drug, time of day, day of week, gender, age, occupation, and type of vehicle driven.

In other words, we really do not know enough about the impact drug-driving has on road accidents in New South Wales. I suppose we can conclude that drug-driving is not perceived to be a significant problem. Staysafe 19 referred to commonly used drugs. It has been stated in the press that 40 per cent of young people consume cannabis or marijuana on a regular basis. They are known to be intoxicant substances and it is known that they impair a person's driving performance. There is no roadside test for drug-driving. A person can be tested only after the event. The whole concept of the regimes that we apply to the consideration of countermeasures for people driving under the influence of drugs other than alcohol needs further examination. Consequently, the recommendations have been phrased in that way in this report. Staysafe 20 recommendation 22 states:

The Roads and Traffic Authority should continue to conduct research into the effects of specific drugs, alone or in combination with alcohol, on driving performance, with particular attention to establishing the range of concentrations that result in the likely impairment of driving performance.

That recommendation is based on evidence given to the committee. I know that with respect to cannabis a urine sample can be used to test for the presence of the degradation products, but it only shows whether that person has consumed the drug within the previous three weeks - the person would not necessarily be under the influence of the drug at the time of the test. We are still in the dark. International efforts relating to road safety have not proceeded that far. Recommendation 23 asks for the recognition of polydrug use in the commission of traffic offences and criminal offences associated with the use of a motor vehicle. Recommendation 24 asks that:

The Roads and Traffic Authority assess the feasibility of monitoring approaches to drug-testing in industrial contexts to provide an indication of future developments in countermeasures to drug-driving.

The importance of this recommendation is that while money is not invested in testing for drugs other than alcohol in the road safety area - because, presumably, it is not perceived to be so great a problem - it is seen to be a big problem in the industrial area, in the workplace. It could be that if the drug testing industry moves into that area, there will be a road safety benefit some years down the track from the sorts of instruments and equipment developed for that purpose. Recommendation 25 states:

The Department of Health should encourage medical practitioners to review annually the drug prescription regimes of their patients with a view to issuing reminders to patients that using drugs may impair driving performance.

I cannot emphasise the importance of that recommendation. Knowing the general acceptance that has come from this particular report, I am sure that we can look forward to the Department of Health proceeding with that recommendation. It makes a lot of sense because many drugs, even common drugs such as Valium, are known to impair driving performance. People who take drugs regularly need the assurance of their doctor that they will not be committing an offence and endangering the lives of other people on the road.

Mr SMALL (Murray) [1.13]: I am very pleased that a bipartisan committee has been set up in New South Wales, which is leading the way in road safety not only for Australia but for the world. I am aware that you, Mr Acting-Speaker, as chairman of the committee, addressed a document on road safety to a world body in Germany last year. That shows that the New South Wales Parliament has its act together because of this bipartisan committee. Though Staysafe 20 may be seen as harsh by many people, it will be kind to those who travel on the roads and who are subject to abuse from people who refuse to stop drink-driving and consequently cause accidents and loss of life.

My predecessor, Tim Fischer, who is now the Federal Leader of the National Party, was one of the first members of the Staysafe Committee. That was the very committee which introduced random breath testing. At that time there was a tremendous amount of concern in the community about random breath testing. Looking back today, we can see how well accepted random breath testing is and how that legislation has been followed by so many others.

Mr Mills: Especially among young people.

Mr SMALL: That is true. In 1982 there were 1,253 road deaths in New South Wales; in 1992 - 10 years later - there were 649 road deaths, almost half. However, approximately 30 per cent of people still drive when they have consumed alcohol. Despite major reductions in the road toll over recent years, people are still driving with an illegal alcohol level. The Parliament has a responsibility to implement laws which will protect those who want to use our roads in a safe and legal manner. I commend Staysafe 20 to the Parliament. I have found the other members of the committee excellent to work with. There is nothing like having a bipartisan committee - whether it be a government or Opposition committee - to achieve a result. With a bipartisan committee members of Parliament can come together and take on board the importance of our State and what

we should do to introduce laws that benefit the people of this State.

I have been random breath tested 26 times in my electorate, so I am well aware of the job that the police are doing and how important it is not to drink and drive. People with a blood alcohol level of 0.05 or more have their licences suspended immediately.

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However, people with an alcohol level below 0.15 at least have the opportunity to appear before a court registrar to have their licences reinstated if they can show that they have not flouted the law previously. People are able to resecure their licences until their court cases are heard. If those people are found guilty, the time frame before they appear before the court is included in the length of time their licences are suspended. According to the newspapers today, the community is almost 100 per cent behind the committee's recommendation. We will never please everyone. The Staysafe committee helps to save lives. That is what Staysafe 20 is about. The report prescribes that people drive within the law.

Mr SMITH (Bega) [1:18]: It gives me great pleasure to speak in support of Staysafe 20. I congratulate the chairman of the Staysafe committee and its members, who are from all parties. The members get on very well and have a similar objective in regard to road safety. As has been said previously, if it had not been for that standing committee there would have been great difficulty in introducing random breath testing. At the time random breath testing was introduced - in 1982 - it would have been extremely difficult for any Minister, no matter of what political persuasion, to introduce politically unpopular measures in the short term. However, in the long term we now know that lives will be saved, and many of the lives saved will be those of our children.

Staysafe 20 covers the first major review of drink-driving laws since the first Staysafe report. Other speakers have stated that 30 per cent of all fatal car accidents involve alcohol, an incredibly high percentage. The report is a further indication to the community that alcohol and driving do not mix. If people drive with a blood alcohol level of more than 0.1, they will be liable for increased penalties - 10 to 20 per cent higher than the present levels. Committee members discussed the merits of a system of immediate loss of licence. Civil libertarians may consider that people's rights are being infringed, but drink-drivers take away the rights of other motorists. It was suggested that the issuing of traffic infringement notices, with police and offenders not having to attend court, takes away an aspect of the penalty.

I believe the deterrent is the fear of being arrested, taken to a police station, charged, fingerprinted and breath tested. It is not so much the fear of going to court - particularly as court attendance occurs months later - because the offender would be accompanied by his solicitor at that time. Mr Deputy-Speaker, it is a great credit to you that as chairman of the committee in the past few days you have re-emphasised to the community the undesirability of drink-driving. The more that fears about drink-driving can be revitalised, if you like, in the community through the media, the Roads and Traffic Authority and the police, the more chance we will have of saving the lives of our children and others involved in road accidents.

[Mr Acting-Speaker (Mr Hazzard) left the chair at 1.23 p.m. The House resumed at 2.15 p.m.]

MATTER OF PUBLIC IMPORTANCE

Mr Speaker advised the House that he had received from the honourable member for East Hills notice of a matter of public importance, which would be set down for debate in the shortened form at the conclusion of formal business, but following debate on the matter listed for urgent consideration, notice of which had been given by the honourable member for Port Stephens.

QUESTIONS WITHOUT NOTICE

PRIVATISATION

Mr CARR: My question without notice is directed to the Premier. Does the Cabinet paper endorsed by the Treasurer in Parliament on Tuesday list 11 State Government authorities to be privatised? Do they include the State Transit Authority, the Hunter Water Corporation and parts of the Forestry Commission and Pacific Power? What is the reason for this \$5 billion fire sale?

Mr FAHEY: One thing is certain. No way in the world could the Australian Labor Party in this State be privatised. I can give the Leader of the Opposition an assurance that whatever documents there might be in the public sector of New South Wales, in the Treasury office or anywhere else, they do not list the Australian Labor Party New South Wales branch, which is a cot case when it comes to its finances. It is interesting to note that privatisation has been placed on the agenda today by the Leader of the Opposition. It is also interesting to note the attitude adopted by other members of the Opposition. Recently I looked with some interest, in relation to the question of privatisation, at a particular document that was published in England. The honourable member for Blacktown was on a trip to England to look at water services there and at such things as privatisation. Like the Leader of the Opposition, she has a story for certain parts of Sydney and another story for certain other audiences. Opposition members know that when they get far enough from home they can say anything. An answer reported in the *Water Bulletin*, published in Britain after the honourable member for Blacktown spent some weeks there earlier this year, is very interesting.

Ms Allan: I hope you like the photo.

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

Mr FAHEY: It is a bit blurry. The honourable member for Blacktown is pictured in the *Water Bulletin* standing in front of the House of Commons. She told the *Water Bulletin*, "Realistically, as no legislation has been put forward to privatise the water sector in New South Wales, it is not taken seriously". I repeat those words: "It is not taken seriously". She continued: "Corporatisation rather than privatisation seems to be the Australian way forward". I thank the honourable member, for now her views are known - at
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least her views she espouses when she is in England, a long way from home, for they are certainly not the views she expresses at home.

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

Mr FAHEY: Her deception on privatisation is refreshingly absent when she is overseas. The deception of the Leader of the Opposition is that he visits the boardrooms of Sydney, encourages discussions of privatisation and indicates clearly that he will proceed with it, yet he tells Sussex Street and various Australian Labor Party branches exactly the opposite. He is the great deceiver and is duplicitous in everything he does.

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

Mr FAHEY: The Leader of the Opposition has demonstrated that duplicity in his anti-sport attitude this week. Someone said to me this morning that the Leader of the Opposition really does not like sport at all. He thinks that fine leg is something to be seen at the Opera House, and that the Dragons and Eels are endangered species. He is against sport and he is an embarrassment to the backbenchers who have been fully supportive of the Olympics.

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs and Minister Assisting the Minister for Justice to order.

Mr FAHEY: There are hard looks among the ranks of the Australian Labor Party at this time about the approach taken on the Olympics by the anti-sport Leader of the Opposition. It is very plain that this only

enhances the honourable member for Liverpool, who is a great supporter of sport.

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

Mr FAHEY: The honourable member for Liverpool is to be applauded for his sportsmanship, and that has been noticed by the backbenchers. The matter of Treasury documents was mentioned by the Treasurer in the House and I believe he gave full details in an answer to a question earlier this week.

CALTEX OIL REFINERY KURNELL FIRE

Mr KERR: My question without notice is addressed to the Minister for Industrial Relations and Employment. Has the Minister received advice about a fire at the Caltex Oil Refinery at Kurnell this morning? What action is the Government taking on this matter?

Mrs CHIKAROVSKI: I commend the honourable member for Cronulla for his continuing interest in industrial safety issues. As members of the House would be aware, at approximately 2.30 this morning an explosion occurred in a process tank at the Caltex Kurnell refinery. I have been advised by the WorkCover Authority, the authority responsible for occupational health and safety in New South Wales, that the explosion caused the roof of the tank to be dislodged, avoiding the main tank rupturing and releasing the tank's contents. I have been advised that this is an important feature required in the design of such tanks so as to limit the effect of such explosions.

The Workcover Authority has launched an official investigation into this incident. An inspector has been on the scene since early this morning and will remain on site. An official investigation will be carried out by a specialist team comprising senior inspectors, technical and scientific officers and engineers, all of whom will work closely with Caltex and the emergency services to investigate the explosion. The tank had a capacity of 1,500 cubic metres and is approximately 13 metres high and 12 metres in diameter. It was filled with used sodium hydroxide - caustic soda. Following the explosion there was a limited fire within the tank. There were no deaths or injuries to Caltex employees or the emergency services personnel attending the incident and no need to evacuate the surrounding area. The fire brigade attended the scene when notified by Caltex and the fire was quickly brought under control.

I have been advised that there is still limited access to the area as the tank and its immediate surrounds have not been assessed as safe for entry. I am sure all members of the House would join with the Government in thanking the emergency services for their prompt attendance and attention to this emergency. As this House is well aware, the New South Wales Government has recognised that there is a potential for such incidents in hazardous industries.

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

Mrs CHIKAROVSKI: That is why we have legislation which deals with the safe location and operation of hazardous industries. Siting of these industries is the responsibility of local authorities and the Department of Planning. The WorkCover Authority is responsible for ensuring that once these industries are correctly located, they are safely operated and comply with relevant Australian standards, international standards, the Dangerous Goods Act, and the Occupational Health and Safety Act. Caltex Oil Refinery is a major supplier of petroleum and the site contains dangerous substances which are required to be licensed under the Dangerous Goods Act. I have been advised that Caltex has a long record of compliance with Government legislative requirements.

Further, I inform the House that a draft standard for the control of major hazard facilities is being developed by the Commonwealth and the States, and these new standards will apply to sites such as the Caltex Oil Refinery. These new standards are expected to be completed shortly and I expect that they will be adopted in New South Wales soon after. The new standards will require comprehensive risk assessment to be undertaken

by the owners of such

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facilities. Because this Government recognises the serious risk involved in industries such as this, it has developed a stored chemical information database, which I launched in July. SCID, as it is known, is a world first, designed to provide reliable information to the New South Wales Fire Brigades and other emergency services on the quantities and types of chemicals stored on sites throughout the State. The database will assist in the handling of emergency situations, such as the incident this morning, and will limit the possible damage to property and the environment, as well as reducing the chances of injury.

SCID was developed by WorkCover in response to the Government's 1991 chemical inquiry. It is based on the existing dangerous goods licensing system, but has been upgraded to include information on the storage of poisons and corrosives. SCID has been developed with the assistance of the New South Wales Fire Brigades, the Department of Planning and the Environment Protection Authority. As I said, it is the first system of its type in the world and WorkCover has received expressions of interest from other Governments both in Australia and overseas. The system will become fully operative early next year and will contribute to the continuing safety of the people of New South Wales.

GOVERNMENT FIRE SALE PROCEEDS

Dr REFSHAUGE: My question without notice is directed to the Premier. Does page 6 of the Cabinet paper endorsed by the Treasurer last Tuesday state that not 1¢ of the proceeds of the \$5 billion fire sale will be used directly to fund hospitals and schools or to reduce State taxes? Does the Premier endorse this strategy.

Mr FAHEY: There is no fire sale in New South Wales. There never has been and there never will be while the coalition is in government. That should get that part of the question out of the way. I make it abundantly clear that there have been many opportunities to dispose of assets of the Government, including various real estate assets, in the past five years. The Government has refused to do so until such time as adequate value can be received for such assets. The Government has acted responsibly in that matter and will act responsibly in relation to all other matters, including those areas which may be considered more suitable for the private sector rather than the public sector. It should be clear to all honourable members and anyone who has had any role in the administration of government that many working papers are circulated, particularly in Treasury, that are never endorsed by government. The decisions that have been made by this Government have been made in a responsible manner. The Government knows about core responsibilities. It knows that it is responsible for hospitals, education, and law and order. It has given priority to those responsibilities in the past five and a half years. It will continue to give priority to those responsibilities for many years to come.

INDUSTRY COMMISSION REPORT ON URBAN PUBLIC TRANSPORT

Mr HUMPHERSON: I address my question without notice to the Minister for Transport. Is the Minister aware of a draft report of the Industry Commission in relation to urban public transport? If so, has he received advice on the report's findings on public and private bus operations in Sydney?

Mr BAIRD: I compliment the honourable member for Davidson on his keen interest in public transport, particularly in his electorate. The Federal Government's Industry Commission's draft report on urban public transport was released today. In the report the commission has recognised the need to reform urban public transport in Australia. It recognised that the performance of government owned transport authorities in Australia needs to improve, and that their operational and regulatory functions need to be separated. The State Government made these changes about five years ago when it came to office, and the benefits of those changes are now becoming evident. A reading of the report reinforces the view that New South Wales is a leader in public transport reform in Australia.

The report contains a range of recommendations relating to charges, concessions, road tolls, taxi laws, et cetera. It clearly recommends toll roads, which the Australian Labor Party in New South Wales continues to

oppose. The Federal Government is recommending that toll roads be considered, but at State level the Labor Party opposes them - more of the usual schizophrenia at different levels of the same party. It is clear that the Government will not rush into any of the measures if they relate to new charges and taxes. The Government will examine the whole of the report.

It is important to realise that the report provides some interesting comparisons. It considers the productivity and efficiency of both government and private bus operations throughout Australia. I am pleased to say that the inquiry found that Sydney bus operations are the most productive in Australia. The study found that private operators in Sydney are a massive 80 per cent more efficient than their counterparts in Brisbane, and are 50 per cent more efficient than operators in Melbourne. Of all the operators analysed throughout Australia, the top eight operators on the basis of total factor productivity per passenger are all New South Wales operators. One of those top eight operators is the State Transit Authority.

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

Mr BAIRD: The State Transit Authority performed extremely well by comparison with other public operators around Australia. The State Transit Authority, which is run by the New South Wales Government, has been ranked by the Federal Government as the best performing public transport organisation in Australia. The Government is proud of that. The State Transit Authority was found to

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have the lowest cost per kilometre of any of the public operators. Its maintenance and driver costs were cited as being highly competitive with other public operators. As all honourable members are aware, the State Transit Authority operates a very modern fleet - one of the most modern in the world.

While introducing these new modern passenger buses, the State Transit Authority has also been able to greatly reduce costs. In fact, the taxpayer subsidy for the State Transit Authority has dropped by a massive \$77 million per annum since the Government has been in office. The Industry Commission report confirms that the bus industry in New South Wales is the leader in Australia. New South Wales is number one in both private and public bus operations. Clearly that has been achieved as a result of the Passenger Transport Act 1990. Under that Act all operators, including the State Transit Authority, have been made accountable. Operator accreditation and driver authorisation systems have been set up, and performance-based service contracts have been introduced. In order to retain their contracts, each of the operators must demonstrate that it has strengthened maintenance programs, and that its drivers have been properly trained to meet the service needs of passengers. The honourable member for Davidson would be aware of the special new services introduced that operate direct from his electorate to the city.

Without affecting the commercial viability of the bus industry in New South Wales, the Government has introduced all of these measures. They have been so successful that the Queensland Government has decided to adopt the New South Wales Passenger Transport Act. The Labor Minister for Transport in Queensland has said, "I am attracted to the New South Wales model as the basis for the industry's future direction in this State". That is a Labor Government Minister applauding reforms introduced by the New South Wales Government with the support of all members on this side of the House. Although the State Transit Authority leads all of the other operators around Australia and although private and government buses lead the rest of Australia, the Opposition continues to criticise public transport in this State. Today the true position has been put on the record. The Industry Commission, which has analysed all of the public transport authorities, has recognised that New South Wales is number one in all aspects, particularly in relation to bus transport.

STATE TRANSIT AUTHORITY SALE

Mr LANGTON: My question is addressed to the Minister for Transport. Having regard to the Minister's previous answer about increased and improved efficiencies in public transport, why does the Government intend to sell the State Transit Authority for \$80 million?

Mr BAIRD: I know of no plans to sell the State Transit Authority.

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

PADDY'S MARKETS STALLHOLDERS

Mr COCHRAN: My question without notice is directed to the Minister for Agriculture and Fisheries and Minister for Mines. What action is the Government taking to assist small business people operating at Paddy's Markets to return to the Haymarket site?

Mr CAUSLEY: The honourable member for Monaro has asked a pertinent question. I noted that the honourable member for Port Stephens attempted to gazump him. He knows also that at this very moment a demonstration is taking place at the Darling Harbour Authority. The stallholders are frustrated, and why would they not be? The Labor Party, when in government, threw the Paddy's Markets stallholders out in the streets. Laurie Brereton, the then Minister, threw them out into the streets. The Leader of the Opposition and the honourable member for Liverpool, who were Ministers in the Government, both gave their support to throwing out the stallholders. That was five years ago, and undoubtedly the stallholders are now completely frustrated.

The Government has always attempted to support the stallholders. The Deputy Premier, when he was the responsible Minister, found the stallholders somewhere to go, Redfern, so that they could at least have a roof over their heads and continue to operate. The Government has continued to try to get the stallholders back to the Haymarket. There is no doubt that the Haymarket has had a chequered history. About three different developers have had a go at the site. The present developer has been very unco-operative, to say the least. I believe that about two months ago the site was ready for the issue of a certificate of completion, but the developer refuses to give the Government the certificate. Until the Government gets that certificate, the site cannot be fitted out. I, as well as the stallholders, have become frustrated about that situation.

I gave a warning on 5th October that unless the developer of the site started to talk to the Government in a realistic attempt to give us possession of the site to fit out, I would use all the powers available to the Government to ensure that that happened. I am determined, and the Government is determined, that the stallholders will be back at the Haymarket before Christmas. That is the least I can promise them. I notice that the honourable member for Port Stephens has a perpetual silly grin on his face.

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

Mr CAUSLEY: He cannot help himself, I suppose. I remind him again that the stallholders would not be in this position except for him and his mates. That is why they are in the position they are in at the present time.

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

Mr CAUSLEY: Undoubtedly the stallholders will remember that. The Leader of the Opposition has shown no interest in the stallholders until recently.

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I think it was members on this side of the House, and particularly the honourable member for Murrumbidgee, who at least listened to the stallholders' plight. Recently the Leader of the Opposition has shown more interest. I am told that he had seen a couple of hawkers in the Piazza San Marco. That is where he became interested. He is perpetually in the coffee shop over there.

I am sure the stallholders would be delighted that he has taken this sudden interest in their plight, but it is the Government that will ensure that their rights are enforced. We will get the stallholders back to the Haymarket. The honourable member has his silly little grin. I know it is perpetual. There is no doubt that we will get them back to the Haymarket, and we are determined that the developer will abide by the contract the Government has with him.

MINISTER FOR POLICE AND MINISTER FOR EMERGENCY SERVICES USE OF POLAIR HELICOPTER

Mr SCULLY: My question is directed to the Minister for Police and Minister for Emergency Services. In December 1992 did the Minister use a Polair helicopter to attend a private Christmas party in Campbelltown? How can the Minister justify the cost of that exercise and the fact that the helicopter was therefore not available for police operations?

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

Mr GRIFFITHS: I thought you would get the boy from the gutter to ask this one.

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

[Interruption]

Mr GRIFFITHS: Never. His body is ticking to the right but he is -

[Interruption]

Shut up and listen, and I will. The answer to the honourable member's question is an unequivocal yes. It is the height of hypocrisy for the Opposition to make this unsubstantiated slur on my administration.

Mr SPEAKER: Order! The House will come to order and members will refrain from that type of interjecting, which makes it very difficult for the proceedings of the House to continue. The Minister is the only member with the call.

Mr GRIFFITHS: Frankly, I am delighted to hear the honourable member for Hurstville comment. He is generally on leave, at university or not available to his constituents. He will be a oncer.

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

Mr GRIFFITHS: Members in this House will remember with absolute shame the situation when the current Leader of the Opposition grossly misused government aircraft to make an advertisement for the Australian Labor Party in the lead-up to the 1988 State election.

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

Mr GRIFFITHS: The Leader of the Opposition, in the lead-up to the 1988 election, grossly misused, at great expense to the taxpayer, the police air administration. You do not acknowledge it, do you, Bob? You misused it. It is an absolute disgrace. You misused it. It did not do you much good, anyway, did it?

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs to order for the second time. All members shall desist from what is a fairly disgraceful exhibition of interjecting. Everyone is entitled to hear the Minister's answer in silence.

Mr GRIFFITHS: In fairness to the Leader of the Opposition I should point out that he did not actually travel in the aircraft; he bushwalked there and -

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

Mr GRIFFITHS: - he arranged to have the champagne and caviar delivered by helicopter. What an absolute disgrace; what a disgrace, and he still lost the election. Given that there were no operational demands on the machine in December 1992 -

[Interruption]

It was not champagne. Home delivery Bob.

Mr SPEAKER: Order! I call the Minister for Land and Water Conservation to order.

Mr GRIFFITHS: He could not drive there; he had to have a helicopter deliver his lunch.

Mr Carr: Why didn't you go to Campbelltown by car?

Mr GRIFFITHS: If you shut up and listen, I will tell you why. But, will you listen?

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

Mr GRIFFITHS: We will not talk about the cab charges. We will not talk about the constant trips. The honourable member for Vaucluse will deal with that when he is ready, but not today.

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

Mr GRIFFITHS: We will deal with that later.

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

[Interruption]

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

Mr GRIFFITHS: I agree with you. There is nobody home.

[Interruption]

I do not have any parking tickets, do you?

Mr SPEAKER: Order! A considerable number of members have been called to order on between one and three occasions. The type of interjection which has been occurring in the past five minutes is quite intolerable. I now deem all members who have been called to order during this session of question time to be on three calls to order. Any member who attracts my attention during the remainder of question time will depart the Chamber for the rest of the day. I ask all honourable members to co-operate and to allow the remainder of question time to proceed in an orderly fashion.

Mr GRIFFITHS: Given that there were no operational demands on that machine at the time, there was an opportunity for me to not only honour my longstanding commitment to Mr Marsden -

[Interruption]

Are you going to listen? - but also to attend an important police ceremony beforehand, which was well

planned. Clearly, there was a legitimate reason for my presence at that function.

[Interruption]

What a pathetic bunch. I would remind honourable members that Mr Marsden is not only a very prominent member of the legal profession but also one of the leading citizens in an area of enormous growth, which is very poorly represented. This is also an area which, I might add, has been sadly neglected under the shameful administration of the Labor Party. Bob is too busy with his champagne and camembert. Mr Marsden is also a member of the Police Board. His firm's function -

[Interruption]

We are into the boot now - was attended by senior local police, members of the legal profession and other community members. Whilst the Opposition may be prepared to snub western Sydney, the Fahey Government does not and will not. It is totally appropriate that a senior Minister of the Crown should attend such a function.

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

Mr GRIFFITHS: I thank the honourable member for Canterbury for being awake today, which is absolutely wonderful. Should the Opposition question what was so important that day that I was not left time to travel to Campbelltown by car, I can say that I attended and addressed a ceremony for the presentation of valour awards.

[Interruption]

That is the attitude on that side of the House. We have the best police force in the world, and courageous officers who deserve to be presented with valour awards, yet we get such disgusting comments from the member for Canterbury and others around him. And he laughs. What a joke you are. That is indicative of the poor leadership that you are under. I attended a ceremony at Campbelltown for the presentation of valour awards to a member of the Police Service. Not even the arch-hypocrites of the Opposition would quibble with that - one would hope - but if they do they should hang their heads in shame. When I was first asked to attend the ceremony I had to decline as I realised I could not possibly attend and honour my commitment to Mr Marsden, a member of the Police Board. Opposition members are so interested in this matter that the honourable member for Canterbury and the honourable member for Londonderry are chatting - they are not interested - and Bob is about to walk out. What a disgrace.

The poor kid in diapers, who is very quiet today, is waiting for an answer and his colleagues will not let him hear it. However, the then State Commander offered the services of Polair and, on condition that it would not interfere with operational demands, I gladly accepted. It in no way interfered with operational demands. My golden rule is that I will travel by helicopter on official occasions only when time will not permit the use of more conventional means of transport. As clear proof of my adherence to that rule I inform the House that my return journey from Campbelltown was made by car. The kid in diapers did not know that, but he knows it now. The honourable member for Smithfield should hang his head in shame for wasting the time of this House, but when one is a member of Carr's chaos, what else can one do?

PRODUCT LABELLING

Mr RIXON: My question without notice is directed to the Minister for Consumer Affairs, Minister Assisting the Minister for Roads and Minister Assisting the Minister for Transport. Is the Minister aware of community concern about the labelling of products as Australian made? Has she received advice on legislation proposed on this issue by the Federal consumer affairs Minister?

Ms MACHIN: I thank the honourable member for Lismore for his fair dinkum interest in an issue that

all members of this House, farmers, manufacturers, and consumers, have been taking an interest in of late. Consumers want and have a right to know the origins of the products they are buying and, if possible, to make a choice based on the information they are given. Honourable members will

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be aware of the numerous Buy Australian campaigns, which I believe are proving successful. This is a commendable principle and one that I should have thought all honourable members would support.

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

Ms MACHIN: I am sorry if the answer is boring one of the members opposite but he may learn a few things. This is an issue with which the Federal Government seems to be incapable of coming to grips. The handling of the issue by the Federal Minister, Jeannette McHugh, has been, to say the least, clumsy. In late 1992 the Commonwealth Government decided to act on a report from the Federal Bureau of Consumer Affairs that outlined issues of concern in this area that have been discussed at large in the public arena. It established two working groups to look at the issue. After some time the Federal Minister realised the membership of both groups was the same. In a major rationalisation she halved the number of committees investigating the issue. This ad hoc, inept and illogical approach is typical of the Commonwealth Government's handling of the issue. In May this year Ms McHugh released a report of the working group, a report on which everyone had originally started working. Then 10 days before the Ministerial Council of Consumer Affairs Ministers was due to meet, the Federal Bureau of Consumer Affairs wrote to the States saying, "Stop, there is widespread concern and we want you to consider an alternative proposal".

The bureau wanted all States to respond within 10 days, though they had been working on the original proposal for many months. It was a ludicrous deadline and raised the obvious question of whether the Commonwealth Government was serious about consulting with the States to get true and accurate labelling. Subsequently it became clear that it had no intention of consulting with anyone. Last Friday, as honourable members will be aware, the Federal Government announced that legislation, which had been slunk through Cabinet without the knowledge of anyone else involved in the issue, would be introduced. Ms McHugh, in her press release, told the world that the new labelling laws would promote Australian jobs and that under a new national scheme approved by Cabinet, consumers will be given simple, clear and accurate information on the origins of goods for sale. Many of the other bodies in the discussion group beg to differ. Honourable members will be aware from recent media clips that an unlikely coalition of groups has formed to oppose the new laws proposed by the Federal Government, including unions, farmers and a major consumer group. It was said yesterday that the proposed new labelling laws will essentially amount to legalised consumer fraud. Well done, Ms McHugh!

The process has been a farce from start to finish. It is not only the process; it is also the outcome. We started out with labelling that was a problem but we now have labelling that is a joke. We have argued consistently that labelling should benefit consumers, and in our submission we stated that the intended beneficiaries are now primarily consumers for whom country-of-origin labelling would facilitate decision-making, which I think is a fairly sensible aim. Under the current proposal, consumers can be faced with two labels in a supermarket, "Product of Australia", and "Made in Australia". It would be natural to assume that both products were Australian. However, under the Commonwealth plan there can be a world of difference between them. The constituent ingredients in the former could be produced and processed in Australia, thus being truly a product of Australia. The latter product could be processed in Australia from totally imported ingredients. If I could use an analogy to help the House, Mr Keating perhaps could buy the components of his French clocks overseas, bring them to Australia and have them assembled here. I guess in that sense he could then say he was a collector of fine Australian clocks.

We think this approach is unacceptable. If Opposition members were interested they could tell their leader that he can buy a cup of Australian-made cappuccino without having to go to Italy. It has been made clear by numerous key groups in the community that they do not accept the Commonwealth proposals. New South Wales remains committed to the principle of providing consumers with accurate labelling, and the Commonwealth Government's latest proposal does absolutely nothing to clarify the existing problems that are so

annoying consumers, farmers and manufacturers and many others in the community. We are disappointed in these laws and we will have more to say to the Federal Government about them.

JOINT SELECT COMMITTEE UPON GUN LAW REFORM RECOMMENDATIONS

Mr ANDERSON: I direct my question without notice to the Premier and Minister for Economic Development. Is it two years to the day since recommendations of the Joint Select Committee upon Gun Law Reform governing mental illness and firearms misuse were tabled in the House? When will these recommendations be implemented?

Mr FAHEY: Firearms have been of great concern to all members of this House. That was most apparent from the fact that a select committee established to deal with firearms misuse did so in a bipartisan fashion. The committee endeavoured to come up with recommendations that would serve the community and the people of New South Wales. New South Wales has the toughest gun laws in Australia. I believe the honourable member for Liverpool is referring to the recommendation relating to mental illness and what progress might be made. That causes some difficulty. If a register of mental illness were established, many members of the Labor Party would be added to it on a daily basis.

Dr Refshauge: On a point of order. The remarks the Premier just made would be offensive to people with a mental illness. The Premier should not joke about mental illness. He should withdraw the remark, especially in view of the closeness of Mental Health Week.

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

Mr FAHEY: I indicated on another occasion in the House that there is a need to do further work on the recommendations relating to the mental illness register. I will make further inquiries and endeavour to inform the honourable member for Liverpool of the stage the matter has reached.

COMMONWEALTH INDUSTRIAL RELATIONS LAWS

Mr D. L. PAGE: My question without notice is directed to the Minister for Industrial Relations and Employment and Minister for the Status of Women. Has the Minister received advice about the compromise reached between the Prime Minister and the Australian Council of Trade Unions on Commonwealth industrial relations laws? What effect will the compromise have on employees who do not belong to a union?

Mrs CHIKAROVSKI: The honourable member for Ballina has a continuing interest in industrial relations. I am told by my colleagues who were in this House when the now Federal Minister for Industrial Relations, Laurie Brereton, was a member that there were occasions when he was called certain names. I am sure he was called names by both sides of the House on some occasions. I never thought Mr Brereton would be called a wimp, but a wimp is entirely what he has turned out to be. Together with that other strongman of the Federal Labor Party, the Prime Minister, Laurie Brereton has caved in and made concessions to the Australian Council of Trade Unions. They have given up on true labour market reform in this country. They have entered into a compromise - and I use that word with some reservation because compromise is hardly what one would call it; one would call it capitulation.

This agreement, which was reached behind closed doors and without consultation with employers or, as was promised, with the States, is nothing but a con job. This agreement is nothing but a backdown of monumental order. Why? Because yet again the Federal Labor Party has caved in to its true masters - the trade union movement. Who runs this country? It is not run by the parliamentary party; it is run by the trade union movement. It runs the parliamentary party, organises the party's preselections, looks after the party's

money and controls the numbers.

This agreement will do absolutely nothing to open up the Federal industrial relations system to the 70 per cent of employees in this country who do not belong to a trade union. In practice, the changes unveiled by Mr Brereton will entrench further the already considerable powers of the trade union movement, making it even more difficult for employees and employers to reach enterprise agreements. This agreement will not improve productivity, it will not free up the labour market and, most importantly, it will not create one new job in this country. Mr Keating, Mr Brereton and the Labor Party have yet again failed the people of Australia.

That is not just my view and the view of the New South Wales Government; it is the view of a number of notable commentators. The *Daily Telegraph Mirror* described the deal as "an affront to reason". The Melbourne *Herald-Sun* said the Prime Minister had been "manipulated in this crucial matter by a union movement which, outside the public service, represents only 29 per cent of workers". The *Courier-Mail* described the compromise as "a sad surrender to union power". David Clark of the *Australian Financial Review* said the agreement made it absolutely clear that "the last thing the ACTU will allow is genuine enterprise bargaining". He added that the agreement "reminds us who really runs this country".

Alan Wood, the respected economics commentator for the *Australian*, said the ACTU and the Federal Government had agreed to preserve union structures "that have ceased to have any relevance to the requirements of a globalising Australian economy". Max Walsh, from the *Sydney Morning Herald*, described the agreement as "a victory for Luddites". He added, "The unstated but scarcely hidden agenda . . . is to institutionalise the monopoly franchise of organised labour in the form of the ACTU as the judge and policeman of the national wages structure". Mr Walsh went on to attack the threat by Mr Keating and Mr Brereton to use the Commonwealth external affairs powers to effectively centralise wages policy in Australia by overriding State industrial policies.

The threat to use the external affairs powers is opposed by the New South Wales Government and the other State governments. I add that I am not referring only to conservative governments. The Minister for Industrial Relations in Queensland has expressed his very strong reservations about the Federal Government's use of these powers. We have to ask where the Labor Party in New South Wales stands on industrial relations reform in this country. We are yet to hear from the Leader of the Opposition what his decision is. Does the Labor Party support true labour market reform in this country or are members of the Labor Party, as the Minister for Health keeps saying, dinosaurs? I think the Minister insults the dinosaurs. Those opposite do not have an original thought in their heads when it comes to industrial relations, they are not supported and they will not continue to support true labour market reform.

I wrote to Mr Brereton months ago inviting him to hold a national conference - I offered to host a conference of the States - to ensure that Australia got true labour market reform and national co-operation in the labour market discussions. He has ignored that invitation. Instead of coming to the negotiating table, Mr Keating and Mr Brereton are resorting to the bad old ways that we have come to expect of the New South Wales Right - bully-boy tactics - to try to get what they want. The New South Wales Government will oppose any moves by Mr Brereton to impose on it legislation in relation to minimum conditions. That is not the way to approach reform; it is not the way to adopt a co-operative approach in this country to

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ensure that we have true labour market reform and a complementary system which will work in the interests of the people of Australia. As I said at the start, this is a con job perpetrated by the Prime Minister and Laurie Brereton on the Australian people. As Mr Wood of the *Australian* so eloquently put it, "Nice one, Laurie".

SYDNEY OLYMPIC GAMES TREASURY COSTINGS

Mr Fahey: Earlier this week I told the House that I intended to release some Treasury and related documents on the staging of the Olympics. These documents are the same documents that would be available

under freedom of information, that is, references to commercial in confidence information has been deleted. I have just been informed that these documents have arrived at Parliament House from the State Office Block. I have asked for those documents to be made available through the Legislative Assembly office.

MARITIME SERVICES BOARD REAL ESTATE REGISTER

Mr Armstrong: I table a register of Maritime Services Board real estate to comply with an answer to a question on notice, No. 1564, asked by the honourable member for Waratah.

PETITIONS

Capital Punishment

Petition praying that the House will enact legislation to reintroduce capital punishment in extreme cases of murder where there is absolutely no doubt that the offender committed the crime, received from **Mr Windsor**.

Gosford Railway Station

Petition praying that the Government give priority to the construction of escalators and the provision of a non-slip surface, toilets and a parenting room at Gosford Railway Station, received from **Mr McBride**.

Brighton Memorial Playing Fields

Petition praying that Brighton Memorial Playing Fields not be sold or rezoned, received from **Mr Thompson**.

Serious Traffic Offence Penalties

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

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**.

Homosexual Vilification Legislation

Petition praying that the House not pass those sections of the Anti-Discrimination (Amendment) Bill that make unlawful vilification on the ground of homosexuality, received from **Mr Smiles**.

David Berry Hospital

Petitions praying that the David Berry Hospital at Berry not be closed or sold, received from **Mr McManus and Mr Newman**.

Shellharbour Public Hospital Children's Ward

Petition praying that the children's ward of Shellharbour Public Hospital be reopened, received from **Mr Rumble**.

Manilla District Hospital

Petition praying that Manilla District Hospital retain its present autonomy, received from **Mr Windsor**.

Police Service Rotational Transfer Policy

Petitions praying that the House reject any policy by the New South Wales Police Service to introduce rotational transfer, received from **Mr Face and Mr Mills**.

Berkeley Police Station

Petitions praying that Berkeley Police Station be manned on a 24-hour basis and foot patrols be introduced, received from **Mr Rumble and Mr Sullivan**.

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**.

BUSINESS OF THE HOUSE

Printing of Reports

Motion by Mr West agreed to:

That the following reports be printed:

Statistical Return for the By-election held in the Electoral District of The Hills on 28 August 1993

Environmental Impact Statement Strategy Progress Report to Parliament under the Endangered Fauna (Interim Protection) Act dated 30 September 1993

Report of the Industrial Registrar for 1992

Report of the Law Reform Commission for the year ended 30 June 1992

Report of the Bush Fire Council and the Bush Fire Co-ordinating Committee for the year ended 31 March 1993

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SELECT COMMITTEE ON PADDY'S MARKETS

Matter for Urgent Consideration

Mr MARTIN (Port Stephens) [3.13]: I move:

(1) That a Select Committee be appointed with the following terms of reference:

(a) to investigate:

(i) the financial performance of the Sydney Market Authority, and its contribution to State revenue;

- (ii) the financial, administrative and management relationship between the Authority and Paddy's Market, and between Paddy's Market and the operation of the Flemington Market;
 - (iii) the situation relating to the current and future sites of Paddy's Market;
 - (iv) claims by the Stallholders Association Co-Operative of intimidation by Sydney Market Authority;
 - (v) claims by the Stallholders Association/Co-operative in relation to rental charges; and
 - (vi) claims made by the Member for Murrumbidgee in relation to the management of the Sydney Market Authority.
- (b) to make recommendations as to any proposed changes to the administration of Paddy's Market, including:
- (i) the impact of such changes on financial returns to the State; and
 - (ii) the impact of such changes to the register of public assets and their value to the people of New South Wales.
- (2) That, notwithstanding anything contained in the Standing Orders, the committee consist of nine members, namely:
- (a) four members supporting the Government nominated by the Premier;
 - (b) three members not supporting the Government nominated by the Leader of the Opposition; and
 - (c) two Independent Members nominated to the Clerk by the Independent Members.
- (3) That the nominations for membership be made by 26 October 1993.
- (4) That at any meeting of the committee five members shall constitute a quorum.
- (5) That the committee have leave to sit during the sittings or any adjournment of the House; to adjourn from place to place; to have power to take evidence and send for persons and papers; and to report from time to time.
- (6) That should the House stand adjourned and the committee agree to any report before the House resumes sitting:
- (a) the committee have leave to send any such report, minutes and evidence taken before it to the Clerk of the Legislative Assembly;
 - (b) the documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the order of the House; and
 - (c) the documents shall be laid upon the Table of the House at its next sitting.
- (7) That the Committee report by Thursday 24 February 1994.

On 18th May the former Minister for Agriculture, the Hon. Ian Armstrong, said in this House in response to an urgency motion I moved:

However, a new and curious alliance has been forged within the stallholders co-operative. Last year a former officer of the Sydney Chamber of Commerce, Mr Abba, and Mr Nicholas from International Public Relations began lobbying on behalf of the stallholders co-operative claiming neither was operating for monetary gain or benefit. Mr Abba has since been appointed honorary chairman of the co-operative although, to my knowledge, he has no interest in any stall or stalls at Paddy's. What is his motive? We know that the co-operative wants to take over Paddy's and that it wants the Government and New South Wales taxpayers to underwrite that take over. What is in it for Mr Abba? Who is paying him and why? These questions are inevitably met with angry attacks on me and the SMA. Yet, with a multimillion dollar public asset at stake, there is little doubt that the questions should be answered fully and

truthfully.

For once he got it right. He even, probably in error, set a standard to be followed. He asked the right question: what is in it for Messrs Abba and Nicholas? The former Minister for Agriculture did another thing right. In a statement to the Paddy's stallholders of 5th March he said:

Any change to the system of administration of Paddy's Markets which would give a financial advantage to any one person or groups of persons is inconsistent with Government policy. Any change to the status of Paddy's Market would therefore have to be dealt with in accordance with publicly accountable Government procedures.

This statement also set a standard and we thank the Deputy Premier for this, his small contribution to the sound management of the affairs of New South Wales. Mr Abba, in a document called "The Newsflash" dated 22nd May responded to the former Minister's speech in the House on 18th May by saying:

The attack on me by the Minister for Agriculture, Mr Ian Armstrong, implies that I am somehow seeking or gaining reward from my role as Chairman of the co-operative. The attack does the Minister no credit and demonstrates that he is clutching at straws in order to divert attention away from his mishandling of the Paddy's Market issue.

I have not received one cent for my efforts as the chairman of the cooperative and have no expectation of receiving payments for my efforts.

Later in the same statement Mr Abba said:

Let me also make it clear that no other board member of the cooperative has received payment for their efforts for Paddy's, nor has there been any suggestion that they will receive payment. The efforts of all board members, including the two non-stallholder representatives (an accountant and solicitor) are provided on a totally voluntary and honorary basis.

Contrary to the sage advice of the former Minister about public accountability and his aversion to giving anyone a financial advantage by any change to the system of administration, the Minister for Agriculture and Fisheries, Mr Causley, on 27th June announced a number of changes to the system of administration of Paddy's Markets at Redfern. These include "control of all Paddy's advertising to be handed to Redfern-Haymarket stallholders on a trial basis for three months". He went on to say:

During the trial period, the Redfern/Haymarket stallholders' advertising levy of up to \$40,000 per month would be allocated by the SMA to the Paddy's Market stallholders cooperative.

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A State Government official would be appointed to the board of the cooperative to monitor the spending of the money.

In the same press release he announced his appointment of Mr Ken Hooper as "troubleshooter" as "an integral part of moving Paddy's from Redfern to Haymarket". The new Minister also made one of his many announcements about the move back to the Haymarket, on this occasion predicting a September move. We do not know who the Minister listened to prior to making the announcement. It certainly was not his predecessor. It certainly was not the board of the Sydney Market Authority, because it had no warning of his announcement and, in fact, was directed by the Minister on or about 21st July to comply with his wishes. I can only conclude that the Minister's advice came from the paragon of probity and rectitude, Mr Ken Hooper. On 26th July the Sydney Market Authority, in order to comply with the Minister's directive, changed the conditions of occupancy for stallholders at Paddy's at Redfern so that it could pay the compulsory advertising levy collected by it to the Minister for Agriculture and Fisheries "for the purpose of the conduct by the Minister of advertising and promotion activities of Paddy's Markets Redfern". There was no mention of the funds being given to any co-operative to spend.

Let me now suggest to the House where some of the money has or might have gone, bearing in mind Mr

Armstrong's statement to the House of 18th May and his statement of 5th March that no one should obtain a financial advantage from a change to the administration of Paddy's Market. A document being the "promotions and advertising budget" clearly emanating from the stallholders co-operative shows a fee of \$15,000 and an expense allowance of \$5,000 for International Public Relations Pty Limited, a company of which Mr Ian Nicholas is a director, the same Mr Ian Nicholas that Mr Armstrong referred to in the House on 18th May, claiming that he was not operating on behalf of the co-operative "for monetary gain or benefit". What is \$20,000 from a budget of \$135,000 if it is not monetary gain or benefit? Surely if the Minister had placed his representative on the board of the co-operative, this sorry state of affairs would not have happened - or would it still have happened, for the Minister must have been aware of this fact?

Not only is Mr Nicholas's fist firmly in the cookie jar, Mr Abba is a likely candidate as well, for if he did not get his hands on some of the cash then for sure and certain some of his business acquaintances did. The co-operative's own budget shows that about \$71,000 of the stallholders' funds were set aside for media activity, including a service fee for a period of three months. Traditionally, those who place media advertisements receive a fee of 10 per cent or more of the total media spending from the client. It has been known for a further 10 per cent kickback to be received from the media source. So who is receiving the two sums of \$7,100, a total of \$14,200, in this case? It is Multi-media Communications Pty Limited, a company owned by Mr Colin Segelov and a Ms Yolanda Predonzani, which currently trades at level 8, Westfield Towers, 100 William Street, Sydney, and which formerly traded at 414 Military Road, Cremorne.

Mr David Abba has been fond of handing out his business card to traders in Paddy's Markets. The card shows that he is "Director Management Support", whatever that is, of a company known as Biznet International Limited. The card says that the company trades at 414 Military Road, Cremorne. However, the current Sydney telephone directory shows that the company trades at 100 William Street, Sydney. A visit to level 8, Westfield Towers, 100 William Street, Sydney, shows that Biznet International Limited is shown on the client board on that floor and at least shares the same office space as Multi-media Communications Pty Limited, if not having a direct link to the company which places the co-operative's media activities for a service fee - a co-operative of which Mr Abba was honorary chairman and for which, in his own words back on 22nd May, he had not received one cent and did not expect to receive payments. The Minister might tell us that it is a coincidence that Mr Abba's business just happens to be housed in the same premises as Multi-media's business. But twice, first at Cremorne and now in Westfield Towers, is surely not a coincidence but involves a shameful syphoning off of stallholders' money, the same stallholders who, according to Minister Causley, are doing it tough. Shameful!

But there is more. Mr Abba's web goes even further. With the generous financial support of Minister Causley, Biznet International has several shareholders and directors, two of the most interesting being John David Abba and Peter Wilfred McGee. Mr McGee operates an accountancy practice at 120 Clarence Street, Sydney, which just happens to be the registered office of Biznet International Limited. But who is Mr McGee? Mr McGee just happens to be the accountant appointed to the board of the stallholders co-operative. So the principals of Biznet International Limited are voting as board members for the co-operative to pay a service fee to Multi-media Communications, with which Biznet International just happens to share office space. This is not a funny any more; it is a scandal - a scandal perpetrated and made possible by both the activity and inactivity of the Minister for Agriculture and Fisheries.

There is more. McGee was reportedly on a retainer of \$2,000 per month from the co-operative, despite Mr Abba's written claim of 22nd May that the efforts of all board members, including the two non-stallholder representatives, an accountant and solicitor, are provided on a totally voluntary and honorary basis. If the Minister's representative had been appointed to the co-operative then he might have alerted the Minister to the shenanigans. But he was not, and therefore could not. On 29th September Mr Abba was forced by the co-operative board to resign as its chairman and Mr McGee resigned that same evening. The Minister for Agriculture and Fisheries has directed the Sydney Market Authority to illegally hand over the funds to him, and he in turn has illegally handed over those funds to the stallholders co-operative.

Ken Hooper has got to go. The whole thing stinks. To conclude this outline of the web of intrigue, one ought to look in the Minister's own office for a connection between his press staff, Ian Nicholas and the role of those involved. The whole matter raised by the honourable member for Murrumbidgee, the matters raised by many other members in this House, and the matters concerning Kojima bringing the markets back are wrong. We have to get it all out in the open. In my 10-minute contribution I have mentioned only some information I have, but along the line a lot more will come out. Formation of a committee should be supported, and there should be provision for a sunset clause for the matter to be raised again on 24th February, 1994, so that all issues can be aired in this House. In that way we can get Paddy's Markets fairly and equitably back on the rails, out in the open and running smoothly for the people of New South Wales.

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [3.23]: What a sleazebag. Where in that diatribe did the member raise any matter of fact? Implication, yes: fact, no. Who wrote that diatribe for him? He did not write it. Which group down there wrote it for him? There are three or four groups down there. The member should get to the bottom of it and find who is running it. He is probably involved in it as well. Those groups were fighting like Kilkenny cats when I took over. The previous Labor Government left them down there for five years to fight. I tried to get some common sense into this.

Mr Martin: What about your predecessor?

Mr CAUSLEY: Just shut up. The member is such an idiot we on this side do not even want to listen to him. We tried to get some sense into this matter, but the member opposite wants to help this intrigue by taking sides with one of the factions down there. It is all about power play and who can take control of the markets. This is Mafia stuff. The member opposite is going to get involved in it as well. Yes, we did say when I became Minister that it is a co-operative. A number of stallholders were complaining about the deal they were getting from the Sydney Market Authority and about advertising and lack of patronage at Redfern. As I have always done, I listened to them and said: "Let us try to change it. If you are unhappy with the advertising coming out of the Sydney Market Authority, see whether you can do better. We will give you a trial to see whether you can do better".

We agreed through the co-operative to hand over these funds and that I would appoint someone from the Government to ensure that those funds were spend judiciously. That was done. What the co-operative does is nothing to do with me. It has its own rules to abide by. I noted that the member admitted later in his diatribe that Mr Abba is no longer there. That is correct. A real power play is going on at present because it looks like the markets might get back to the Haymarket. The ones who want to control it are really muscling in at the moment to see who can control this little episode. That is what is going on down there at the markets.

The honourable member spoke about the inquiry into the Sydney Market Authority, but I only heard about Paddy's at Redfern. I dare say that is the issue at present. However, drawing inferences about how a number of my staff might be involved is just absolute sleaze. Yes, a member of my staff did work for Mr Nicholas before he came on my staff, but that is nothing to do with the issue at all. The honourable member might try to put a slur on that, but that is indicative of his character and standards. There is nothing in it. It is absolutely disgraceful that the honourable member should take sides on this issue. All the Government is concerned about at the present time is getting stallholders back to the Haymarket. I do not know whether the honourable member is helping that happen. I do not know whether he wants them back.

Perhaps the honourable member is in cahoots with some of the players who are trying to throw everything in the way at present. They view a move to have stallholders back at the Haymarket as not being completely in their interests. Certainly the Government's aim at present is to get them back. The Sydney Market Authority has been involved in all of this. I did have some discussions with the Sydney Market Authority at the time. There is nothing unusual about that. I did have discussions about the fact that advertising money in particular should be handed over to the co-operative for a trial period. I think the co-operative has done a reasonable job. I was down there with Con the fruiterer. There is no-one with a higher profile than Con the fruiterer, and he was doing some advertising for the markets. The figures show that at least there was no fall-off in patronage of

the markets, though there might have been some variations.

One of the big factors affecting the markets is that the previous Labor Government kicked them out in the streets and they had to go to Redfern. That was absolutely frustrating to stallholders. Factions have developed at the markets, but factions have always been there. If one faction seems to be running the markets, the other factions run to the other side of politics and slip items into the press. Amazing intrigue goes on at those markets. Who is twisting the honourable member's tail at present? Which group has him on a string such that he is standing up and reading a speech for them in this Parliament? I have lost count of the number of inquiries that the Opposition and the Independents have forced on this Parliament. The inquiries go on for ever. I urge someone to use simple arithmetic on the cost of these inquiries to the people of New South Wales. The Opposition could not care less.

Mr J. H. Murray: You will not come clean so that we can find out what is happening.

Mr CAUSLEY: The honourable member tells lies, as he did in the paper the other day.

Mr J. H. Murray: What is the lie?

Mr CAUSLEY: The "\$13 million for Letona" is a lie. These inquiries are costing the State a mint and are getting us nowhere. They are games that the Opposition is playing in the belief that they might

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embarrass the Government. The people of this State are sick and tired of the Opposition and the Independents, and they are expressing that view in the opinion polls. The honourable member for Port Stephens can flash his perpetual grin, but he should look at the polls. The Leader of the Opposition, who loves to go overseas to sit in the Piazza San Marco, has a popularity rating running at 23 per cent, and that is because of the actions of the honourable member opposite and the Independents. The Government will get these stallholders back to the Haymarket by Christmas. I guarantee that all this intrigue will then disappear. Stallholders will be back at the Haymarket and they will be happy because they will be back in their home and trading. This little game of intrigue to see who will control Paddy's will disappear. Of course the Opposition will be used, as always, by certain little groups who want to get their way, because the Opposition is so damn dumb that it just puts any minority groups' case to this Parliament and supports it. Half a dozen people who may have a different point of view in New South Wales run to the Labor Party and the Independents and get their view put to this Parliament. That is what is happening at the present time. I am sure that the people of New South Wales are sick and tired of it, and sick and tired of the cost of it.

Paddy's Markets, at Redfern, have had a number of operational changes to try and help them operate more effectively. Just the other day the leprechaun came back - I am sure the Prime Minister would have been happy about that, because he does not tug the forelock to the British, but he certainly grovels in the dirt in Ireland. That is a simile which the honourable member for Port Stephens does not understand. The leprechaun is an old symbol that has long been used by Paddy's Markets. The Government has tried everything to keep these people happy until they can return to the home they were kicked out of - the home that Barrie Unsworth and Laurie Brereton kicked them out of, when they put them out on the streets. The Government has been turning over every clod that it can turn over, and that includes the clods opposite, to try to get the stallholders back to the markets.

Mr J. H. Murray: Answer the allegations.

Mr CAUSLEY: I refute the allegations. I notice that the honourable member for Drummoyne is in the House to support the honourable member for Port Stephens. I have been in this House on several occasions when the honourable member for Drummoyne has spoken, and the only time he does that is when there is some innuendo and sleaze about. I can take the House right back to Howley Park and the marina and the lies he told there. That is exactly the position that the honourable member for Drummoyne gets into: innuendo, inference and all the lies he can throw up, with never any fact. That is exactly where he stands, and he is an expert at it. That is the type of person they get to support this particular motion, because no one else would stand up and say

it; they know it has no substance. We would all like to see Paddy's Markets run better and see a little more tolerance. The factions there preclude that, and I am very sorry about that.

Mr J. H. MURRAY (Drummoyne) [3.33]: My electorate covers the Flemington Markets area, which is the largest market in the world. There is much apprehension and much concern from the Paddy's Markets' stallholders as to the propriety of this Minister and the way his staff are dealing with the Paddy's Markets' stallholders. With the downturn of the economy this Government has left the Paddy's Markets' stallholders stranded. Last week the stallholders conducted a major demonstration to underline that point. Allegations of conspiracy are circulating widely throughout the Flemington Market area. I wrote to the Minister in July and sent him a petition. In that petition a majority of stallholders complained about the actions of the Minister and those within his department. The Minister replied to me on 13th August and said, *inter alia*:

You and the petitioners are probably unaware that the promotions trial was approved following meetings with the various stallholder groups. In fact, at the suggestion of the People For Paddy's organisation, I set up a stallholders' committee comprising two members of the PFP and two members of the Stallholder Traders Co-operative and chaired by my markets' negotiator, Mr Ken Hooper, to monitor the promotions trial.

I am also appointing a Departmental officer to the Board of the Co-operative to monitor the spending of the monies allocated by my office during the promotions trial.

My objective is to give all stallholders more of a say in the way in which the markets are run, pending a long-overdue return to the Haymarket.

I suggest that the actions of the Minister in handing over the funds to the co-operative were, and are, illegal; they were certainly not in accordance with the change in occupancy conditions announced by the Sydney Market Authority in July 1993. Let me further suggest that there was no appointment of any departmental officer to the board of the co-operative from that time - that was 27th June - until some two weeks ago. I further suggest that the Minister did not appoint a representative to the board of the co-operative until certain questions were asked in this House by my colleague the honourable member for Port Stephens.

This exercise by the Minister is nothing but a sham. Two months of the so-called three months trial have elapsed and all of the authority funds, so generously handed over to the co-operative by the Minister - some \$135,000 - have been committed. Due to the timing of his appointment there is nothing for the Minister's representative to monitor; all the money was long gone. A "Promotions and Advertising Budget", clearly emanating from the stallholders' co-operative, shows a fee of \$15,000 and an expense allowance of \$5,000 for International Public Relations Pty Limited, a company of which Mr Ian Nicholas is a director. That is \$20,000 out of a budget of \$135,000.

The co-operative's budget shows that about \$71,000 of the stallholders' funds were set aside for media activity, including a service fee for a period of three months. That is the key to it. We see that an organisation called Multi-Media Communications Pty Limited picked up \$14,200 of that fee. Multi-Media

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Communications trade at level 8, Westfield Towers, 100 Williams Street, Sydney, and formerly traded at 414 Military Road, Cremorne. It is interesting to see that another organisation, Biznet International Limited, also trades at 414 Military Road, Cremorne. The chief of that organisation is Mr David Abba. There is a direct connection between those two organisations; they share the same office space, and they have a direct link to the company that placed the co-operative's media activities for a service fee.

That is a co-operative of which Mr Abba was honorary chairman, and for which, in his own words in May 1993, he had not received one cent and did not expect to receive payment. There has been a shameful syphoning off of the stallholders' money. Who are these people involved besides Mr Abba? One is Mr Peter Wilfred McGee. Peter McGee operates an accountancy practice at 120 Clarence Street, which also happens to be the registered office of Biznet International Limited. And who is Mr McGee? Mr McGee just happens to be the accountant appointed to the board of the stallholders' co-operative. So there we have the principals of

Biznet International Limited voting as board members of the co-operative to pay a service fee to Multi-Media Communications, with which company Biznet International Limited just happens to share office space. This is nothing but a scandal, perpetrated and made possible by the activity and inactivity of the Minister for Agriculture and Fisheries. I understand that Mr McGee was reportedly on a retainer of \$2,000 a month. The honourable member for Port Stephens has also shown the connection between the Minister's secretary and this sham organisation.

Mr Causley: Where did you get that information?

Mr J. H. MURRAY: The Minister asks where I got the information. I will show him: it is here.

Mr Causley: On a point of order: the member's time has expired.

Mr J. H. MURRAY: The information here is in the promotions and advertising budget for that organisation. [*Time expired.*]

Mr RIXON (Lismore) [3.38]: In recent years right across New South Wales many markets styled on Paddy's Markets have become very popular. They are popular with the public and with the stallholder, and they provide a great service. Of course, in Sydney the Paddy's Markets stallholders had to move from Haymarket to their current site. Anyone who goes there can see the way it is run. It is great to go there and have the opportunity of purchasing all sorts of goods. It is private enterprise at its most flourishing: people buying and selling all sorts of things. Because of the way it is run people are able to see exactly what is happening all the time. Unfortunately, we get these outlandish claims that have been made on many occasions. Serious allegations have been made at various times about \$2 million worth of advertising and promotional moneys which are supposed to have been misappropriated. That was drawn to the attention of the Attorney General.

That allegation was brought to the attention of the Attorney General and, of course, the Sydney Market Authority was cleared of any impropriety. Further allegations were passed on to the Ombudsman, the Independent Commission Against Corruption and the Attorney General, who were asked to investigate. In each case an investigation was declined because no evidence was available to warrant one. What is the real problem? The real problem at Paddy's Markets is not corruption; it is the frustration of the stallholders and the public. They are frustrated with what has been happening, and no-one could blame them for that. The Labor Party sneaked in and proposed to sell the site for \$43 million. It did not tell the stallholders up front what was happening. The Opposition spun some sort of story and told the stallholders they would be able to return to the original site in a couple of years. There was talk of 12,000 new jobs and all sorts of things. The Labor Party left things in such a mess that those objectives were not able to be achieved.

Paddy's Markets are continuing to provide a service in an area that is conducive to frustration. The present site was not a purpose-built facility. In the past it was perhaps a great building, but it is certainly not a great building in which to conduct a market now. People travelling to and from the markets, people trying to get goods in and out, and people trying to organise their businesses have all become frustrated because of the way in which the markets are being managed. Despite that, the determination and initiative of the stallholders was not to be denied. They worked hard to try to build up their businesses and provide a little light at the end of the tunnel. A co-operative was established and the markets at Redfern were advertised. Mark Mitchell, the actor, as Con the fruiterer, has done a great job of promoting the markets area.

This demonstrates that, given half a chance, the stallholders will make a great success of their businesses. That is what they are really looking for: the opportunity to make a success of their businesses. The calls for this, that and the other are symptoms of the disease, and illustrate the problem. Naturally the stallholders are kicking out left, right and centre because they are frustrated and want something better than they have now. They deserve the opportunity to return to decent facilities in the Haymarket which will attract the public and give them an opportunity to set up their stalls on a permanent basis. When they return to the Haymarket, they do not want second-rate higgledy-piggledy management; they want first-rate management. I hope that by

Christmas the stallholders will be back at the Haymarket. That location will separate them from Flemington, enable them to form their own private enterprise organisation, and give them the ability to provide the public with the sort of service it is seeking.

Mr WINDSOR (Tamworth) [3.43]: Since becoming a member of this House I have had a great deal of involvement with the Paddy's Markets stallholders, some of whom have been involved in different factions in the market-place. I do not

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pretend to be an expert on the operations of Paddy's Markets; I do not think there is such an expert in this Parliament. Initially I was concerned about the possibility of some mismanagement by the Sydney Market Authority and a degree of corruption in the operations of the markets, both past and present. The people who were suffering as a result of that mismanagement were the private enterprise operators, the stallholders themselves.

Obviously, neither side of this Parliament is blameless in relation to those small business operators, and I would be the first to agree that they have brought about some of their problems themselves. There seem to be grey areas in the management and philosophy of the Sydney Market Authority and the dealings with the developer that the Minister has referred to. Those grey areas need to be investigated to put some common sense back into the market-place. I attended a number of meetings with the former Premier, Mr Greiner, and the former Minister for Agriculture, Mr Armstrong. I have met some of the people mentioned by the honourable member for Port Stephens, and today is the first time I have heard allegations made against them. That indicates to me that the waters are becoming muddled.

If the proposed committee is established, I would like to be a member of it. I do not want to become involved in any way in a political witch-hunt, because, as I said earlier, both sides of the political fence have some ropes to repair in relation to the Paddy's Markets stallholders. I believe I could assist the committee in relation to a number of matters. I will not support the honourable member for Port Stephens if he proposes to use the committee to conduct a witch-hunt and to launch an attack on the Government or the Minister. I do not believe that the Minister for Agriculture has anything to fear from an inquiry into the operations of the stallholders, the developers and the Sydney Market Authority. In fact, the committee could be of some assistance to the Minister's administration. I suppose, as with all committees, the opportunity will arise for the committee to be abused in a political sense. That is always dangerous.

I assume the honourable member for Port Stephens will speak in reply. I would like him to give an assurance that he does not intend to use the committee as a political weapon. If I am selected to be a member of the committee - and I volunteer - I will keep a sharp eye on any possible political abuse of the process. Accusations and allegations have been made by many people, including me at one stage. The honourable member for Murrumbidgee has been adamant about the operations of the Sydney Market Authority. We just do not seem to be getting anywhere. I agree with the Minister that once the stallholders are back at the Haymarket many of the problems will probably disappear. However, some management problems need to be addressed. In that sense I believe a committee of some sort is probably the only way to effectively put to rest concerns about the operations of the Sydney Market Authority and the stallholders.

Mr MARTIN (Port Stephens) [3.48], in reply: I should like first to address the matters raised by the honourable member for Tamworth. I sincerely hope that he becomes a member of the committee and that the committee works efficiently and effectively to resolve the problems at Paddy's Markets before the stallholders return to the Haymarket. There is a great deal of dirty water and there are many things we do not know. I hope the committee will be able to constructively get to the bottom of the rot. I will give an undertaking to the honourable member for Tamworth. In the autumn session of this Parliament a similar motion was moved. That motion provided for there to be two Independent members on the committee. As a result of negotiations today, it has become apparent that there is some doubt, because of time constraints, about one of those members serving on the committee. I make it clear that the earlier motion was framed with the intent of having the honourable member for Tamworth and another of the non-aligned Independents as members of the committee.

The Minister for Agriculture and Fisheries and Minister for Mines referred to fighting, the number of stallholders, the lack of patronage and advertising, a co-operative and power play, and said that it looks as though the stallholders may get back to the Haymarket. That is something that has worried the Opposition. More than half the members of this House were first elected on or since 19th March, 1988. We do not know the full intrigue of the past but we know that there are problems with Paddys. Paddys will run a lot smoother when it returns to the Haymarket site, or we sincerely hope it will, and we do not want to have any of the stench or any of the bad smells that have been about. That is why the Opposition has taken this course.

I said at the conclusion of my 10 minute contribution that there were a lot of matters that could have been raised today, but that I had only 10 minutes to speak. I would like to have had a lot longer. Unfortunately, because of the constraints of debate, I could not. But I made a start, and that is the type of written material that is around. When people put such things in writing, it is important that they are aired and investigated. I look forward to the Minister appointing to the committee people who will look at a range of submissions and work out who should give evidence, in order to get to the bottom of the problem. The motion contains a sunset clause, to ensure that the report will be available by the time that the sittings resume after the recess. I look forward to it.

[Interruption]

The Minister for Agriculture and Fisheries and Minister for Mines interjects and wishes me a lot of luck. I do not see why the committee will not work. It is important that the Government will have a majority on the committee and provide the chairperson - and it was never intended other than that the Government would have a majority. The honourable member for Lismore referred to outlandish

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claims, the misappropriation of \$2 million, the Ombudsman, the involvement of the Attorney General, and the list goes on and on. It is important that all those issues are aired, because there is a stench surrounding Paddy's Markets; and it is so great that we must get to the bottom of the matter. We must see how far the web goes; whether it goes all the way up and all the way out, in the marketing sense.

At the end of the day the Sydney Market Authority will have to be very open and frank; it will have to open its books. I am sure that by the conclusion of the inquiry it will have in place recommendations to restore confidence in the authority - something that the former Minister for Agriculture refused to support. The market authority deserves support and it needs all the assistance it can get. That applies to all marketing bodies in New South Wales.

Honourable members will see from the committee's terms of reference that there will be an opportunity to air the matters raised in the past by the honourable member for Murrumbidgee, the honourable member for Lismore and the honourable member for Tamworth. The terms of reference are wide ranging and broad enough to enable consideration of whatever needs to be considered, by parliamentarians who should be in a position to get to the bottom of the problem. I commend the motion.

Motion agreed to.

GOVERNMENT ENTERPRISES PRIVATISATION

Matter of Public Importance

Mr ROGAN (East Hills) [3.54]: I move:

That this House notes as a matter of public importance the serious implications for the New South Wales community and the public sector of plans by the New South Wales Government to privatise government enterprises and contract out government services.

There is no doubt that this Government has as its secret agenda the privatisation of significant State Government

trading enterprises. Whilst the Government will equivocate, in none of its public responses has it unequivocally ruled out privatisation. I will elaborate on some of these points shortly. The community of New South Wales, which is overwhelmingly in support of the retention of core government businesses, such as electricity, water, health, and transport, will react with horror at the revelations contained in the Cabinet documents referred to during question time today and by the Treasurer in response to a question in this House on Tuesday.

Equally, there is concern among public sector employees, who have given dedicated, conscientious, loyal and efficient service and whose future is in grave doubt as a result of the Government's proposals for privatisation and contracting out of public services that are currently carried out by State Government employees. The Government has this secret agenda because it knows that if at this stage it disclosed its full privatisation and contracting out plans it would invite a very harsh public censure, and indeed disaster at the ballot box. I want to examine some of the public statements on this issue made by Ministers. The first is the Treasurer's reply to a question directed to him on 12th October, to which I have just referred. The Treasurer's reply is clear and I will quote him:

This Government's privatisation policy is plain and open. It will privatise an asset when it is in the best interests of the community.

Of course, the Government, not the community, will be the one to say whether it is in the best interests of the community. Clearly, it is laying the ground work for privatisation. The Treasurer also said in his answer on Tuesday:

The Government Trading Enterprises Reform Committee was asked to prepare a program of possible privatisations merely for Cabinet consideration.

I have been around this place for a while and I know that government departments do not prepare these sorts of options and very detailed types of papers unless they have been given to believe - indeed, given a direction by the Government - that privatisation on a scale outlined in those Cabinet documents, which have been released by the Opposition today, is clearly on the agenda.

I have endeavoured in respect of the electricity sector and the power sector to get an unequivocal commitment from the Minister that the privatisation of Pacific Power is simply not on. Indeed, only yesterday in reply to a question on notice, "Does the Government intend to sell Pacific Power?" the Minister for Energy and Minister for Local Government and Co-operatives said, "The answer is the Government currently has no plans to sell Pacific Power".

Again, there is the qualification. Honourable members all know that "currently" means in this term of the Parliament, and during the term of this Government. It cannot come out and say it now because that would disclose the Government's hand but, equally, it knows it could not get away with it now, given the numbers in this House and the likelihood that the non-aligned Independents would support the Opposition in opposing it.

The former Minister for Energy, the Hon. Robert Webster, in an address he gave to the 1992 annual panel seminar of electricity advisers, the Advisory Panel of the Institute of Municipal Management, New South Wales Division, canvassed the options of privatising Pacific Power's generating and transmission activities. He said:

"In respect of Pacific Powers generation and transmission activities, a range of further views have come forward on such options as - "

I will not detail them all but the one of importance is

- eventually privatising one or all of Pacific Power's generating units.

The then chairman of the Government's energy committee, the Hon. R. T. M. Bull in another place, said in an article in the *Southern News* of 3rd August, 1992:

The privatisation of the State's major electricity producers was "the way to go", according to Richard Bull. Mr Bull (National Party) is a member of the Legislative Council and chairman of the State Government's Energy Committee.

Mr Bull, from Holbrook, said it was not essential for the government to continue to provide services such as electricity production.

According to him, the advantages of the government selling off electricity plants would be the instant revenue which would be raised.

An influential member of the Government laid that out for all to see. I merely reiterate what I said at the outset and refer to Cabinet documents that the Opposition has made public today in which the Government's agenda is clearly laid on the line. The agenda is based upon an ideological, philosophical commitment that has been put forward because this Government's Budget is in a mess. The Olympic Games budget has blown out. The Opposition supports the Olympics, but it would not be an Opposition worth its salt if it did not question the blowout of the expenditure from \$1.7 billion to \$3 billion. If the Government were to get a majority in its own right at the next State election, all the privatisations I have referred to would be on the agenda for sale because of the Government's ideological commitment and its urgent need for money through the Budget blowout, much of which was caused by the Olympic Games budget. I could go on at length about the privatisation experience in the United Kingdom, which has not been in the public interest because of the lack of service and pricing, but I will quote instead an editorial in the *Sydney Morning Herald* of 10th May, in which it was said:

According to business critics, the sluggish move towards a national grid is serving only the inefficient State electricity authorities and bureaucratic vested interests.

In the UK, privatisation and deregulation of the electricity sector have produced few gains for anyone apart from lucky shareholders in privatised regional power companies that the Government sold at too low a price. Prices have risen for most users, and the increased competition the Government expected has not materialised.

That statement comes not from the Opposition but from the *Sydney Morning Herald*, a paper that does not generally support the retention of government ownership of enterprise. I would like to spend some time going through the contracting out provisions referred to in the other Cabinet document that the Opposition released, but time will not permit. Suffice it to say that in relation to contracting out by the Electricity Commission, the "Electricity Week" newsletter, in dealing with an analysis of a Federal Government report on government trading enterprise performance indicators from 1987-88 to 1991-92, said one of the big surprises of the analysis is that the non-fuel generating, operating and maintenance costs of New South Wales Pacific Power have actually increased in the period under consideration, and they give the figures. [*Time expired.*]

Mr COLLINS (Willoughby - Treasurer, and Minister for the Arts) [4.4]: The fascinating thing about the motion before the House is that it was not moved by the Leader of the Opposition. The Leader of the Opposition is nowhere near this Chamber. He will not dare show his face during this debate this afternoon. Why not? Earlier today honourable members saw an exercise in nostalgia by the honourable member for Liverpool, who said that on this day two years ago a report had been tabled. Pretty close to this day one year ago the Leader of the Opposition made a speech to the Australian Institute of Company Directors. The Leader of the Opposition put on his best blue pinstripe suit and his best corporate tie and headed off to the big end of town to talk to the Institute of Company Directors. He said he wanted to keep the pace of microeconomic reform cracking in New South Wales. Under his business plan, according to the *Sydney Morning Herald* report of his address to the directors, coalmines attached to Elcom's power stations should be sold off; the F4 and F5 tollways west of Sydney would be abolished, but private companies would be allowed to take over roadbuilding on the Pacific Highway, financed by tollways; private interests would take over the unfinished rail link at Port Kembla; drinking water and sewage treatment plants could be taken over by private companies; and at least two privately run prisons would be allowed.

That was the good microeconomic reform suggested by the Leader of the Opposition on 1st October last year. That was such good microeconomic reform that the *Sydney Morning Herald* ran a headline on its editorial entitled, "Carr embraces Greinerism?" The *Sydney Morning Herald* was stunned and could not believe that the man who represents the Labor Party in New South Wales, the party that wants to see all services delivered through the public sector, the party that shuns privatisation, all of a sudden embraces Greinerism. I will read the conclusion of that editorial straight away, because I think that is really what this exercise is all about this afternoon. The conclusion states:

But with yesterday's speech Mr Carr has limited his scope for opportunism and made hard decisions a little easier for the Government.

They spoke a little too quickly at the *Sydney Morning Herald*, because Mr Carr's opportunism continues to this moment, and it will continue so long as he is Leader of the Opposition. This afternoon the honourable member for East Hills spoke about the evils of privatisation and how a terrible fate is about to befall New South Wales if the Government takes a single step further along this road of privatisation. The Leader of the Opposition is not in the Chamber, and honourable members can bet he has his radio turned off so he does not have to have his conscience, such as it is, troubled by his hypocrisy. The editorial also stated:

Mr Carr's speech represents an important concession to economic reality.

The Leader of the Opposition was not present in the Chamber to hear the speech of the honourable member for East Hills. It is a concession to economic

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lunacy for the honourable member for East Hills to preach a doctrine that is the exact opposite of the doctrine that earned the Leader of the Opposition the *Sydney Morning Herald* editorial in which it was said that perhaps a sense of reality was creeping into the Labor Party. Honourable members are getting a different story this afternoon. What are Opposition members basing the story on? They are basing it on some stolen documents, documents that have not been endorsed by Cabinet. The Leader of the Opposition issued a press release this afternoon and released documents that are the subject of a police investigation. One of those documents sets out the principles of privatisation. While on the subject of principles of privatisation, this Government recognises, and continues to recognise, the extremely wide range of services that have been delivered and continue to be delivered through the public sector in this State and delivered well by hard-working public servants. As I said the other day, the Government is willing to look at alternative means of delivery and to continue to look at an agenda of more efficient government and better value for the taxpayers' dollar. We on this side of the House make no apology whatsoever for being prepared to consider the possibilities. All taxpayers would demand that any member of Parliament have an open mind on the better, more efficient delivery of services to them.

An important process is going on in New South Wales at the moment. The process is both subtle and invisible, but I wish to bring it to the attention of the House. This State's current credit rating is being reviewed by the ratings agencies. Standard and Poor's is already at work to determine whether this State should retain its triple-A rating. Moody's will do the same thing over the next month or so. Those ratings agencies must look at what is happening on the other side of this House. They must fear what would befall this State under a Labor Government. The Labor Party not only has divisions and hypocrisy - what else is new; we are used to that - but it has a complete polarisation of thought, with the honourable member for East Hills dead against privatisation and the Leader of the Opposition saying that the party would privatise a host of things.

The credit ratings agencies must be deeply concerned about what they hear from the Opposition today because it is a real threat to this State. The Government is at least prepared to look through the list of services offered by the public sector and government trading enterprises in this State to work out whether we will need greater efficiency and whether there are other ways to deliver the services. The Government is prepared to go through that list of microeconomic reform issues - that is, attachment B, headed "Draft Strategic Review Program", which has not been endorsed by Cabinet. It is a list of possibilities. The Opposition does not have

the guts to think about it; it does not have the courage to look through the alternatives; it is not prepared even to consider the possibilities. That is a matter of extreme concern.

For the Opposition to try to dress this up, saying that it is a strategic review program which has been endorsed, is absolute nonsense. It is a list that any person interested in microeconomic reform could have put together; it is a list of the patently obvious, but it has not been endorsed or considered by the New South Wales Cabinet. Any attempt to misrepresent the Government's intention should be dammed for what it is worth. This motion is one of the most alarming exercises of hypocrisy that honourable members have seen in a House that sees exercises of hypocrisy on a regular basis. I note again the absence of the Leader of the Opposition. I emphasise again the fact that attachment B, the list of possibilities, is nothing more than that: a document prepared by Treasury that has not been considered or endorsed by Cabinet. I thank the House for its indulgence and I firmly reject the motion put forward this afternoon by the Opposition.

Ms ALLAN (Blacktown) [4.13]: It is very obvious that the Treasurer and Minister for the Arts has his mind on other things after that half-hearted attempt to try to defend this Government from the allegations made today by both the Leader of the Opposition and the honourable member for East Hills. The Treasurer has relied on material that is 12 months old to dispute the position that the Opposition is presenting. He has not denied the allegations that have been made this afternoon. The Treasurer waved around a series of Cabinet documents, which he has acknowledged to be Cabinet documents. His only excuse and only defence is that the documents have not yet been considered by Cabinet. The Opposition know what Cabinet has been considering over the last few days: it has been busy considering matters relating to the Treasurer rather than these issues, but I am sure they are on the agenda for a future date.

I have a particular interest in this debate because of the vital involvement of the Sydney Water Board and the Hunter Water Corporation in the Government's specific agenda for privatisation. In January this year the Minister responsible for the Water Board, Mr Webster, announced the Fahey Government's intention to make the Sydney Water Board a candidate for privatisation. Despite some fairly half-hearted attempts since January to retract that statement, all the actions of the responsible Minister and the leadership of the Water Board over the last six months have confirmed the Government's strategy to elevate the Sydney Water Board to being a high priority for privatisation after the next election.

The Water Board has already spent almost \$250,000 over the past year on consultancies on Water Board privatisation. These are not consultancies relating to the Hunter Water Corporation but to the Sydney Water Board. These consultancies have looked at community attitudes to privatisation, reviewed tax implications for the board if it is privatised and various models for corporatisation and privatisation. Throughout this period the Government and the Water Board have denied the Parliament and other bodies the opportunity to look at the consultancies.

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I am a member of the Joint Select Committee upon the Sydney Water Board. That committee has been trying vigorously to get hold of some of those documents and it has been thwarted at every opportunity by the Government, the Treasury and the Water Board. At the present time the committee is trying to gain access to the Pacific Road consultancy, which was given the job by the Sydney Water Board to devise a plan on how to corporatise and then privatise the board. Despite resolutions of the Joint Select Committee upon the Sydney Water Board to get access to that documentation, that access is being constantly denied. That is simply a symbol of the various secrecies and protective mechanisms in which the Government has tried to cloak its whole strategy of privatisation over the past few years.

We know from our experiences with the Water Board and the electricity bodies that senior officers have already travelled the world extensively to look at models of privatisation in Great Britain and France. Former Ministers responsible for these organisations have also been confirming the Government's strategy, yet honourable members have seen a lame duck defence by the Treasurer this afternoon in an attempt to shift the focus away from the Government's attack. The Opposition believes that in relation to essential services such as

water and electricity there are good reasons not to go down the track of privatisation.

The Opposition is backed up in those views by other organisations. For example, the Industry Commission has rejected privatisation of water in Australia. I have had the opportunity to look at the privatisation of water in the United Kingdom. As the honourable member for East Hills has already indicated, in the United Kingdom everyone concerned with respect to the track record of the private water authorities is greatly disappointed. Even the conservative Government in the United Kingdom has had to go down the path of greater regulation since the privatisation of water and, therefore, greater expense. It is now acknowledging that when it privatised water 10 years ago it made the wrong decision. It is an absurd path for this Government to pursue at this particular time, but it is obvious that the documents we presented today hit the mark. The Government's real agenda is to support privatisation, despite the protestations of the Treasurer.

Mr ROGAN (East Hills) [4.18], in reply: In this debate the Government had the opportunity to state its position on privatisation and to move away from the Cabinet documents that have been released today. The Treasurer made a lot of an article from the *Sydney Morning Herald* that attributed statements to the Leader of the Opposition. He has since stated that the journalist got it wrong. I will not go into the details but it is pathetic that the Government should base its argument on a newspaper article purporting to represent the view of the Leader of the Opposition. The sale of the Elcom coalmines referred to in the article has been opposed by the Opposition. At the end of the day the Government moved away from the sale of the mines, and I think only two or three were sold. The Government's agenda for privatisation is outlined in the Cabinet papers. If privatisation is only an option, as the Treasurer said, why has the Government spent so much Treasury time preparing the documentation? I doubt that the Government would have gone to that trouble unless it intended to have a massive fire sale of government assets after the next election. The Treasurer referred to microeconomic reform. The Leader of the Opposition has spelt out where the Opposition is on microeconomic reform.

Mr Collins: Where are you?

Mr ROGAN: I would love to debate the matter but there is simply not time to do so. Suffice it to say that it will be spelt out. It is in policy documents that have been publicly released. I am sure Treasury officials would have it. The Treasurer referred to the triple-A rating. When Labor was in government that rating was not under challenge. It has come under challenge only since the coalition came to office. The rating is constantly used as an excuse for privatisation. On contracting out, I have said in the House previously that it is ludicrous that 4,000 jobs have been lost in Elcom with many of them simply disappearing from the public sector only to be given to the private sector. I referred to the case of Wallerawang power station, where the employees who were made redundant returned to do the same job as they were doing before but got more money. I referred to the survey the Industry Commission is conducting into the costing of contracting out. "Electricity Week" newsletter stated that savings have not occurred following contracting out of services by the Electricity Commission. If microeconomic reform is required, the Opposition will support it provided it does not involve the wholesale selling off of - [Time expired.]

Motion agreed to.

SENTENCING (LIFE SENTENCES) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [4.23]: I move:

That this bill be now read a second time.

The Government has been most conscious of the growing concern in the community over the possible release of

some prisoners sentenced to life imprisonment prior to the introduction of the truth in sentencing legislation in 1989. Honourable members will be aware that prior to 1989 most prisoners sentenced to life imprisonment did not serve out their full terms. In reality, the average period of imprisonment was approximately 11 to 12 years. The judiciary had the discretion under the old system to recommend that a prisoner never be released, due to the gravity of the crime and the danger to the community. This was, however, a recommendation only and could be overridden by the old system of remissions and Executive early release on licence

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abused by the former Labor Government. The truth in sentencing legislation now provides that offenders sentenced under the new system must actually serve the term of imprisonment set by the judiciary. Life now means life.

The bill before the House seeks to amend section 13A of the Sentencing Act. The provision was introduced in 1990 to deal with the redetermination of old life sentences in line with truth in sentencing. At present section 13A provides that any prisoner sentenced to life imprisonment under the old system may apply to the Supreme Court, after serving at least eight years of that sentence, for redetermination of that sentence. When any application is now made the Supreme Court has available to it only two options: either to replace the life sentence with a stipulated minimum and additional term, or to decline to specify any such terms. Where the Supreme Court declines an application the prisoner may continue to apply every two years thereafter for redetermination of life sentences. Even where the judge reaches the conclusion that a sentence of penal servitude for life is justified in all the circumstances, this sentencing option is not open to the court. The judge has no power to, in effect, confirm the life sentence or to bar future applications for the protection of the community.

The bill will overcome this shortcoming by giving the Supreme Court two additional powers in such cases. First, the court may direct that the prisoner may never reapply to the court and must serve the existing life sentence for the term of the prisoner's natural life. This will avoid the court being placed in the position of repeatedly declining an unmeritorious application. The effect will be that those relatively few prisoners serving life sentences under the old system who deserve never to be released will not in fact be released into the community. Second, the court may direct that a period longer than the present statutory two years must elapse before a further application may be made by the life prisoner. This will cover the situation where the court does not wish to impose the sentence for the term of the prisoner's natural life but nevertheless considers that the prisoner should serve a considerable further period before reapplying for a determination of the original life sentence.

This additional power will provide greater flexibility to the court where it does not wish to foreclose the possibility of a future release of the prisoner but is satisfied that a further application should not again be entertained in two years' time. The Government is conscious that these additional powers given to the Supreme Court should be reserved for only the most serious cases involving the crime of murder and where the public interest so demands. These criteria are specifically stated in the bill.

The Government has also taken the opportunity in the bill to ensure that in any application under section 13A the court must take into consideration both the existing criteria of section 13A as well as the age of the prisoner at the time of committing the offence and at the time of the hearing of the application. Prisoners have a right of appeal from any decision of a single judge under section 13A. In summary, the bill reflects the Government's commitment to ensure that any decision to never release an old life prisoner will remain with the judiciary, where it properly resides, free of Executive interference. Those cases deserving life imprisonment under the old system will now truly receive life under the Act. Truth in sentencing will thereby be fully achieved in these cases. Through this important Government initiative public confidence in the criminal justice system for the protection of the community will be further enhanced. Victims and their families will be fully protected in the knowledge that these prisoners will never be released. I commend the bill to the House.

Debate adjourned on motion by Mr Rogan.

MARINE POLLUTION (PENALTIES) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr ARMSTRONG (Lachlan - Deputy Premier, Minister for Public Works, and Minister for Ports) [4.31]:
I move:

That this bill be now read a second time.

It is with great pleasure that I introduce this legislation, which will update the existing penalty provisions of the State's marine pollution legislation and ensure that the public in general and mariners in particular are made aware of the high priority this Government places upon the protection of our marine environment. The object of the bill is to increase the level of penalties for offences in State waters under the Marine Pollution Act 1987 so that the maximum penalty is increased from the current \$250,000 to \$1 million. This proposal will bring the maximum penalty into line with that provided in the New South Wales Environmental Offences and Penalties Act, which is also \$1 million.

When the Marine Pollution Act was proclaimed in 1990 it was an important step towards reaffirming the State's commitment to protecting the marine environment. It was also a major milestone in that it achieved consistency with the international convention for the prevention of pollution from ships, which the Commonwealth had earlier ratified. Consequently, when the New South Wales Act came into force it was generally consistent with the Commonwealth's Protection of the Sea (Prevention of Pollution from Ships) Act 1983 and the maximum penalty under each Act was \$250,000. Since that time, the community's awareness of the need to protect and preserve the marine environment has continued to increase, due in large measure to the spectacular and disastrous oil spills which continue to occur around the world from time to time.

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In response to its obligations to the community in this area the Government has reviewed its marine pollution legislation to ensure it is capable of dealing with pollution offences firmly and effectively. During the review process the Government recognised that legislation of this nature must have two important elements. First, it must embody arrangements which ensure that the statutory authorities concerned are capable of responding appropriately to an act of pollution, and, second, it must have penalties set at a level which act as a deterrent to would-be polluters. It was determined that the provisions of the Marine Pollution Act already enable appropriate levels of control to be exercised so that the possibility of an incident is minimised to the greatest extent that is realistically possible.

However, the penalties needed to be increased to reflect the increased concern in the community and to act as a deterrent to potential polluters. Accordingly, this bill provides for greater penalties than were originally allowed for in 1987. At the same time, consistency will be achieved with the Commonwealth's marine pollution legislation, including its maximum penalty, which has also been increased to \$1 million. It will also achieve consistency with comparable legislation of major maritime countries such as the United Kingdom and the United States of America. I must stress that a court would rarely be expected to impose the maximum penalty of \$1 million. It would only do so if the pollution were caused by a reckless act.

In recent convictions obtained by the Maritime Services Board, the penalties imposed have been around the \$70,000 level. These were for offences which, though potentially damaging to the environment, did not involve the discharge of very large quantities of oil. In setting a maximum penalty of \$1 million, the legislation provides the court with flexibility and a range within which it can impose a punishment appropriate to the offence after taking into consideration all the relevant factors and the expectations of the community in general. At this point I must stress that the proposed increase in penalties is separate and distinct from the costs associated with clean-up of an oil spill. The Act already provides for unlimited clean-up costs to be recovered

from the polluter. Honourable members are aware that shipping is an international business and therefore the measures adopted must also reflect international attitudes.

The proposed legislation achieves this through the increases contained in this amending bill. It ensures that the legislative framework appropriately complements another important measure designed to protect the marine environment. I refer, of course, to the national plan to combat pollution of the sea by oil, which has recently been reviewed by the Commonwealth in consultation with the States, to ensure that the arrangements to combat oil pollution are up to date, effective and comprehensive. This plan would be activated following any incident which could involve a significant degree of oil pollution. Taken as a package, the Marine Pollution Act, the proposed amendment now before the House and the national plan provide a powerful deterrent against a polluter as well as an effective mechanism for response and clean-up.

Honourable members will agree with me when I say that New South Wales is the proud owner of some of the nation's most beautiful waterways and beaches and we all know that Sydney harbour is renowned around the world as one of the finest, if not the finest, harbour in the world. It is our responsibility to spare no effort in the protection of these priceless assets. The public expects the Government to take whatever measures are necessary to ensure their preservation. This Government recognises that expectation and is firmly committed to protecting the ports and waterways of New South Wales from marine pollution. The bill before the House will serve to remind all who have an interest in our waterways that this Government places the highest value on its marine heritage and will ensure that a high price is exacted for any damage that may be caused to it. I commend the bill to the House.

Debate adjourned on motion by Mr Langton.

MOTOR VEHICLES TAXATION (FURTHER AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr BAIRD (Northcott - Minister for Transport, and Minister for Roads) [4.36]: I move:

That this bill be now read a second time.

The purpose of the bill is to rationalise concessions on motor vehicles taxation in respect of primary producers and licensed motor dealers. Currently, the Motor Vehicles Taxation Act is unnecessarily restrictive in that it does not allow co-operative arrangements between primary producers in the transport of their product. For example, a farmer can be prosecuted for assisting free of charge his or her neighbouring farmer in carting farm supplies from the local town or carting the harvest to a silo or a railhead. The Government believes farmers should have a greater degree of flexibility in their carting arrangements. This amendment will afford them such flexibility, provided payment for cartage is not made.

Co-operative arrangements between farmers will not reduce the obligations imposed on applicants for primary producer concessions nor the tight controls that have been established to ensure that the reduced registration charges are available only to genuine primary producers. Past abuse of the scheme has required the development of sound procedures to deter ineligible applicants and to facilitate the prosecution of those who make false declarations. The opportunity for co-operation between farmers will facilitate the cost-effective transport of farm produce to markets and, given that the farmers concerned are already receiving the concessions in respect of their own vehicles, can be introduced at no cost to the Government or to the general community.

The other amendment deals with vehicle weight tax concessions for licensed motor dealers. At present,

motor dealers are not required to pay the business rate of weight tax on motor cars, station waggon and small trailers which are acquired for resale. The amendment before the House will extend this concession to a range of other light vehicles held for resale by dealers. This will include utilities, vans, four-wheel drives and other vehicles with a tare weight of 2.5 tonnes or less. These vehicles are becoming increasingly popular with the general motoring public and, therefore, are most likely to be sold to a purchaser who requires the vehicle for private use only.

In addition, the rationale for a higher rate of tax for vehicles used for business purposes is that the vehicle is likely to make more frequent use of the road system and travel greater distances than a vehicle used principally for private purposes. When a vehicle is held for resale in a dealer's yard it is not travelling any distance, except perhaps for an occasional test drive. It is thus illogical, inequitable and unreasonable to charge the dealer the business or higher rate of tax. The bill will ensure that primary producers and licensed motor dealers are not unfairly treated in the administration of weight tax legislation. I commend the bill to the House.

Debate adjourned on motion by Mr Langton.

UNIVERSITY OF NEW ENGLAND BILL

SOUTHERN CROSS UNIVERSITY BILL

HIGHER EDUCATION (AMALGAMATION) AMENDMENT BILL

Bills introduced and read a first time.

Second Reading

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [4.42]: I move:

That these bills be now read a second time.

The purpose of these cognate bills is to dismantle the existing University of New England network and establish instead two successor institutions, a new University of New England at Armidale and a new university, to be called the Southern Cross University, to serve the North Coast areas of the State. The legislation will also transfer the Orange Agricultural College to the University of Sydney. For those unfamiliar with the recent history of the UNE, the University of New England Act of 1989 established a federated network consisting of two members. One was the University of New England at Armidale, incorporating the former Armidale College of Advanced Education, and the other was the University of New England at Northern Rivers, formerly the Northern Rivers College of Advanced Education.

Additional legislation effective from January 1990 added the Orange Agricultural College to the University of New England and in October 1990 a University of New England presence, with the status of a centre of the university network, was established in Coffs Harbour by resolution of the UNE Board of Governors. In May 1992, the Minister for Education, Training and Youth Affairs received a submission from the UNE Board of Governors expressing the view that the network had become unworkable and that the existing university structure should be dismantled.

The New South Wales Minister for Education, Training and Youth Affairs and the Federal Minister responded by establishing a State-Commonwealth advisory group on the UNE network, headed by Professor Michael Birt. The role of the Birt committee was to advise upon the higher education needs of the northern regions of New South Wales and upon the effect that the proposed dismantling of the network may have on higher education for those regions and at each of the network campuses. Following wide-ranging consultations with the university communities served by the four UNE campuses, the committee submitted its report in

October 1992. Its major recommendations were:

- (1) that the UNE network be dismantled;
- (2) that a new university be established on the New South Wales North Coast, incorporating the current UNE Centres at Lismore and Coffs Harbour and formally sponsored by a major metropolitan university for a period of three years;
- (3) that Orange Agricultural College seek an affiliation with the University of Sydney; and
- (4) that UNE Armidale - incorporating the former Armidale CAE - be reconstituted as an autonomous university.

Through this review of the Birt committee and other submissions received by the Government, it was evident that conflict had grown and developed between the network members with such detrimental effects on both students and staff that continuation of the network had become untenable. Different views among the network members as to their respective roles within the unified structure resulted in conflict sufficient to inhibit the development of cohesion and trust between members. The governance structures created under the 1989-90 legislation had unforeseen effects on the network as a whole. The trans-campus role of the vice-chancellor conflicted with the role of the campus principals appointed to the Board of Governors on an equal footing with the vice-chancellor.

The distribution of funds among network members was a source of conflict. Although the university moved towards a non-discriminatory funding approach, there was criticism within the university in relation to funding allocations. Distance and transport problems also contributed to the breakdown of network relationships. Long distances and travel times between campuses impeded staff communication and inhibited co-operative course development. Differences in regional and cultural identity helped to create an atmosphere of rivalry between network members rather than a spirit of co-operation. The use of tele-conference and video-conference procedures between centres was not able

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to overcome these problems of distance. Following consideration of the Birt committee's report, the New South Wales Minister for Education, Training and Youth Affairs and the Commonwealth Minister established, in January 1993, a UNE advisory panel to advise on the implementation of the recommendations. The panel comprised senior State and Commonwealth officers and the vice-chancellor of the UNE, who was appointed as planning vice-chancellor. The panel was asked to advise upon the most effective strategies for dismantling the current UNE network, to consider all community responses to the Birt committee proposals, and to consult widely with representatives of the UNE communities and other higher education bodies.

The report of the UNE implementation advisory panel confirmed that the existing university network structure be dismantled and that northern New South Wales in future be served by two universities, one based at Armidale and the other at Lismore. It was apparent that the most effective successor structures on educational, community and geographic grounds would be first a completely new, autonomous university at Armidale, which would nevertheless retain the name University of New England in recognition of the history of higher education in Armidale, and second, a unified, integrated university serving the entire North Coast region of New South Wales, comprising the Lismore and Coffs Harbour components of the present UNE network as well as the Tweed, Clarence and Hastings open learning access centres. The name of this new university will be the Southern Cross University.

As recommended by the implementation advisory panel, Cabinet immediately approved the appointment of interim councils for each of the new universities to undertake two crucial tasks. The first task of the interim councils was to establish selection committees to recommend the appointment of vice-chancellors of the new universities. The second task was to provide the Government with advice on the development of the legislation before the House today. It was strongly recommended to the Government that the vice-chancellors of the new universities be selected through open public competition. For reasons of equity, to ensure the credibility of the new institutions and because of the overriding principle that appointments be based on merit the Government fully supports the recommendation of the implementation panel that the interim councils establish representative

committees to undertake the selection process.

This selection process has commenced for both of the new universities and close consultations have occurred with the interim councils of each university on all aspects of the legislation. In recognition of the valuable role played by these interim councils in advising on the development of legislation and in implementing the procedures for selecting vice-chancellors, provisions have been included in both the University of New England Bill 1993 and the Southern Cross University Bill for the Minister to appoint interim councils with legislative authority to govern the new universities until the necessary elections and appointments of members of the permanent governing councils are completed.

In this regard, the Government intends to reappoint interim councils with by and large the same membership as the existing interim councils and to instruct them to discharge their responsibilities as soon as possible. These three cognate bills, the University of New England Bill, the Southern Cross University Bill and the Higher Education (Amalgamation) Amendment Bill are the means by which the present University of New England network will be dismantled and two new and autonomous universities established in its place. These bills follow as far as possible the pattern set by the university Acts of 1989. It is worth noting in this regard that the interim councils of the new universities have elected to follow the format of the other university Acts introduced by the Government in 1989.

The principal objects of the University of New England Bill are to repeal the University of New England Act 1989 and, in line with the preferences of the university community at Armidale, to create a completely new autonomous University of New England consisting of the staff, students and facilities of the Armidale campus of the present University of New England network. The bill establishes a body corporate under the name of the University of New England, comprising a governing council, convocation, staff, students and graduates. The latter are defined as any persons who have received a degree, diploma or other award from any of the higher education institutions at Armidale which have become part of the new UNE by virtue of this legislation.

The membership of the governing council of the new University of New England generally follows that of the State's other universities, comprising parliamentary members, ex-officio members such as the chancellor, vice-chancellor and presiding member of the academic board, members appointed by the Minister and members elected from within the ranks of the academic staff, general staff, students and convocation. Keeping in mind the council's need to encourage stability and professionalism, the legislation provides for six ministerial appointees rather than the usual four and places a requirement on the Minister to consult with the university in determining suitable appointees. This measure is aimed at providing the council with access to a diversity of skills and expertise to enable the university to meet community needs and achieve its goals.

The provisions in the bill concerning the election of a chancellor and deputy chancellor, the appointment of a vice-chancellor and the constitution of the academic board are consistent with the 1989 universities legislation. The provisions specifically defining the composition and procedures of the University of New England convocation are required because of the varied history of the University of New England. The savings and transitional provisions contained in schedule 3 to this bill are crucial to the smooth transformation of the present University of New England network into new and separate institutions.

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In general, the effect of these provisions is to transfer the staff, assets, property, liabilities and students of the Armidale campus of the present UNE network to the new University of New England, and these aspects of the savings and transitional provisions are complemented by similar provisions in the Southern Cross University bill and in the Higher Education (Amalgamation) Amendment Bill. Staff, assets, property, liabilities and students attached specifically to Armidale, Lismore, Coffs Harbour or Orange are by these savings and transitional provisions transferred to the appropriate successor institution. An important objective in the preparation of this legislation has been the need to establish provisions which will foster co-operation between the various successor institutions in the event that unforeseen liabilities arise in the future, and responsibility for those liabilities cannot clearly be attributed to any single successor institution. It is incumbent upon the present

University of New England to act quickly in finalising its activities in order to ensure that existing liabilities are met in time for the repeal of the University of New England Act 1989.

The desirability of avoiding a situation where the new universities are required to pay for the liabilities of the old UNE has been acknowledged by all those involved. While the Minister for Education, Training and Youth Affairs will continue to impress upon the interim councils of the new universities and the Board of Governors of the present UNE network the need to consult and co-operate with one another with a view to resolving such issues before the legislation commences and before involving the Government, certain clauses in the savings and transitional provisions establish an equitable means of mediating any differences which remain unresolved at the time the legislation is introduced. Special provision has been made in schedule 3 to the bill for the Minister to determine any disputes which may arise in the future as to the obligations of the successor institutions in relation to staff, assets, property or liabilities.

In particular, these clauses will provide a means for overcoming any outstanding disputes as to the obligations of the successor institutions in relation to the central administrative staff of the present UNE network university, the ownership of assets or the arrangements made to ensure that students suffer no disadvantage. With regard to the latter, the savings and transitional provisions allow for each of the transferred students, on completion of their courses with successor institutions, to have the choice of taking their degrees from the successor institution or from the former institution. The Government expects the new University of New England, the Southern Cross University and the University of Sydney to co-operate in the provision of courses of study to afford all students enrolled in the present UNE network the opportunity of completing their courses. The remainder of the University of New England Bill, that is parts 4 and 5 and schedules 1 and 2, is identical to the 1989 universities legislation.

I turn now to the Southern Cross University Bill, which will establish a new university on the New South Wales North Coast, incorporating the UNE centres at Lismore and Coffs Harbour. This bill differs in some respects from the 1989 universities legislation, and I will address these differences for the information of members. Southern Cross University is to be formally sponsored by the University of New South Wales as provided by clauses 7 and 10 of the bill. Clause 7 requires the Southern Cross University to collaborate with the University of New South Wales in the development of the academic programs to be offered by the university. Clause 10 provides for two nominees of the University of New South Wales to be represented on the governing council of the university.

It is the Government's view, however, that the full extent of the relationship between the two universities cannot be encompassed within legislation. As the sponsoring institution, the University of New South Wales will assist with the development and endorsement of the research strategy of the new university and with the supervision of research post-graduate students. It will also be involved in senior academic and administrative appointments and advise on staff development strategies in general. The participation of representatives of the University of New South Wales in the academic board of the Southern Cross University will equip the new university with a valuable source of advice in relation to admissions, curriculum and assessment issues. The University of New South Wales is the most appropriate university to sponsor the Southern Cross University because of its large overseas student enrolment and strong commercial activity and funded-research record. The University of New South Wales should fulfil this sponsorship role for a period of three to five years, as required. The progress of the new university in developing its research programs, its higher degree activities and related matters will be reviewed at regular intervals.

In most respects the membership of the governing council of the Southern Cross University is consistent with that of universities of a similar size and regional role. The only differences to be noted are first, as already mentioned, the inclusion of representatives of the sponsoring university and second the inclusion of six ministerial appointees as opposed to the usual four. This difference is accounted for by the fact that the Southern Cross University will not have a substantial group of graduates requiring representation on its governing council until some years after its establishment.

Of special interest in the Southern Cross University Bill is the provision authorising the university to enter

into arrangements with the New South Wales TAFE Commission and the Director-General of School Education to provide integrated education including university courses, technical and further education courses and senior secondary school courses at Coffs Harbour. This innovative integrated facility will improve access and choice for students in Coffs Harbour and will create the opportunity to offer

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a more flexible and relevant range of education and training services. The breaking down of barriers between schools, vocational training providers and higher education and the development of flexible curricula will have a major impact on the way people study and learn. This joint facility will encourage the development of excellence in specific fields of study and allow more focused funding for specialised equipment and resources.

The remaining provisions of the Southern Cross University Bill correspond with those of the other university Acts, except for schedule 3 to the bill, which contains savings and transitional provisions that complement those in schedule 3 to the University of New England Bill. It is essential for the orderly evolution of the present University of New England network into successor institutions that the provisions in this bill dealing with the transfer of staff, assets, property, liabilities and students from the Northern Rivers campus of the present UNE network to the Southern Cross University are consistent with complementary provisions in the University of New England Bill. As in the University of New England Bill, special provision has been made in schedule 3 for the Minister to determine any disputes which may arise in the future as to the obligations of the successor institutions in relation to staff, assets, property or liabilities. These clauses, in combination with similar provisions in the University of New England Bill, will overcome any difficulties which remain unresolved as to the obligations of the Southern Cross University in relation to the central administrative staff of the present UNE network university, the ownership of assets or the arrangements made to ensure that students suffer no disadvantage.

From 1984 the Orange Agricultural College was an autonomous college of advanced education with its own council until January 1990, when it became a college of the University of New England network. It is a small and specialised teaching institution with aspirations for greater involvement in research and development activities, and it has close links with national, State and regional agricultural organisations. The college has argued strongly that its longer-term strategic interests are best served by establishing links with a major metropolitan university with strengths in agriculture and commerce. The Government supports the college's preference for an affiliation with the University of Sydney, and the University of Sydney has expressed willingness to establish such an affiliation. The Higher Education (Amalgamation) Amendment Bill will transfer the Orange Agricultural College from the University of New England to the University of Sydney. The bill will make consequential amendments to section 27 of the University of Sydney Act 1989 to enable Orange Agricultural College to be established as a college of the University of Sydney.

This incorporation of the Orange Agricultural College as an academic college of the University of Sydney is not of itself sufficient to provide for the transfer of the staff, assets, property, liabilities and students of the college to the University of Sydney. Schedule 1 to the bill sets out the specific amendments to the Higher Education (Amalgamation) Act 1989 which will ensure the smooth transition of the college from the UNE network to the University of Sydney. Special note should be taken that proposed section 17B(3) effectively passes to the University of Sydney the control and management of land that was formerly under the control and management of the University of New England in relation to the Orange Agricultural College.

Similar sections in each of the three bills will transfer land to the successor institutions. Discussions with the universities involved have commenced and it is the Government's objective that actions to this end will be completed in the near future. The Government is conscious of the concerns of the universities involved and has accorded the matter a high priority. It is essential that these cognate bills come into effect from 1st January, 1994, in time for the start of the 1994 academic year, so that continuing students at Armidale, Lismore, Coffs Harbour and Orange suffer no disruption, and enrolments of new students in the University of New England and the Southern Cross University are guaranteed.

When passed, these bills will guarantee the future of higher education in the New England and North Coast regions and will ensure the continuing quality of course and research provisions at the Orange Agricultural

College. They are forward looking and take into account the aspirations of these communities. The Government is confident that the arrangements now proposed will improve access to higher education in northern New South Wales and be more responsive to the needs of local communities. These bills represent the outcome of a long period of discussion and consultation and the Minister for Education, Training and Youth Affairs, on behalf of the Government, thanks all those who have assisted in the development of the legislation. I commend these bills to the house.

Debate adjourned on motion by Mr J. J. Aquilina.

DAIRY INDUSTRY (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [5.0]: I move:

That this bill be now read a second time.

In 1989 my predecessor invited the industry to examine its current structure and regulations and to come back to him with proposals for reform and a plan for the future of the industry. The industry took up the challenge and submitted proposals to deregulate the industry beyond the farm gate. These proposals were the subject of discussions with the industry, and in the autumn session of Parliament last year, a bill was introduced based on the outcome of the

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deliberations. Following my predecessor's second reading speech, further debate on the bill was adjourned to enable all sectors of the dairy industry to consider in detail the provisions of the bill.

In response, five matters were raised with my predecessor and, following discussion, three of the matters were resolved without the need for any change being made to the bill. In respect of the other matters, proposals for amendment were received from the industry's policy making body, the New South Wales Dairy Industry Conference. The first of these matters concerned the cost of rationalising the vehicle vendor sector. The conference has indicated its willingness to establish a fund for vehicle vendors from industry sources without resort to any Government funds or any impost on milk consumers, and this bill reflects the industry's requirements.

The second matter related to the continuation of the issue by the New South Wales Dairy Corporation of a certificate of registration for vehicle vendors. The industry proposed the retention of a basic certificate to assist the corporation in administering its ongoing responsibilities under the Dairy Industry Act 1979, the Food Act 1989, the Food (Standards) Regulation 1989 and the Food (General) Regulation 1992. All matters in relation to zoning, source of supply, restrictions on sale and other market regulation mechanisms are not to be included in the certificates of registration. This adjustment is also reflected in the bill.

The industry has committed itself to move to complete deregulation beyond the farm gate over a five-year period. Accordingly, this timetable has been adopted with the relevant provisions in the Act being set to commence from 1st July, 1998. It is accepted by the industry that the necessary adjustments can be achieved in that period without causing unnecessary instability. When these so-called deregulation provisions become effective it will mean that the farming sector will continue to be supported by regulation but that the processing and distribution sectors will be less regulated. The bill contains the necessary provisions for this objective to be achieved.

In relation to the other provisions in the bill it is also mentioned that the present requirement for the

corporation to undertake a review of prices fixed under the Act on a quarterly basis should be modified to require reviews to be conducted on a half-yearly basis when the deregulation proposals become effective. Before that time, however, I propose to have further discussion with the industry with relation to the procedure for fixing prices.

Another provision in the bill will remove all references in the Act to margarine. The bill will also limit the width of information which the corporation can require persons within the industry to provide, and will remove that part of the Act which provides for the investigation of complaints made by dairyfarmers. In relation to the last mentioned matter it is advised that the provision has not been utilised since it was included in the relevant legislation in 1977.

Again I would stress that all of the provisions retained in the bill reflect the wishes of the New South Wales Dairy Industry Conference, which is made up of representatives of all sectors of the dairy industry in the State. Before turning to the provisions of the bill I would like to place on record the Government's appreciation of the willingness of the industry to co-operate in putting together this plan.

I will now address the specific provisions in the bill. Clause 1 of the bill contains the short title, and clause 2 makes provision for the Act to commence on a day or days to be appointed by proclamation. Clause 3 provides that the amendments are contained within the schedules. Schedule 1, item (1) inserts division 1A of part 4 into the Act. In that division, new section 35A specifies that the deregulation date is 1st July, 1988, or an earlier date agreed to by the Amalgamated Milk Vendors Association Incorporated and me. New section 35C will remove the New South Wales Dairy Corporation's powers to impose conditions relating to zoning, source of supply, restrictions on sale and other market regulation mechanisms in the certificate of registration required to be held by vehicle vendors.

New section 35D will limit the corporation's powers to refuse to issue or to cancel such a certificate on health grounds. The continuing requirement to hold a basic certificate of registration will enable the corporation to readily identify vehicle vendors for the purpose of discharging its health responsibilities under the Act. The alternative would be for milk deliveries to be monitored at random, a potentially costly and wasteful use of resources. New section 35E will enable the establishment of an industry funded and operated distribution sector rationalisation scheme to encourage and facilitate the rationalisation of the vehicle vendor distribution sector of the dairy industry.

New section 35F provides that no compensation is payable, because of deregulation, to certain vehicle vendors, including those who are given an opportunity to participate in the distribution sector rationalisation scheme. Schedule 1, item (2) will remove, on and from the deregulation date, the corporation's powers to fix retail and certain wholesale prices for milk. The corporation will retain the power to fix the minimum price to be paid to dairyfarmers for milk, and certain wholesale prices to be paid by processors for milk. This item will also reduce the frequency of periodic reviews of prices from quarterly to half yearly.

Schedule 2 removes all references in the Act to margarine. Schedule 3, item (1) limits the corporation to requiring the provision by dairyfarmers and others of only such information as relates to accounting for the use of milk and the fixing of pricing. Item (2) removes the provisions for the investigation of complaints by dairyfarmers. I commend the bill.

Debate adjourned on motion by Mrs Lo Po'.

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APPROPRIATION BILL

PARLIAMENTARY APPROPRIATION BILL

BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) AMENDMENT BILL

MOTOR VEHICLES TAXATION (AMENDMENT) BILL

ROAD IMPROVEMENT (SPECIAL FUNDING) AMENDMENT BILL

Second Reading

Debate resumed from 13th October.

Mrs LO PO' (Penrith) [5.10]: I will address the Budget for the electorate of Penrith more from the point of view of the absence of funding. The electorate of Penrith has been treated badly by this Government and the people of Penrith know it. It is interesting to note that other organisations see Penrith as a place with a great deal of potential. In the centre of Penrith, Lend Lease has constructed its flagship, a \$420 million shopping centre; the tax office is to construct a \$50 million office block; and the council is rejuvenating its chambers at a cost of \$32 million. Everyone seems to understand that Penrith is a place with a destiny, but this Government is treating it badly. The services in Penrith are being depleted. The longer the Government remains in office, the fewer services the people of Penrith have, and, interestingly enough, they are expecting little from this Government. They see it as not a western suburbs Government but very much a North Shore Government that is prepared to allow the people of the North Shore the largesse, while the people in the western suburbs of Sydney suffer.

I shall tell honourable members what is not in the Budget for the electorate of Penrith. There is no education capital works. Penrith electorate is one of the largest growing areas in the State in terms of schoolchildren, yet it has not received a capital works allocation. The school of Glenbrook, at the foot of the Blue Mountains, is 100 years old. It has had an expectation for a long time that it will get an assembly hall. The school has frequently asked the Department of Education for an assembly hall, but when I made inquiries, the department's response was that established schools should not have an expectation that they will get an assembly hall, that that is the prerogative of new schools. Though I did not agree with that, I could understand limited resources being rationed in that way. However, in the adjoining electorate of Blue Mountains, which the Government is in jeopardy of losing at the next State election, two established schools are to have assembly halls built for the benefit of the honourable member for Blue Mountains. There is a double standard: a standard for Labor electorates and a standard for Liberal electorates - and this is not lost on the people of western Sydney.

The people of western Sydney pay taxes commensurate with people in other areas of the State, but they do not seem to get commensurate services. The suburbs of Blaxland and Glenbrook have bright children, and an opportunity class has been established at Blaxland East school and another OC class is to be established. Parents living in that area had an expectation that the second OC class would be at the same school, so that there would be complementary educational capacity and learning. However, because of lack of capacity at Blaxland East school, the second OC class will be at Glenbrook. Families lucky enough to have more than one bright child have no way of sending them to the one school. One will go to Blaxland East school and the other to Glenbrook. The parents are most concerned about that. Again, the Department of School Education was approached about this matter and the parents were told there were no resources for an extra room. Yet the neighbouring electorate is getting not only extra rooms but also extra assembly halls. Once again we are seeing the difference between the electorates of Blue Mountains and Penrith.

No money has been spent on welfare in Penrith. The city of Penrith probably has more young people than most other areas have, and problems are manifesting themselves in many ways. One would have thought that under the auspices of the Minister for Community Services, who is constantly referred to as a caring, concerned Minister, this issue would have been addressed. The people of Penrith do not see Minister Longley as a caring, concerned Minister; they see him as a Minister disinterested in the welfare of the people of Penrith. We have street kids. All areas have them but Penrith tends to get them in great numbers. The Nepean Bridge and the Nepean River attract them. They sleep under the Nepean Bridge, yet last year's budget for the Department of Community Services was underspent by \$20 million. I could spend all of that \$20 million in my electorate yet, while Penrith is wondering what to do with its street kids, the Budget Papers boast proudly that the Department

of Community Services saved \$20 million.

Disabled people in my electorate cannot obtain access to the facilities they need, such as wheelchairs and frames. Moderately handicapped people who need special attention cannot find a place in an education centre after they have left primary school. It is particularly sad that Penrith seems to have its share of these moderately intellectually handicapped people. After they have been to places like Kurambee and Thorndale they cannot attend an adult education service. Though they are in educational care in their youth, in adulthood they have nowhere to go. They must live with ageing parents who are distracted by what to do with them. Castlereagh Adult Learning Service has a long waiting list. It services the three local government areas of Penrith, Hawkesbury and the Blue Mountains, and there is no way in this world that it can accommodate everyone who wants to go there. I have asked both past and present Ministers to duplicate this service - it should not be extended because it would then lose its personal touch - but they have said that is not appropriate.

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

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PRIVATE MEMBERS' STATEMENTS

Mr WAYNE WARBY CRIMINAL COMPENSATION CLAIM

Mr McBRIDE (The Entrance) [5.15]: I alert the House to a failing of the justice system that is bearing hard upon a constituent of mine, Mr Wayne Warby of Killarney Vale. On 31st August, 1989, Mr Warby was working with an armoured car crew, delivering a large sum of money to the Commonwealth Bank at Roselands. At that time he was set upon by three armed men who stole the cash delivery. When attempting to prevent the robbery, Mr Warby was bashed on the head with the butt of a gun and was shot at from close range. As the alleged offenders were leaving the scene, one stepped from the car and pointed a sawn-off pump action rifle at Mr Warby's head. If it were not for the offender's failure to pump a shell into the rifle's chamber, Mr Warby would have been shot dead at point-blank range. The alleged offenders were eventually arrested, tried in court and spent a short time in prison before being released after a successful appeal.

In the past four years, Mr Warby has co-operated with the police in every way possible. He was called on to give evidence at the original trial as he was the only person who could identify one of the offenders. Mr Warby has been again asked to assist in police investigations that have seen the case re-opened, and I understand that one of the offenders is due to appear in court on 11th November. Mr Warby has proved himself to be an honourable person. He risked his life trying to prevent an armed robbery, suffered a physical attack, gave evidence in a court against a criminal said to have links with the underworld, and is prepared to do so a second time. No one could question his integrity or commitment to upholding the law of the State. However, the law - or more particularly the justice and court system - has not upheld its own standards of fairness in its treatment of Mr Warby. More than four years after the original armed robbery, Mr Warby is still waiting for criminal compensation.

I shall chronicle this sad case. In July 1990 Mr Warby lodged a claim for criminal compensation, and in November 1991 he was offered \$2,000 in compensation. This amount was no measure of compensation to Mr Warby. He had medical costs associated with being bashed on the head with a gun. He had lost wages from his time off work with the injury, and was unable to return to such a heavy workload due to psychological effects. Soon after the robbery, a psychologist advised him to take several weeks off work and leave Sydney due to the pressure of the situation and the fear of reprisal from the offender. His family has suffered enormous strain. An offer of \$2,000 compensation was a tawdry slight on the extent of Mr Warby's personal ordeal.

Mr Warby appealed and has since been trying to pursue his case through the courts. The case was first listed for hearing in Gosford District Court on 25th November, 1992, but was not heard. It was then listed for hearing on 14th May, 1993, and he was scheduled as the nineteenth case of 50 to be heard. Mr Warby was called before the court at 3 p.m. when the judge duly adjourned the case until the next sitting session. These were both two-week sitting periods. At that time Mr Warby first approached my office to seek assistance. I duly wrote to the Minister for Justice, seeking his consideration of the case.

The Minister for Multicultural and Ethnic Affairs and Minister Assisting the Minister for Justice replied that in a July sitting session Mr Warby's case was listed twenty-fifth of 50 - he was previously listed at number 19 and had dropped back to 25. The Minister said in his letter that he "would have a very good chance of being reached". Mr Warby had to take two weeks off work, without pay, for the sittings. Sure enough, only five cases were heard, and again Mr Warby missed out. Mr Warby contacted the court and tried to ascertain when his case will be heard. Again, no answer has been forthcoming. I have once more written to the Attorney General and Minister for Justice seeking assistance for Mr Warby, but as yet I have not received a reply.

Let us be clear about what we are facing here. The alleged offenders will have been through the court system three times before Mr Warby's case has been heard. They have received legal aid on at least one occasion, yet Mr Warby has been left on the sidelines. He has suffered injuries, loss of income, stress and trauma. The one man who has shown nothing but respect for the law and a sense of community spirit in this case is being treated as a criminal. The justice system's treatment of Mr Warby is nothing short of appalling. It has shown contempt for a decent and earnest man by stonewalling him. Mr Warby has done the right thing out of a sense of obligation to the tradition of fair play, but the justice system has not reciprocated in kind.

I conclude by referring to a comment of Mr Warby's to the Central Coast *Sun*, which recently featured an article on his plight. Mr Warby said, "The victims are the ones paying for these crimes - they stand alone in these cases, which is plain bloody outrageous". I call on this House, the Minister for Justice and particularly the Minister assisting the Minister for Justice to expeditiously act upon the concerns of Mr Warby and myself to ensure that Mr Warby is no longer forced to fight the system which was designed to serve people such as Mr Warby. I point out that I gave the Minister Assisting the Minister for Justice notice that I would be making this statement today. I am disappointed that he is not here this afternoon. [*Time expired.*]

DURAL PUBLIC SCHOOL PEDESTRIAN OVERBRIDGE

Mr RICHARDSON (The Hills) [5.20]: I rise to speak on a most important issue for all parents and the people of New South Wales: road safety. Road safety is never more important than when children's lives are at stake. We tend to find children

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congregated most often at schools. Many new schools are built off main roads, although that is not always possible, depending on the availability of land, but older schools tended to be built on main roads. That creates a considerable element of danger for the children attending them. Older schools were built during a more leisurely era when shank's pony was the main mode of transport. Since those schools were built, the number of cars on the road has increased exponentially. Despite the Government's diligent application of 40 kilometres an hour school zone speed limits, traffic lights and wombat crossings, there is still a potential danger whenever there are cars and kids together. Lack of separation is a problem, even when there are traffic lights. When a child has to cross a road and a car comes along there is potential for disaster.

I bring to the attention of the House an innovative plan which has been put in place at a school in my electorate which I think has considerable application for other members. The Dural Public School parents and citizens took a novel and pro-active approach to children crossing Old Northern Road outside the school. Rather than accepting the traffic lights which the Roads and Traffic Authority offered, the parents and citizens decided that they would prefer an overbridge. The president at the time was Katrina Potter, nee Lee, the television personality. She gained clearance from the RTA and the Department of Education to build a bridge funded entirely from advertising rights. The Government is spending around \$60,000 to put in a bus bay and a

kiss-and-ride bay.

The bridge will commence inside the school fence, so that the children will be forced to use the bridge rather than go outside the school and run across the road, as they are wont to do. The school gained the agreement of the Disability Council of New South Wales to refrain from commenting on the absence of ramps, which would have made the bridge prohibitively expensive. In 1992 the RTA prepared a concept design for the bridge and a review of environmental factors. It prepared advertisements which appeared in newspapers last year inviting expressions of interest from private sector organisations to finance, design, construct and maintain the bridge, in return for the rights to display controlled advertising on the structure.

The company which won the contract was Handley, Carlile and Fagan. The bridge proposal was displayed at Hornsby Council, at Baulkham Hills Council and at Dural Public School for comment. Forty-six submissions were received - 42 in favour of the proposal and four against - and Baulkham Hills Council approved the proposal on 21st April. Hornsby Council and the Dural Progress Association had some reservations about it, so I convened a meeting of all interested parties in my office on 22nd September. Some 18 people, including the mayors of both Hornsby and Baulkham Hills councils, Hornsby councillors, traffic engineers from both councils, and Senior Constable Faye Ambrose from the Castle Hill police station, who took time off from her holidays to attend the meeting, were in my office that day.

We did not entirely resolve the differences, but there was a general agreement that the most important consideration was the children's safety. The bridge will go ahead, funded, apart from the associated roadworks, entirely by private enterprise. I understand, from the RTA, that this is the first project of its type outside a school in New South Wales. It shows what can be achieved by an enterprising and entrepreneurial parents and citizens association in conjunction with a co-operative government, even in times of straitened economic circumstances. I commend the concept to the House, and I would be delighted to furnish further details to any honourable member who cares to contact me.

Mr PHILLIPS (Miranda - Minister for Health) [5.25]: I thank the honourable member for The Hills and I take this opportunity to congratulate him on his maiden speech earlier this week. One of the problems with new members is that often they sit back and are tentative about becoming involved in parliamentary processes and debates. It is good to see that the new member for The Hills is into it straight away. He obviously has a clear idea of the issues in his electorate and he is already working towards resolving differences and facilitating good arrangements. As most honourable members know, working constructively with public schools to solve problems is an important part of a local member's responsibilities. I am pleased to see that the new member is already very active in that area.

The privately funded overbridge idea, instead of traffic signals, is a clear indication of what can be done with a little lateral thinking rather than the old bogged down system which said, "We have a problem; where's the money?". People just hold out their hands and go on a list, and in the meantime people suffer. I congratulate the people of The Hills, particularly the Dural Public School, for the work they are doing to have this overbridge put in place for the safety of their children. I am sure that if there is anything we can do to assist the local member and the public school, we will.

CABRAMATTA POLICE PATROLS

Mr NEWMAN (Cabramatta) [5.27]: I refer to the important and sometimes vital role of police in the Cabramatta electorate area, and express my concern about certain aspects of their service to the community. Resources are still lacking in certain sections of the district's patrols and, even with additional beat officers, there has not been an acceleration of improved security in the district. Insurance companies still designate Cabramatta subdivision post codes as high risk, with a penalty levy applicable to all premiums for vehicles, business and home insurance policies. The Cabramatta electorate is serviced in the main by the Cabramatta police patrol and in part by the Wetherill park patrol, which covers the Bonnyrigg area.

From the outset I wish to indicate my support of and respect for the dedicated, hard-working officers of both patrols and say that my concern is directed to the

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senior management authority of the Police Service and the Minister for Police and Minister for Emergency Services, whom I call on to keep in touch, to follow up and supply additional personnel and new police policies. With respect to the Cabramatta patrol, I commend its record of arrests for drug trafficking and the noticeable reduction in vehicle theft.

The 1993 additions to the beat patrol section have made patrols more visible in Cabramatta. However, its effectiveness is still questionable in terms of reducing street crimes, such as neck chain and bag snatching. The annual count of vehicles stolen is unacceptable and the incidence of drug trading in broad daylight is abominable. On many occasions the mobile police station van, which was donated by the Cabramatta community, stands empty in the Freedom Plaza as a so-called police presence, and is not taken seriously by the public.

The police Minister received a letter from my office dated 13th September seeking information and answers to a number of questions. The points raised were: the precise numbers of police in the Cabramatta patrol and their ranks and duties; why the patrol has only one police officer of Asian descent; why the patrol's only Vietnamese officer left the area after only two months of duty; why low-ranking officers - senior constables - are repeatedly put in charge of the station; why there has not been any further development in the ethnic public relations or victim protection programs; why home burglary statistics have shown an increase; and what initiatives are taking place.

Community confidence in the police, particularly in the ethnic community, is not apparent in Cabramatta and an attempt to improve the relationship failed due to a poor response from the police administration. The detective section of the Cabramatta patrol badly needs reinforcement, and I appeal to the Minister and the Commissioner of Police to review the workload of the section and add six more officers. As an example of the workload I draw the attention of the House to the murder of teenager Thi Intasan on 8th December, 1992. There has been no arrest even though there were more than 100 people in the Ba Luck restaurant, where the trouble started. After 10 months of investigations there is still no arrest. That exemplifies the problem of police obtaining evidence from witnesses.

I believe the confidence of the ethnic communities of Cabramatta is there for the police; it just needs the police to apply themselves in other than conventional methods of operation, as well as use better public relations and publicise examples of victim protection. The Asian community in particular is comprised of law abiding citizens but they are not receiving the follow-up communication that will bring results. Home invasion robberies are continuing, and for each one reported two are not reported. I seek an urgent review of police numbers in the Wetherill Park police patrol and express the concern of the honourable member for Smithfield and the Bonnyrigg community about the inadequate number of police at the station. The patrol has only 32 permanent general duties officers and can roster only one vehicle a night for general community patrol. Unbelievably, there is only one person, a sergeant, in the beat patrol section. The station has other officers who are not on general duties doing special operations such as highway patrol.

Last Monday night, 11th October, Mrs Heather Spickler and her two children arrived at their Bonnyrigg home to find burglars leaving the premises. The thieves, after having peeled off the security screen door, without fear of attracting the attention of neighbours, simply kicked down the front door and made off with a variety of goods. The terrified mother had her young son ring the police seeking assistance. She was particularly afraid that the burglars would return knowing that the family was defenceless. It took two hours for an unsympathetic officer to call, and he simply dealt with her as another statistic. Mrs Spickler rang my office because the police did not show any interest in possible clues to the identification of the thieves. As a result of my contact with the patrol commander the police have now responded to the incident. I am most concerned about this incident. On other occasions I have had doubts about the service from the patrol to the public. As a matter of urgency I call for the establishment of a beat patrol section at the station with at least a dozen officers manning the beat patrol section. It is vital that the Wetherill Park police have adequate staff.

[Time expired.]

BYRON BAY LAND ACQUISITION

Mr D. L. PAGE (Ballina) [5.32]: I raise an issue that is of long-term concern to people in my electorate and other Australians. I refer to the possible acquisition of a special piece of land known as portions 170 and 173, Paterson Street, Byron Bay. Unfortunately, the land was zoned 2(a) residential when Byron shire's local environmental plan was gazetted in March 1988. A development application to build 15 houses has recently been lodged with the council. I am not alone in the view that the land is inappropriately zoned. It is important that the Government endeavour to acquire the land, as the acquisition of the land, which adjoins sensitive Crown land, would provide an ideal opportunity to develop a connected series of walking tracks between Cape Byron headland south along Tallow Beach, inland towards Pacific Vista and Honeysuckle Hill and back to the cape. Over the years the Department of Conservation and Land Management has developed a superb set of walking tracks to the north of Cape Byron, which connect the cape to Wategos Beach and the pass. Similar work to the south of Cape Byron, given the spectacular nature of the landscape, would provide a great asset not just for local residents but for many Australians, about 500,000 of whom flock to Cape Byron each year to see Australia's most easterly point.

I seek the personal intervention of the Minister for Land and Water Conservation. I ask him to say whether he is able to assist. He may be able to indicate to the developer that the Government is

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prepared to look seriously at acquisition in some form or other. I understand that the developer is sympathetic to acquisition by the Government and is not hellbent on developing the site even though that is permitted by the present zoning. In support of my request for acquisition, the Department of Planning, in a letter dated 14th January, stated:

Preliminary investigations have established that the land exhibits high natural values as part of the coastal landscape, and is worthy of protection and preservation, management of plant diversity and significant habitat value.

In a letter to the council the Department of Conservation and Land Management stated:

Your proposal for listing of portion 173 with the Department of Planning for acquisition under the Coastal Lands Protection Scheme is supported. If the purchase proceeds that land could be compared with the Crown owned land for incorporation into the adjoining Crown Reserve, that currently includes the Cibus Margil Swamp.

In a letter of 12th March to the Department of Planning in Grafton the National Parks and Wildlife Service stated:

The natural values of the site are high, as outlined below. The Service considers that the "Residential" 2(a) zoning of the site is inconsistent with its obvious high natural values and recommends that Byron Shire Council be requested to rezone portion 173 to "Coastal Lands Acquisition" . . . the site supports a clay heath which is a vegetable type of moderate or high conservation in the local and regional context.

The conclusion was:

For the reasons of conserving the locally limited clay heath habitat on the site and for giving added protection the important wetland and endangered species habitat of Cibus Margil Swamp the Service strongly advises purchase of the site to place it in public ownership, along with a recommendation to Byron Shire Council that the site be rezoned to "Coastal Lands Acquisition (zoning 7(f2)).

Unfortunately the Minister for Planning has not been able to acquire the land under the coastal lands protection scheme. He has advised that the Department of Planning has priorities for the acquisition of land that do not quite include the site, and though the Government is sympathetic to the proposal, the Minister's budget in 1992-93 would not permit him to acquire the land. Acquisition by the Minister for Planning we now know is

not possible. Rezoning the land to environmental protection would cause problems for the council in the Land and Environment Court. The remaining course is for the Minister to do something visionary, and I am sure he will be able to do that. [Time expired.]

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [5.37]: I received a submission from the honourable member for Ballina about the Cibus Margil Swamp and portion 173 at the beginning of the parliamentary session. I have also had the benefit of reading local content from the *Northern Star* newspaper of 9th October. I will take note of the transcript of the remarks just made by the honourable member for Ballina on his proposal, which essentially would involve the Department of Conservation and Land Management in an exchange of property to create a recreational area and development site elsewhere. Having read the submission and listened to the comments, I think the proposal certainly warrants an investigation by my department. Though I do not have the benefit of any professional investigation, I think the proposal is attractive. If investigations support the proposal, I hope that somehow in the future the proposal can be accommodated. We will do our best to assess all aspects and to find an available path.

SYDNEY OLYMPIC GAMES COUNCIL RATES

Mr NAGLE (Auburn) [5.39]: The Homebush Bay Complex and State Sports Centre are in the Auburn electorate, and in the year 2000 the Olympic Games will be opened there. As I have said in this Chamber, I was approached by Ministers, my own party and people from the trade union movement to adopt a bipartisan approach to the Games. I gave them my bipartisan support. But the rudeness, arrogance and superciliousness of the Government have been reflected in the insults that have been inflicted upon my constituents. We have to get our feet on the ground about the Olympics and estimate what it will cost. For example, the Auburn municipality is losing \$750,000 a year in rates because the land on which the complex is being built is non-rateable, whereas previously it was rateable. The Mayor of Auburn was mentioned in a headline in the *Parramatta Advertiser* of 6th October: "\$6m Rates Loss. Olympics will not be all gold: mayor"

This is a major problem that should be taken seriously. This development will occur in the Auburn electorate, not the Strathfield electorate, as was claimed. The development never was to be and never will be in the Strathfield electorate, as was erroneously claimed by a senior Minister. The people of Auburn want to assist as much as possible to get the Olympics up and running. They want it to be a financial success. The people of New South Wales and in particular those in Auburn do not want to have to carry such a financial burden if the Games are not successful. The Premier was reported in the *Daily Telegraph Mirror* today as setting out the costs of the Games. People in Auburn and throughout the State will make enormous efforts to ensure success for the Sydney Olympics. Those efforts are being commenced by the Chamber of Commerce, Rotary, Lions and various ethnic organisations getting together to find ways and means of making life easier for athletes and their parents when visiting Sydney. We need to assist and want to be co-operative, but we also want the Government to be co-operative.

The Hon. Robert Webster has met with the mayor and several councillors and for the first time has allowed some consultation with Auburn council about what is going on. I have written to the Premier and asked him to meet a delegation - comprising myself; Laurie Ferguson, the Federal member for Reid; my colleague Kim Yeadon, the honourable member for Granville; the Mayor of Auburn and councillors; and the Chamber of Commerce - so that we can discuss the problems and how the people of

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Auburn can participate. We want to get our feet firmly on the ground. Residents of Auburn should not have to carry a \$750,000 per annum rates loss. We want to be able to talk with the Government and share that cost with the rest of the State.

We also want to put an end to rumours that the Homebush Bay Olympic site and State Sports Centre will not be transferred to the Strathfield municipality to boost the ego of the Liberal Party but will remain where it has been for a century, in the Auburn electorate. Under the present administration Auburn has lost hospitals, the ethnic affairs office and the GIO office, yet we have been asked to support the Government, and we do

support the Government. We made a bipartisan effort to win the Games for New South Wales, even though members on both sides of the House had reservations about its financial impact. We support the Games. However, we have come to realise that if we are to have the Games, the Government has to talk to the people of Auburn.

Mr Souris: If you need it, you have got it.

Mr NAGLE: We have now got it, according to the Minister. Therefore, he will arrange for the Premier to meet my delegation so that we can work out ways and means of assisting. I am also concerned about the closure of Australia Avenue, which at present carries through traffic to Concord from the Auburn-Lidcombe area. The acute care section of St Joseph's Hospital has closed and we are told that Concord Hospital will receive patients. We ask that Australia Avenue be left open. [*Time expired.*]

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [5.44]: I can only respond to the honourable member for Auburn by saying that I hope by the time the closer planning of the Olympic Games takes place we will have a new and decent member for Auburn who will have a bipartisan -

Mr Nagle: On a point of order. I raised this matter sincerely, but the Minister has made a personal attack on me. I ask that the Minister apologise and withdraw his reference to me as other than a decent person or member. That remark is offensive and insulting. The Minister's comments will appear in the newspapers, as will my comments in response to him. The Minister's remarks are an absolute disgrace.

Mr Souris: My words were in relation to the prospective member.

Mr ACTING-SPEAKER (Mr Tink): Order! There is no point of order.

Mr SOURIS: I hope that the new member for Auburn will adopt a genuinely bipartisan approach towards the Olympics and assert - on the very first sitting day after the Leader of the Opposition, with arms outstretched, declared that, win or lose, there would be a bipartisan approach to the Olympics - that the commitment will be fulfilled and that no Labor doublecross on the Olympics will occur. The honourable member should be ashamed of himself. He should re-examine his speech, for he will have to cut out my contribution if he wants to circulate his speech in the Auburn electorate.

LUMINOUS HOUSE NUMBERING

Mr SMILES (North Shore) [5.46]: I rise to discuss an issue that has widespread implications for the North Shore electorate and indeed for all members and for local councils in all our towns and cities. That issue is the efficient and effective delivery of lifesaving emergency services, that is, police, ambulance and fire brigade. My comments will not be directed to those services themselves but to what we as a community should be doing to help them where we live. Over the past few days I have been speaking extensively with various emergency service agencies about this issue. These agencies provide an absolutely vital service to our community, saving lives and property and protecting ourselves and our families.

Yet, as a community of people on the North Shore - and I fear elsewhere in Sydney and throughout New South Wales - we do not seem to be able to get together on even the smallest matter that the emergency service providers admit will not only save them time and money but may even save lives. I am talking about the very simple thing of how we number our homes, home units and businesses in our streets. Every day we waste the valuable time of our emergency services officers - who are trying to help us - by keeping our homes, home units, offices and shops badly numbered or, worse, not numbered at all. In the North Shore electorate there are many unfortunate examples of such omissions. As a direct result of this problem, a number of significant difficulties have been caused to our police and ambulance officers in attempting to do their duty.

A little time ago I was involved in a situation within my electorate when an elderly lady had a heart attack in one of our local shops. An ambulance was called and I was pleased to be able to assist this poor lady while

waiting for the ambulance. I am pleased to say that the lady survived. We cannot claim that her survival was due to the ease with which the ambulance officers were able to locate the business premises. In fact, the ambulance officers reported to me considerable difficulty. They believe they wasted several precious minutes trying to find the particular shop because of the lack of numbers on that shop and indeed on surrounding shops. The fact of the matter is that an alarmingly large proportion of premises and residences along Blues Point Road, the particular street in question, are not adequately numbered, given that little time may be available for a full inspection of house exteriors.

A second instance I would like to mention is in regard to a report presented to me about domestic violence problems and police visits. The family's home in question is poorly numbered. On more than one occasion a constituent has reported to me that she and her family have been disturbed by police officers trying to do their protective duty by responding to calls reporting domestic violence. Unfortunately, those police officers repeatedly had problems in locating the house to which they had been called. It is not difficult to imagine that the extra two, three or

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five minutes taken by the police to locate the correct home could mean the difference between minor and major injuries to an innocent woman or child or even a risk to life itself. Unfortunately when I inspected the home in question, and surrounding homes, there were no numbers on any of them.

Another example at Mosman relates to a major home unit block where the street number relating to Mosman Street is put on the Spofforth Street side of the unit. There are many other instances, but I bring those few to the attention of the House to illustrate the significance of house numbering. I call on the Minister for Police and Minister for Emergency Services to investigate the establishment of a public awareness campaign so that the whole community is aware of its responsibility. I further call on my constituents in the North Shore electorate to consider their residences and their businesses and to affix clear, large, visible - and preferably luminous - numbers at an appropriate position on the exterior of their premises. In the event of a life threatening emergency these premises can easily be identified and located by our ever diligent emergency services.

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [5.51]: I thank the honourable member for North Shore for the way in which he has presented this particular aspect pertaining to his electorate. I understand that the Minister for Health and the Minister for Police and Minister for Emergency Services have both acknowledged the need for more adequate house numbering. The involvement of, and presentation by, the honourable member for North Shore in this statement to the Parliament today is very relevant in the remedial action. I have been informed also that both Ministers are keen to investigate the situation in the hope of saving lives. Both Ministers have agreed to keep the honourable member for North Shore well and truly informed of progress and look forward to progress occurring in the way suggested by the honourable member.

CENTRELEASE EQUIPMENT FINANCE RENTAL AGREEMENTS

Mr FACE (Charlestown) [5.52]: I bring to the attention of the House a matter of considerable concern involving a wide variety of individuals and organisations in the Hunter region. Because of the way these people have been dealt with at a so-called business level, an investigation into whether the terms of that business leasing were harsh and unconscionable ought to be carried out by the Minister for Consumer Affairs. The best example I can give involves the Lake Macquarie Police-Citizens Youth Club, with which I have been involved from the time of its founding. Currently, I hold the position of secretary of the club and I believe that I am left with no alternative other than to bring this unbelievable behaviour to the notice of the Parliament and ask the Minister for Consumer Affairs to investigate whether some restitution can be made to the many individuals and parties, such as the police-citizens youth clubs, who have suffered from this untoward behaviour.

In February 1990 the Lake Macquarie Police-Citizens Youth Club entered into a rental agreement with Centrelease Equipment Finance Pty Limited of Unit 6, Metro Centre, 38 South Street, Rydalmere. The item leased was a Nashua facsimile machine and the agreement was to run for 60 months at a cost of \$81 a month.

The payment over that period would have totalled \$4,860. On 9th April a similar lease contract was entered into by the Lake Macquarie Police-Citizens Youth Club for a Nashua photocopier and accessories on a rental agreement. On this occasion the agreement was for 48 months with the rental at \$162 a month, giving a total of \$7,776 for the period of the agreement. I was present when conversations took place with the company's representative Mr Glen Timms when we were told that during the period of the agreement we would be able to update to the new technology simply by maintaining our rental agreement. This was one of the major attractive factors which influenced our decision.

This arrangement was attractive because it would not cost us money right from the word go and it was comparable when looked at in that light to buying under a government contract. The trouble first started when the Nashua copier continually broke down. My view was that it was a lemon right from the start or, from what I have been able to gather from others, it was probably a very poor product. In an effort to overcome the continual breakdowns, when a serviceperson came and explained to the manager and the club treasurer - and they had signed the contract after we heard that this was a good offer - the treasurer said that because we had the opportunity, as part of the deal, to have an update, that was probably the best way to go about it. This was met with a reply from Centrelease that we had a rental agreement only and, at the expiration of that agreement, Centrelease would pick up the equipment from the club and we would be offered a price at which we would be able to purchase the equipment.

From information available to me today, and from many others who have been caught, the prices were always highly inflated. In many cases they were almost the same as the original purchase price. We found out then that everything we had been told about the updates and a variety of other things - we would get a supply of paper, toner, parts would be at cost only for both the facsimile and the photocopier - would never come about. The then treasurer of the Lake Macquarie Police-Citizens Youth Club had conversations with staff at Centrelease over a long period. He said to me, "If I had been born in or around the time of the second world war, from what I have read and seen of history one would have thought that I was dealing with the Gestapo". The club committee has taken the course of writing to the directors to appeal to their humanity - if they have any - or to their moral obligation or compassion.

Over a long period they have practically ignored every one of our overtures. Nashua, to its credit, having had attention drawn to this matter and seeing the dilemma of other charitable and community organisations and many small and large businesses as

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a result of this scandalous fiasco, severed their connections with Centrelease. In other words, they would not use their financing and have their products associated in that way because it was giving them extremely bad publicity and, as indicated to the manager of the club, an unbelievable amount of complaints - like nothing they had ever seen in the years they have been in business in Australia.

I understand that scouts, charitable and sporting organisations were all caught by Centrelease. At least two bowling clubs to my knowledge - and one of them unfortunately was the bowling club opposite the club, where Glen Timms, who was present, was taken at face value and on trust - were caught by Centrelease. The real community-type bowling clubs could ill-afford this hard and unconscionable condition that I have explained to the House. Though Glen Timms, the original salesman to us, was little short of being a con man, he was not the only one. It was obviously with the full knowledge of Centrelease that these salespeople, besides completely falsifying the conditions attached to the lease, were to sell as much as they could.

It was a little bit like the insurance salesman who runs white hot for a period of time and several years down the track experiences a dramatic lapse rate - and that was the case with these rental agreements. I made inquiries today and earlier this week in business circles where the same salespeople - and there were quite a few of them - including Timms, sold rental agreements that in some cases were so heavy on small businesses. I ask the Minister to have a look at this. [*Time expired.*]

CRABBES CREEK DEVELOPMENT

Mr BECK (Murwillumbah) [5.57]: Tonight I speak on behalf of some residents in a small village within my electorate known as Crabbes Creek. The central point of their village was the country hall, which had been there for 86 years. However, the land where this country hall is situated has been sold to a developer. The parcel of land, with the hall on it, has a 99-year lease, signed in 1907. It still has 13 years to run. Unknown to the residents of the village of Crabbes Creek, the site containing the hall has been sold. Fourteen two-hectare blocks will be created within a subdivision. This matter has been brought to my attention because, as honourable members know, country halls are an integral part of a community.

The developers said that they would allow the villagers to purchase back the parcel of land containing the hall for \$15,000. Of course, to a voluntary organisation this was not as kind as it should have been. An offer has now been made by the developers that 1,000 square metres of land can be purchased and put into freehold title in the name of the Crabbes Creek Hall Association for \$5,000. The country hall committee has said it will take over the parcel of land and is now vigorously running raffles and doorknocking for funds. Honourable members know that country halls throughout New South Wales and Australia are important to local communities. This particular hall is right opposite a school. It is used by the Red Cross, the Country Women's Association and the school. Local dances are held there.

What has happened is extremely disappointing. I know from discussions I have had with the Minister for Land and Water Conservation that all of this information has been forwarded to his department's office at Grafton. I am pleased that the Minister is in the Chamber listening to the concerns I am raising on behalf of the people of Crabbes Creek. I ask him to look favourably at offering assistance to those people. The hall at Crabbes Creek is used practically every week. It is important to make sure it is maintained. Within my electorate there are about 15 of these country halls. Each one of them is used constantly by the local community. It would be only fitting if the Government could give some assistance to the people of Crabbes Creek.

Negotiations have also been held to make sure that a volunteer fire brigade is established on the same parcel of land as the hall. If those negotiations with the new owners of the land are successful, a fire truck will also be positioned on the same parcel of land. Funds would be required for building a shed, for fencing the land to ensure it is separated from the subdivision, and for landscaping. The electorate of Murwillumbah is one of the fastest growing electorates in the State. Because of the growth of the electorate, the Government has recently purchased 1.8 hectares of land near the school site, which is opposite the parcel of land to which I have been referring. It would be sad indeed if, after about 86 years, the people of Crabbes Creek and the Tweed Valley do not have a hall to use. [*Time expired.*]

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [6.2]: I was pleased to receive from the honourable member for Murwillumbah both direct submissions and copies of submissions he has made to the regional office of the Department of Conservation and Land Management in Grafton in relation to the hall at Crabbes Creek. I have received also a copy of an article that appeared in the *Gold Coast Bulletin*. A photograph of the hall appeared in that publication. I received also a letter from the secretary of the Crabbes Creek hall committee, Mrs Anne Bowden, in which she indicates the extensive use of the hall and points out the large number of functions held in the hall that have been attended by the honourable member for Murwillumbah and Mrs Lynne Beck.

I accept that the hall is a valuable community asset, that it fulfils a vital role in the area and that it enjoys extensive patronage. The information forwarded to me has caused me to ask my department to carry out an investigation as soon as possible. I am certainly attracted to the proposition that an asset of this value should continue to be available for community use. Hopefully, the facility will provide perhaps another 80 or 100 years of service. I have taken on board the significant matters raised by the

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honourable member for Murwillumbah. I will ask my department to ascertain whether the submission he has made can be accommodated so that the hall will be saved for future use.

PORT STEPHENS POUND NET FISHING

Mr MARTIN (Port Stephens) [6.4]: I want to speak about a method of fishing that is unique to the waters of Port Stephens. It is called figure 6 or pound net fishing and is permitted in four locations in Port Stephens. That method of fishing, which is very thorough, involves the use of a permanent net. In Port Stephens a particular method of fishing has been used since the 1880s, but the pound net method has been re-approved in the past 15-odd years. Port Stephens has 114 licensed fishermen. About half of those fishermen are involved in trawl fishing. The other half catch different fish as the seasons change. This week they may catch lobster, next week prawns and the following week they may use mesh netting. In the travelling fish season they are allowed to use the pound net method. Initially, approval was given for the use of the pound net method because of bad weather conditions and the inability of the fishermen to see the schools of fish.

The pound net method can be used legally for five months a year. That period ends in July. Unfortunately, massive conflict is taking place between tourists, amateur fishermen and the public, who probably do not have the full picture about the effectiveness of this method of fishing, and professional fishermen. Angst is being caused by those people to professional fishermen. It is important to look closely at the problem. About two years ago, at a meeting of professional fishermen in Port Stephens, it was agreed to reduce to 35 the number of days a year on which the pound net method could be used. The net must be cleared every 24 hours. The pound net method is used to catch travelling species as they move in from the south side of the harbour at Port Stephens and out through the north side. Those species are primarily mullet, black fish-luderick, and bream later in the season.

Amateur fishermen do not understand that they are unable to catch those species. I call on the Government to do what public servants have agreed to do, that is, ratify the 35-day period so that it is understood by all and, at the same time, clearly indicate to those persons who are allowed to use this method of fishing, of whom there are about 20, that they will have working lifetime access to it and no one else will be permitted to use it. When the last of those fishermen cease to hold licences, that method of fishing will be phased out. If the administrators wish to phase out that method of fishing, due compensation will be given. That is a fair way of dealing with the matter. There should be a clear line so that various groups do not have unrealistic expectations. It is essential that there are no misunderstandings.

I call on the Government and the Minister to ratify the process that, almost two years ago, the head of the fisheries department promised would be ratified within two weeks. To date, the process still has not been ratified. For the sake of good fishing in Port Stephens, I call on the Minister to guarantee the livelihood of these fishermen and, at the same time, ensure that everything will be done to protect the interests of the amateur fishermen. Actual facts and figures based on sound research must be available. That will involve tagging fish, ascertaining how effective the different fishing methods are, and what damage the pound net method of fishing is doing.

DEPARTMENT OF COMMUNITY SERVICES CHILD ABUSE INQUIRY

Mr TINK (Eastwood) [6.9]: I refer to a matter that concerns one of my constituents, whom I will not name for reasons that will shortly become obvious. The nub of the issue is contained succinctly in a petition which my constituent has been circulating and which I believe he has sent to members of Parliament. The petition reads in part:

... that the Parliament commission a full enquiry into a massive cover up by the Family and Community Services Department in relation to the case of the horrific continual physical and sexual abuse that took place to a child -

I interpose here that the child in question is my constituent's child:

- between the ages of 2 to 7 during a period of 5 years from 1982 to 1986. The result of this abuse is that the child has ongoing pain

from the physical abuse and deep psychological scars from the oral and other sexual abuse forced on him with the knowledge of the department.

The Department of Community Services is alleged to have been misleading the police and the Family Court, the Supreme Court and the Children's Court and protecting the people responsible for the abuse. The matter was raised in Federal Parliament by the Hon. John Howard on 15th October, 1992, and also by the Hon. Ted Mack, and additional material to that which I read to the House is contained in that material, and there are further references in two articles in *The Australian* in early 1991 and in the *Weekend Australian* of 9th-10th May, 1992.

I pursued this matter in 1989 with the then Minister for Family and Community Services and subsequently with the Minister for Police. My constituent raised the matter with the Ombudsman. I have also pursued it with the Ombudsman in more recent times and I finally took the matter to the parliamentary Committee on the Office of the Ombudsman, seeking further action in respect of what the Ombudsman had decided to do. Briefly, in a letter dated 10th March, 1993, to the chairman of that parliamentary committee the Ombudsman said, referring to Mr Howard:

Clearly, he has put forward a detailed and well argued grievance. Whether that grievance is well founded is a matter on which I propose to comment.

The Ombudsman then referred to his letter of 1991 to my constituent. That letter reads in part:

Although you have provided some corroborative evidence in support of your allegations that your son was being abused in your ex-wife's care, and the Family Court

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did eventually award custody to you, this is by no means conclusive evidence that either department failed to take appropriate action, given the information available to them at the time, or have conspired to cover the matter up. Your allegations that the District Officer deliberately attempted to mislead the court and that the Police failed to take appropriate action to locate the alleged perpetrator are at best speculative.

As you are aware . . . I am able to have regard to such matters as I think fit when deciding whether to commence an investigation .

. . .

The Ombudsman, in those terms, declined to investigate. As I said, I pursued the matter with the honourable member for Myall Lakes, who was then chairman of the parliamentary committee, and that was then seen to be an end to the matter. My view was - the Ombudsman having declined to act after considering the matter - that ought to be the end of it. However, my constituent has presented me with a petition that contains 5,000 signatures. I took the view, after some thought and initially expressing a different view from his, that I should raise the matter in the House.

I take the view that, on the basis of the petition, the Ombudsman ought to again reconsider his decision to decline to act. The matter has also been referred to the Independent Commission Against Corruption. My view is that the commissioner ought to look at the matter, not least in light of the weight of the petition, which bears heavily with me. I also take the view that those bodies are totally independent of the Government and that they should reconsider the matter. But if having done so, they decline to act, their decision ought to be the decision that pertains. I believe the weight of the petition is very strong in the circumstances and I ask that the Ombudsman reconsider his decision in light of the weight of the petition, in addition to the other matters that have been put before him at other times. [*Time expired.*]

Private members' statements noted.

[*Mr Acting-Speaker (Mr Rixon) left the chair at 6.14 p.m. The House resumed at 7.30 p.m.*]

APPROPRIATION BILL

PARLIAMENTARY APPROPRIATION BILL

BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) AMENDMENT BILL

MOTOR VEHICLES TAXATION (AMENDMENT) BILL

ROAD IMPROVEMENT (SPECIAL FUNDING) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mrs LO PO' (Penrith) [7.30]: Prior to private members' statements I was saying that the Budget for the seat of Penrith is to be appreciated more by its absence than its presence. Another aspect of the Budget that surprised me was that no counselling for housing commission estate residents had been provided. Anyone who deals with housing commission estates would know of the incredible onus put on the residents. They are expected to have high social skills to enable them to live in close proximity to each other, but when they fail they are not provided with counselling services. The electorate of Penrith and other housing commission areas comprise people with minimal social skills, living in close contact with each other. They are having difficulty coping with their circumstances but not one counsellor is to be seen for miles. I would have thought that a budget that was to be all things to all people would have some provision for counselling services for housing commission estates, but the Budget has no such thing for Penrith.

Another requirement that is absent from the Budget is funds for the Penrith train service. The bus-rail interchange certainly appears attractive, but the trains are inefficient. They are too small for the number of people who travel on them and they never run to time, so much so that constituents of mine would rather drive to work than use the rail system. Though it looks pretty, it does not work. I have written to the Minister about this matter before, but he has not responded. More trains and facilities are needed for the people of western Sydney, particularly Penrith, and this Budget does not take that into account. The Budget has no allocation for improved policing for Penrith. This is a real issue in the seat of Penrith. We have a superb patrol commander, Keith Thoms, who does a wonderful job with his staff, but western Sydney has one of the highest youth populations in this State, and no adjustment for this has been taken into account in the Budget. We also have the problem of Cleopatra's Night Club, of which the Minister for Police and Emergency Services is aware. I should have thought it was a great opportunity for the Minister to appreciate that Penrith has young people in great abundance and greater police services are required to accommodate them. That is also a deficiency in the Budget.

The roads budget for my electorate shows an appalling deficiency. The seat of Penrith has three major Roads and Traffic Authority roads, the freeway, Mulgoa Road and the Northern Road, and each one of them has a problem. Next week the RTA is putting on a two-day workshop to work out how to spend half a million dollars. I suggest that half of that money will be spent on the two-day workshop for the RTA to work out how to spend the other half. The one glimmer is that Mulgoa Road will be part of the Olympic bid. People will have to access the rowing lake from the F4 along Mulgoa Road, and sooner or later - and I rather think it will be later rather than sooner - the road will be upgraded; but at present I have been pressuring the RTA to do something constructive about Mulgoa Road. I say again that unless traffic signals are installed at Glenbrook Street, we will lose people in Penrith. No one seems to be taking this seriously, but if we should happen to lose one of my constituents or any visitor to the city, I will remind honourable members of what I have said. We need instant action on Mulgoa Road. The other road

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that has not been taken into account in the Budget is Northern Road, a great north-south access for the whole of the area. In 1989 when the road was being constructed, an order was given to move the plant from Northern Road to Eastern Creek - and it has never returned.

Northern Road has a five-foot high mound of clay which is supposed to be a median strip. It is a bizarre looking thing, yet the Government does not have any problem with a road of that nature. It seems to be proud of it. The road is causing a great deal of problems. I am grateful for the Maxwell Street traffic lights, which were funded in last year's Budget and were activated just a week ago. They are doing a great job. The people of Penrith use the lights, are very grateful for them, but do not have enough of them. I looked in the Budget to see if there was any provision for noise abatement facilities for the M4. The M4 causes local residents of Lapstone and Leonay a problem with noise. The RTA has been monitoring the noise level and has said that it will cost \$600,000 to rectify the problem. So what! Residents living along Pennant Hills Road have individual fences for noise abatement. The people in my area are not nearly so greedy. They do not want a fence each; one fence for the lot would do.

To encapsulate my remarks, the Budget for the seat of Penrith is totally inadequate. The services required by the people are not being delivered. It would seem that everyone who has dealings with Penrith recognises that it is a city of growth, but this Government is not providing the necessary services. The needs of the electorate of Penrith are fundamental. Some of the issues are health, transport, education, and law and order, which are fundamental issues to government. A new hospital is being built at Penrith for which the residents are extremely grateful. The trouble is they do not have a budget to run the hospital they already have. Last year the hospital at Penrith closed its emergency services 300 times, which averages out at four hours a day. It is of great concern to the people of Penrith that the emergency services unit continues to close. This is not because of personnel or staff, but because of the Government's lack of funding to the Wentworth Area Health Service. The hospital at Hawkesbury in the electorate of Mr Speaker comes under the same umbrella. He knows that - and this is well spoken about in the medical field - the Wentworth Area Health Service is one of the most underfunded area health services in the State commensurate with the population.

My electorate also has a need for more welfare and community services. I am appalled that this Government allowed the Department of Community Services to underspend its allocation by \$20 million last year. For five years the electorate of Penrith has had no child protection worker. The district officers working for the Department of Community Services are doing the work of the clerical officers and the accommodation officers, yet they are supposed to do their own work as well. People are asking for a child protection worker. Given the level of violence in some families, child protection is an absolute necessity, but for five years the people in Penrith have gone without that service. We also have difficulty in obtaining properly trained staff to identify the sorts of things that are happening with families. It was brought to my attention that, because of the lack of staff, they had to use someone who was not properly trained.

A child who was molested by a member of the family was displaying a range of behavioural difficulties which were not picked up by the worker - not because of negligence, but because she was untrained and unskilled. No one seems to be worrying about further training or the need to increase staff numbers. I should have thought it would be a priority, given that the Premier has remarked on the violence in families and society. I would have thought in one of the areas of the State that has more children than most other places, a child protection worker would have been a necessity, but this is not the case. Child abuse is an important issue. At the Wentworth Area Health Service children who have been molested are being turned away because no one is available to see them. Consequently they have to ring up Rosie's Cottage Mount Druitt, which has a waiting list of several months, and children are manifesting a whole range of bizarre behaviour, not through any fault of their own but because of the unpleasant experience of being molested.

I repeat: this Budget boasts that it underspent \$46 million in health, \$20 million in community services and \$21 million in police services. I have just outlined to the House a number of areas where all that money could have been spent in the electorate of Penrith alone, let alone how Penrith could have used the underspending that occurred in the rest of the State. The Government should hang its head in shame because it has not spent its budget in areas that are screaming out for services. There are areas of great need. The last thing I wish to refer to is dividends, which are really another form of consumption tax. Of the more than \$1 billion in dividends that have been collected by this Government, two-thirds have come from the electricity industry. It is double dipping.

Mr Photios: This is a concept which was introduced by Labor, of course.

Mrs LO PO': I am talking about what the Government is doing; the Minister should not blame me because of what it is doing. Two-thirds of the dividends are collected from the electricity industry. Some of the dividends come from Pacific Power and, double dipping, others come from Prospect Electricity and Sydney Electricity. By the pea in the thimble trick, the Government has put another impost on families, particularly those in the west of Sydney, by insisting that Pacific Power pay a dividend and that Prospect Electricity pay a dividend, which then also pay a dividend through the Electricity Development Fund. However, we cannot find out what happened to that; it seems to have evaporated this year.

I have heard the Premier and Minister for Economic Development speaking on radio about it being time for government enterprises to pay back.

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I can understand him saying that. The trouble is that Prospect Electricity is not a government enterprise. No Government - not the current Government, my previous Government, any government of the past or any government of the future - has ever put a red cent into the electricity industry; it has been run by local government. The electricity industry is a creature of local government; local government has always picked up the tab for that industry. Local government buys electricity that is generated by the State - for which it pays top dollar, because the State tells it what to pay - it sells the electricity, and it makes a profit.

How dare the Government suggest that it should receive a dividend from these bodies. It is outrageous that the Government thinks it has any part ownership of the electricity industry. The people who own the electricity industry in this State are those who consume it; the people in the local government areas of Prospect. I want to place that on the record because it is outrageous that the Government sees Prospect or any other electricity industry as a government trading enterprise. It has not put a single cent into it.

By and large, and not surprising to any member here, the people of Penrith are very unhappy with the Budget. It delivers nothing. Penrith is an environmentally sensitive electorate, and the environment is hardly mentioned in the budget for Penrith. It has a range of family disturbances, but families do not get a mention in the budget for Penrith. There is nothing in the budget for women. I would have thought that with a new Minister responsible for the status of women there would have been some attempt to make women feel that they were part of this process.

Mr Photios: The Office of the Status of Women's budget has been substantially increased - by 50 per cent.

Mrs LO PO': And not a cent of it is going into the seat of Penrith. I hope the Minister enjoys it in his seat because it is not going to the seat of Penrith. Not one iota is being spent in the seat of Penrith, and I am here to represent those people. Frankly, I do not give a damn about what happens in the Minister's seat or about the status of women in other electorates. That money is not being spent in Penrith. All up, this is a Budget which is not worth a cracker.

Ms MACHIN (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [7.43]: I congratulate the Government and the Treasurer and Minister for the Arts for the Budget. Obviously I do not share the view of the honourable member for Penrith. It seems that the same cheque book solutions emerge year after year from members opposite, from their leader down. When it suits the Leader of the Opposition he goes to the board rooms and says, "Yes, I will be responsible; I will be lean and mean. I will ask for dividends. I will privatise certain government agencies and bodies", but then he goes to another body and makes a totally different speech. He should be called "Chameleon Bob" because of his fluid position on budgetary matters in New South Wales.

The Treasurer has done the right thing. As he said in his Budget address to the House, this is a commonsense budget. It has significant increases in areas where the Government thought it was needed most, and where the community thinks it is needed most. At the same time, it has made a huge inroad into the debt

that the people of New South Wales have to carry. People such as the honourable member for Penrith ought to stop and think about the significance of that. If we do not eliminate that debt or decrease it significantly - the Government's aim is to eliminate it - all of New South Wales will pay for it in terms of higher taxes and forgone services. The quicker that debt is decreased the better it will be for the rest of New South Wales, including the constituents of my electorate, as well as the electorate of Penrith or any other electorate in the State.

I will refer first to my electorate of Port Macquarie and then to the portfolio I now have the pleasure to hold and have financial responsibility for, because I share some portfolio responsibilities with the Minister for Transport and Minister for Roads. The Budget was particularly generous to the electorate of Port Macquarie, once again, despite continuing tough times. The Government's commitment to improving the infrastructure in Port Macquarie has been noted by the community. The more we spend, the higher the expectations are. I do not know that any government would ever satisfy the total needs of the community, but that is why we have governments in the first place: to try to allay those needs and go as far as they can to satisfy the major priorities.

Approximately \$55 million was allocated in the Budget to the electorate of Port Macquarie for roads, health services in the new district, sewerage and water supply improvements, public housing, tourism promotion and school improvements. That is a significant amount of money. Much of that money was allocated for the provision of health services which, as honourable members would know, has been a fairly topical issue in this House over the past year or two with respect to Port Macquarie. A record \$38 million was allocated to the Macleay-Hastings Community Health Service, including \$600,000 in enhancement funding to the Hastings District Hospital in order to relieve some of the pressures on that busy hospital.

After the Budget was brought down there was some debate about how much would be achieved with that additional \$600,000. Let us put this into perspective. Many country hospitals received significant assistance from the Budget, much of which was announced a little prior to the Budget. Of all country hospitals, the next largest enhancement was \$400,000 for the Wagga Wagga Base Hospital. A couple of other hospitals have been given significant amounts of money - more than that - but two were extended, expanded and had opened additional beds. Naturally, a large jump in funding is necessary to allow an expanded service to operate at a normal level. That is exactly what will happen in Port Macquarie in 18 months' time when the new hospital opens.

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It is not appropriate to compare Coffs Harbour - which was one of the hospitals to receive a boost of something like \$4 million - with Port Macquarie, because it has recently finished capital works and expanded the hospital. That is a short-term measure. Like many of the North Coast hospitals, Coffs Harbour is in urgent need of rapid redevelopment. My colleague the honourable member for Coffs Harbour constantly reminds the Minister and works hard on that. People who are trying to compare allocations in Coffs Harbour and Tweed Heads - the other area of capital expansion - are not comparing apples with apples. It typifies some of the dishonest debate which has gone on in town about health funding. It is a shame that the debate continues, because the public in the Hastings area have the right to have every confidence in their hospital now. It is a very good hospital and it is serviced by excellent medical and nursing staff. Continued emotional debate in the public domain does not really achieve anything.

I refer to roads in my electorate. Members to the north and south of my electorate and people who travel up and down the North Coast could not help but notice just how much the Government has achieved with our roads, particularly the Pacific Highway. The travelling time from Sydney to my electorate is becoming quicker and quicker. As further new roadworks are completed, that time will be reduced further. That will open up tourism opportunities and other opportunities for economic development on the mid-North Coast.

Around \$40 million of works will take place in my electorate, again showing the total commitment of the Government to improving the State's road network through the dedication of all our fuel levies to roads. I refer to the recent Federal Government's Budget and its attempt to increase fuel taxes, albeit briefly. The outrage

from the public shows just how much feeling there is about road funding and how increasingly annoyed the public is becoming about the lack of a Federal Government's dollar contribution to roads, given the amount of money it takes out of the pockets of motorists at the bowser.

The other thing that needs to be said in general terms about roads in relation to the Budget is that New South Wales increasingly is receiving tied Federal grants to which this State has to put matching dollars, causing us to have to move dollars around. Recently untied money for road funding had to be moved because the State was forced to match tied funding in other areas. If we had greater flexibility it would be much easier for the State Government to prioritise road works. Shortly the Herons Creek deviation on the Pacific Highway will be opened. I hope to have the pleasure of doing that in about three weeks' time. The project has cost about \$4.1 million. It will eliminate a major black spot area on the Pacific Highway, a very narrow, slow and winding piece of road. The deviation will be a significant improvement for motorists travelling on the coast as well as the local people.

Schools will benefit from enhancement funding of just under \$500,000 for capital works and maintenance. The Department of Housing will complete work under way on 60 units of housing valued at almost \$4.8 million this financial year. The local tourism industry has recently undergone restructuring in the region. It will benefit from a \$100,000 grant to be spent for promotion and marketing. There will also be an opportunity to bid for further grants from the Tourism Commission, which will result in a significant increase in tourism funding by this Government. With the Olympics approaching this is an appropriate investment of public money. Hastings Council will receive \$1.5 million to improve the local water supply, which is extremely important in a rapidly growing area such as ours. The population is anticipated to double by the early part of next century. We support the council in upgrading the water supply and the sewerage system, for which we are providing \$370,000. The types of expenditure in my electorate are significant. They are purely the basics - the schools, roads, hospitals, sewerage and water infrastructure. I think we have our priorities right. The people realise this and it is reflected in the polls.

I turn now to my portfolio of consumer affairs. I have been privileged to hold the portfolio for four months. My colleague at the table, the Minister for Multicultural and Ethnic Affairs, has held his portfolio for the same period. It has been a steep learning curve. The 1993-1994 Budget recognises the work of consumer affairs as a critical foundation-stone in the social and economic well-being of New South Wales. Despite the severe economic constraints facing New South Wales we have managed to increase funding to consumer affairs by \$200,000 to \$31.2 million. Added to that is about \$80 million generated by the department in the services it provides to the public. New South Wales has the most regionalised consumer services in Australia and through the Government's commitment to promoting a fair and informed market-place this will continue to improve. There are 20 regional offices located from Albury to Tweed Heads. In addition there are 18 outreach centres where services are provided on a periodic basis to outlying areas to provide them with the important and useful services available from the department. Total contacts with the department each year are about two million, which is about half the population of the State. Given the department's budget and the number of contacts it has, it is providing good value for money.

Nearly \$2 million has been allocated to enhance computer access within the department, which will improve public access to the offices around the State. Extension of the computer network to additional consumer affairs service centres will enhance accuracy and delivery of information. Service centres to be networked include Wagga Wagga, Wollongong, Penrith, Tamworth and Dubbo. This will see the further development of a high tech computer based information system aimed at providing service centre staff with instant access to fair trading information. Many of our offices are connected with the most

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modern techniques to communicate with each other, which again benefits the people they serve. A further \$1 million has been allocated to acquire computer hardware and software to develop a one stop shop for the Business Licence Administration Service. We hope that this should be working by May. Yesterday I was given an update on the service. It has been in development for some time and it will provide great benefit not only to small business; it has the potential to be useful to any large enterprise. It will crystallise all the current licences into the one generic licence, rather than having five, six or a dozen licences that have to be renewed

separately and often at different times of the year, which is a cumbersome and time consuming process.

Mr Scully: A very good idea.

Ms MACHIN: It is a very good idea and it is coming to fruition. It has the potential to earn dollars for New South Wales because it is technology in packages that people can apply interstate and overseas. It is a very exciting project and it will do a lot for business in this State. Another key budget initiative has been the allocation of \$400,000 for special investigation and prosecution expenses to allow the Commissioner for Consumer Affairs to provide assistance to consumers in complex matters which are likely to require action in superior courts. This happens quite frequently and on many occasions consumers cannot afford to take matters to court so that assistance is required. The cases the money will fund, as in the past, are expected to establish a precedent in consumer law. One of the cases will include the retirement village industry. I am sure we will hear more about this as the months go by.

A special allocation of \$500,000 has been provided this financial year to the Commercial Tribunal to deal with a large number of applications from financial institutions seeking reinstatement of credit charges forfeited because of non-compliance with credit laws. Currently a significant case is being dealt with and we hope that it will be resolved by the end of the year. The early treatment of these matters by the tribunal will remove current uncertainty over the status of affected loan contracts for both financial institutions and borrowers. It is indicative of the Government's commitment to maintaining fair financial markets in New South Wales, irrespective of the financial institution involved. Another achievement this year we are very proud of has been the establishment of a financial counselling trust. Where a bank has defaulted on its contracts the funds will go into a financial counselling trust. Community groups will be able to apply to the trust for funds so that they can provide financial counselling services in their respective local communities. We hope that grants will be available from that trust within the forthcoming year.

Funding has been allocated to develop a series of photo stories which explain consumer rights. I launched the first of these last week for the Vietnamese community, as I was telling my colleague the Minister for Multicultural and Ethnic Affairs. The photo story depicts realistic situations in which consumers face a problem, solve it and in doing so learn their consumer rights. The Vietnamese one involved a family buying a television which did not work when they turned it on. After going to consumer affairs their television was repaired and so they were satisfied. The photo stories are subtitled in the text in the language of the ethnic community involved.

Mr Photios: Congratulations, Minister Machin.

Ms MACHIN: My colleague is doing an excellent job working with ethnic communities in New South Wales. Another photo story along these lines for the Aboriginal community will soon be released, to be followed by other similar photo stories using different languages for other ethnic groups, depending on the success of the first couple. We have high hopes for them. Last week I released the Vietnamese photo story, and that community thought it was very useful. I should add that the Vietnamese community helped us prepare the script to make sure we had the correct translation. Every English-speaking person dreads that writing in another language may lead to an unfortunate tactless mistake. The Vietnamese community were most helpful in that regard. We are determined to get information to groups in society who may not have best access to it, and by that means to provide them with equal opportunities for the sort of fair go in the market place that is enjoyed by others.

Funding has been provided to support our ongoing review of New South Wales consumer protection laws. The forthcoming year will see completion of a review of laws covering the motor trade, direct selling, the travel industry and also a general review of this State's principal consumer protection statute, the Fair Trading Act. The review program is designed to ensure that consumer protection legislation remains relevant, given the dynamic and rapidly changing nature of our market place. Another classic example is credit laws, which are also subject to change. Currently a draft bill is being circulated. Marked changes have occurred since deregulation of the financial industry, and that has led to the need to update the legislation.

Businesses, especially small business, know the value of promoting fair trading. Funds have been provided for a major project designed to promote fair trading practices in the business community. Our object is to raise the understanding and awareness of fair trading principles and the advantage of using them to help individual businesses. We hope to achieve this by revising the business guide to fair trading as well as by holding seminars with traders, including training seminars, outlining the advantages of installing such things as complaints systems within their organisations. I spoke in the House not long ago about a system we recently put in place for management of a fairly large Sydney based organisation.

My department will continue to protect the consumer and to emphasise that it is in the best interests of business to get it right and do the right

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thing by consumers. To my mind that just makes good marketing sense. Happily, the majority of businesses do that, but those who do not will certainly feel the full weight of my department coming down on them. One of the other projects under way is to examine door-to-door selling. Currently a special project team is pursuing phoned-in reports of unfair door-to-door selling practices. We are also reviewing the legislation, and a statewide paper has been circulated to enable people to provide feedback. We are very interested in the outcome of that review. We are particularly interested in responses by the elderly and people of non-English speaking backgrounds, who are often subject to the intimidating and oppressive techniques of certain sales people. [*Extension of time agreed to.*]

I turn to the HomeFund Commissioner, a most important area of my portfolio. The Government is committed to achieving the right solution for borrowers who have had the wrong outcome under the HomeFund scheme. The Government wants those people to have quick and easy access to justice. The commissioner, under the legislation the Opposition agreed to, has the right to determine his own operations. He felt that a series of legalistic tribunal hearings would not be of great use to the almost 55,000 borrowers who had the opportunity of lodging a claim. About 8,700 borrowers have lodged claims with the commissioner and have indicated that they wish to give him more information. They have been provided with the complaints guide.

There are outreach centres or regional offices of the HomeFund Commissioner in many electorates. Each borrower was personally contacted by McNairs, under contract to the HomeFund Commissioner, to make sure that they had received the relevant document, which was large, and, if they had any problems, that they knew where to go, and that they could discuss it at the time of its delivery. They could then go to one of the centres and have someone, a financial counsellor, lawyer or interpreter, if they needed that kind of service, take them through the guide. They had three months to fill in the guide. The commissioner is committed to helping borrowers who have a genuine legal claim, as am I. As the honourable member for Newcastle said, this year the commission has been allocated \$4 million. It is not known whether that amount of money will necessarily be spent, because this problem is like no other.

As the honourable member for Smithfield would probably acknowledge, this is an unusual legal situation. Many areas of law are involved that are unclear or are still evolving, so it is extremely difficult to accurately pinpoint exactly what will be spent. So far as I am concerned the ultimate issue is providing a fair go and fair remedies for those borrowers. I should have thought that members opposite would not begrudge a reasonable amount of expenditure, a lot of which was set-up expenditure, in trying to establish an accessible and simple means by which borrowers can lodge a complaint and have every assistance in doing so. That is what the Government has attempted to do. We will make every effort to ensure that borrowers who have a claim will have every opportunity to put it forward. I wish the HomeFund Commissioner well in his daunting job. I commend the Government for its assistance to consumer affairs this year. My department is keen to play its role, as it has for some years, in servicing the needs of the people of New South Wales both on the consumer front and in providing appropriate assistance to business. I commend the Budget to the House.

Mr GAUDRY (Newcastle) [8.6]: This Budget is two-faced. It preaches common sense and compassion but it continues to slash jobs and run down services to the needy. It is probably a good thing that the Premier has not continued as Treasurer because of the tremendous difficulties he had last year with his promise of

18,000 jobs. That was a complete furphy. If anything happened, it was just a continuation of the destruction of jobs in New South Wales. The present Treasurer, on bringing down the Budget, said that it contains debt, maintains services and gives a helping hand to people and families in need. He said that it is a budget of common sense and compassion, a budget of responsible economic management. The Budget does not stand up to that statement. Last year we were given the jobs, jobs, jobs Budget of Premier Fahey, which promised 18,000 jobs by Christmas and a \$650 million injection into capital works.

In fact the capital works program was underspent by about \$327 million. So much for job creation. This year, \$5,479 million has been allocated for capital works - essentially \$100 million down on last year's spending. That is a reduction of \$400 million, taking into account the \$100 million and the roll-on of that \$327 million into this year's Budget. In effect, this Budget is a deliberate attack on jobs, and it is continuing the policy that the Greiner-Murray Government introduced. The Premier, despite his assurances last year that his was a job creation budget, has continued that policy. Table 8.1 of Budget Paper No. 2 places tremendous emphasis on statistics of worker productivity. That table provides the really chilling statistic of 36,068 workers to be shed out of power, water and transport authorities alone between 1988 and 1995.

That includes about 4,788 to be shed from Elcom, 5,682 from electricity councils, 554 from the Hunter Water Board Corporation, 19,317 from the State Rail Authority, 2,698 from the State Transit Authority, and 3,029 out of the Water Board. In those authorities alone about 36,000 workers will lose their jobs. Many of those people will be transferred, at a time of tough economic recession, on to the Federal social security list. They have been shed without ability to move off into the private sector and find productive work. They have been put on the unemployment list by deliberate policy of this Government. The 1993-94 Budget provides for 10,300 jobs to be shed from the public sector. In the key authorities of Elcom, electricity distributors, the Hunter Water Corporation, the SRA, the STA, and the Water Board, almost 3,500 jobs are to be shed and a further 4,300 in the two subsequent years.

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The capital program, down 4.2 per cent in real terms, or about \$400 million on last year's initial allocation, means 4,300 fewer jobs. The real agenda of the Fahey Government was revealed today in a bombshell document released in the House. That document was the "Government Trading Enterprises Reform Committee Privatisation Policy, Process and Program". It is quite amazing to think back to the time of the corporatisation of the Hunter Water Board and the assurances given at that time by Premier Greiner and Tim Moore that privatisation was not on the agenda. That was countermanded by Nick Greiner in his document "New South Wales Facing the World", when he said that there was the possibility of selling the electricity generation capacity and the Hunter Water Corporation. So he did take that into account, he did say it was possible. It was there on the Greiner agenda.

Nick Greiner would have continued his tough commercialisation policies and certainly would have looked at the government trading enterprises and thought, "Can we improve the efficiency of these organisations? Can we make money in terms of the Budget? Can we use them to inject funds?" The Government Trading Enterprises Reform Committee was given the task of developing the privatisation program -

Mr Photios: You said you would not make money out of them.

Mr GAUDRY: It was Nick Greiner who had that approach, not John Fahey. It appears that the Government has gone rather flabby, rather slack, because the agenda says that the budget impact on the sale of the Forestry Commission would be minor; budget impact on the sale of the electricity generating group that will return some money on the Government - largely neutral; budget impact on the Snowy Mountains Authority sale - unknown; budget impact of the State Bank of New South Wales sale - small possible impact, not included in this year's Budget because there is an obvious revision down on the value of the sale of the State Bank; the State Transit Authority - neutral to negative; State Rail Authority coal freight - largely neutral, so we get rid of it, send it off to the mates; Hunter Water Corporation - minor positive impact; school furniture workshop - minor; Public Trustee - minor.

Of course the big ticket item is the Government Cleaning Service. The sale of that service is an attack upon the most disadvantaged group of workers in the State - a work force of multicultural, ethnic and ageing workers and single parents. The sale of the Government Cleaning Service would provide savings of \$40 million per annum. Crucify those families, crucify those workers, put them on the dole queues. Overall, the impact on the State Budget is minor or neutral. Rather than saying, "Let us continue the tough process of looking at improvements in efficiency and service", the Government is saying, "Let us get rid of it".

As I said at the time of the corporatisation of the Hunter Water Board, what is the Government doing? First, it is stripping the assets of the government trading enterprises; second, it is parcelling them up; third, it is selling them off to its mates and, probably fourth, it will take a position on the board. It is a flabby, non-positive approach for the State of New South Wales and it will not return the benefits that the Government touts in its Budget Papers. It is a sell-out of the people of New South Wales. The maintenance of the State Transit Authority in the city of Newcastle has been of particular concern to me. It is wanted by the people and it is certainly required by the ageing population, who provided great support when we battled to retain the government bus service. There had been concern that the Government was pursuing a policy of parcelling up the State Transit Authority so it could be sold off. That was denied.

The report of the privatisation committee stated three conditions for privatisation: first, the completion of the commercialisation program with achievement of efficiency levels comparable with the private sector; second, the establishment of route groups as subsidiary companies; third, the opening up of routes to competition. Possible timing for the privatisation is 1994-95. Given the current level of inbuilt monopoly rents there would be no positive budget impact. I view the Government's objective as shedding jobs, redetermining core activities of government, getting out of human services and leaving people in a period of recession on the dole queue. This was to be a year of increasing capital works, as was last year. There was an increase of \$656 million for capital works, but the budget was underspent by \$327 million. That had a bad impact on jobs. This Government has achieved tremendous underspending in this Budget - \$46 million on health and \$20 million on community services. That has had a tremendous impact on social welfare, particularly on employment. In capital works, the roads budget has been underspent by \$60 million, the rail budget by \$59 million, Pacific Power by \$46 million and the Water Board by \$28 million.

One extremely important aspect that I hope to deal with later is the Government's community services budget. This year funding for the recession support package has been reduced from \$10 million to \$5 million. In the community I serve in the electorate of Newcastle there is a huge demand - in fact an overdemand - for that type of support. The Government is touting that the Budget will achieve value for money. In fact it will cut jobs and downgrade workers and conditions of work. That was clearly demonstrated by the bill introduced by the Government seeking to eliminate penalty rates. The Budget is posited on a wage increase of no more than 3 per cent. If workers legitimately pursue their claims for improved wages, the Budget cannot survive in its present form.

The Government's approach has been evident in the first few weeks of the budget session. I refer again to its attempts to sell off the Government Cleaning Service. That move will be resisted totally by the Opposition, as it has been legitimately resisted by the Miscellaneous Workers Union and by the Government Cleaning Service itself. If one stood out

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the front of this Parliament several weeks ago, as many members of the Opposition did - though unfortunately only a few Government members did - one would have seen a group of extremely committed but disadvantaged workers who have given long years of service to the Government Cleaning Service and who will be absolutely destroyed by the Government's policies.

As I have said, honourable members are aware of the Government's attack on penalty rates and the impact that attack will have on health workers. The Government claims that it is a caring government and that it is committed to family values. The Treasurer made great play of that in his speech. The Government's real commitment is to a casual work force receiving minimum or below minimum wages. In the period leading up

to the privatisation of government trading enterprises, the Government made great play of the income it was reaping from those enterprises.

The Government is telling the community that it is really returning to the taxpayers of New South Wales a proper dividend for the investment they have made. In the past year dividends from government trading enterprises have increased by about 16.6 per cent to \$1,115 million, compared with \$129 million in 1988. One could say that the Government acts as a corporate raider and takes away from government trading enterprises money that has been contributed to them by the communities they serve. I refer, for example, to the Hunter Water Corporation, a classic case. In the document setting out the budget allocations to my electorate this year, I am told that the Government is contributing about \$2 million in capital works funding for a sewage sludge program. [*Extension of time agreed to.*]

That \$2 million was in fact raised in the Newcastle area by Newcastle people and spent by the Hunter Water Corporation. It is not money allocated by the State Government from the Consolidated Fund at all. In 1993 the Government will reap a dividend from the Hunter Water Corporation of about \$12.7 million to add to the \$9.4 million it took last year. I remind the House that earlier this year the Minister for Transport, the Hon. Bruce Baird, when he was responsible for the Hunter Port Authority, visited Newcastle and claimed that the authority would be fully autonomous by January 1994. Last week the Deputy Premier, the Hon. Ian Armstrong, visited Newcastle and said that program had been put on the back burner.

When one looks at what the Government has reaped from the Hunter Water Corporation, one can understand the philosophy that is in operation. In 1989 the Maritime Services Board returned about \$16 million, and \$14.7 million of that amount came from the Hunter Port Authority in the form of a returned dividend. In 1990 the Maritime Services Board returned about \$25 million, and of that amount about \$18.5 million came from the Hunter Port Authority. In that year, the sale of MSB Stevedoring in Newcastle yielded another \$18 million. In 1991 the Maritime Services Board returned \$30 million, with the Hunter Port Authority contributing about \$12.8 million of that amount. In 1992, of the \$35 million returned by the Maritime Services Board, about \$14.6 million came from the Hunter Port Authority. This year the amount is about \$89 million, which includes \$25 million in retained capital. Bearing in mind the amount of coal passing through the port of Newcastle, I assume that operational savings in the Hunter Port Authority will be quite high and will contribute significantly to that. The Government is reaping the benefits of the good work of corporations and Government authorities in the Newcastle area. Those benefits are not being returned to the Newcastle community in the form of services but are being added to consolidated revenue to pad out the Government's mismanagement of the New South Wales economy.

It would be churlish of me not to mention some of the positive aspects of the Budget. An extremely important program being undertaken in the Newcastle electorate at present is the Honeysuckle development program. That program is significant to the whole of the Hunter region and, over the four years of its association with the Building Better Cities program, it will utilise about \$100 million. In this year's Budget \$24.5 million has been allocated to the development corporation. An additional \$3.3 million has been allocated to other government agencies in the area. In the past week the Cooks Hill fire station was opened. That station serves not only metropolitan Newcastle and the regional area but provides communication services for the whole of the northern part of the State. It is a station with twenty-first century technology. I was pleased to see that about \$500,000 has been allocated in the Budget to fund the transfer of the earthquake-damaged Tighes Hill station to a new high technology industrial response fire station in the Mayfield West area.

I pay tribute to the workers at both at the Cooks Hill and Tighes Hill fire stations. Since the 1989 earthquake they have been prepared to provide fire safety services to the citizens of Newcastle in less than satisfactory conditions - in fact in nineteenth century conditions. There has also been significant spending in the Newcastle electorate on further development of coal wagons to assist in the transfer of coal to Newcastle Harbour. Work will start this year on the art and design centre at Newcastle TAFE. About \$500,000 of the \$3.98 million allocated for that program will be spent this year. About \$1.2 million has been allocated to complete stage 13 at Newcastle TAFE.

I return to the privatisation of the Hunter Valley coal freight system. If ever the Government is to shoot itself in the foot, it will be with the privatisation of this most important fund-raising government enterprise in New South Wales. The coal freight line in the Hunter Valley is the best revenue earner of all government enterprises in this State. The fact that the Government is considering selling the freight system is a disgrace. One could say nothing else. The sale is discussed on page 8-40 of Budget Paper No. 2.

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The Government was hot to trot, of course, to privatise that piece of coal infrastructure, to sell it off to the coal companies, but it has discovered that in July 1993 the Commonwealth Government announced a revised policy on taxation compensation for the sale or corporatisation of State owned GTEs. It indicated that New South Wales had already copped a return of taxation compensation on the sale of the GIO and was not going to continue the compensation. I should think that has put a little retardant on that hot-to-trot sale of the coal lines.

The Government's failure to live up to its promises has caused real difficulties in my electorate. The people of New South Wales look to government to provide and maintain a first-class health system. This Budget failed to deliver on health, despite government publicity that it would inject massive funds into health and hospitals. The reality is, of course, that after deducting the Commonwealth funds of \$226 million that accompanied the transfer of the Concord hospital and total health payments of \$4,715, million compared with \$4,619 million in 1992, there was actually a cut of \$80 million in real terms. I am concerned, as are my parliamentary colleagues from the Hunter, about the fact that the health services in the Hunter continue to fall well short of need.

There has been an historic underfunding in the Hunter of \$20 million a year. It is recognised that the region has a shortfall of between 150 and 180 acute care beds. That has resulted from the closure of the Wallsend Hospital - which the Government was absolutely determined to go ahead with against the wishes of people in the Newcastle and Hunter electorates - and also the impact of the earthquake damage on the Royal Newcastle Hospital. It is recognised that there are insufficient hostel beds in the Hunter and more than 100 beds in acute care hospitals are taken up by patients who would be more appropriately housed in nursing homes or hostels. That issue must be addressed. It is certainly recognised by Hunter members and we are looking at development policy.

There are long waiting lists in the Hunter and many people waiting in pain for acute and non-acute orthopaedic, urology and oncological surgery. My colleague the honourable member for Waratah mentioned last night the need for an additional linear accelerator at the Mater hospital in Newcastle to allow that hospital to service the Hunter's high need for cancer treatment. I am pleased to note that the Government has allocated money to upgrade the haematology services at the Mater hospital but, unfortunately, that upgrading will not occur this year and will mean that patients will once again have to suffer in substandard conditions.

The Royal Newcastle Hospital is embarking on a program of reorganisation of its administration, human resources and stores. It will be redesigned to be more user friendly. That will involve refurbishment of the third floor of the hospital and the return of community health services to the centre of the city. That is a very positive thing from the point of view of the Hunter Area Health Service - rather than believing that that very important service for people in the inner city area could be supplied from the site of the Wallsend Hospital.

There is certainly potential at the Royal Newcastle Hospital for more effective use of the hospital site, and I should like the Government to increase funding to that area so that the hospital can provide 30 to 50 additional beds and increase its ability to provide elective ear, nose and throat, and orthopaedic surgery and day surgery. Another issue is the inability of the John Hunter Hospital in its present format to service the casualty needs of patients referred to it because the Mater and Belmont hospitals cannot carry the load. In fact, at the Mater Hospital there is considerable concern about overuse of the casualty department by patients who should be admitted to acute care areas. The casualty service is being used as a de facto acute care service, particularly for accommodating patients overnight. I was most pleased when I realised that 64 new units of accommodation were to be built in my electorate but terribly disappointed when I found out from the Department of Housing that only four were targeted for the electorate of Newcastle and the remainder might be placed either in Newcastle or in areas bounded by New Lambton, Jesmond, Wallsend, Adamstown and Merewether. [*Time*

expired.]

Mr PHOTIOS (Ermington - Minister for Multicultural and Ethnic Affairs, and Minister Assisting the Minister for Justice) [8.36]: I am extremely proud to foreshadow the benefits that the people of Ermington can look forward to in this year's Budget. I am absolutely delighted to give an account of the Government's past record and what can be envisaged by the constituents of Ermington in the context of the Budget for the current financial year. There is no doubt that this financial year my constituents will have much to look forward to. They will benefit from a substantial State Budget allocation and, despite the fact that some honourable members opposite have grievances - no doubt largely as a consequence of their inability and lack of capacity to pursue real outcomes more diligently and successfully on behalf of their constituents - the people of Ermington once again have an outstanding allocation.

I am particularly delighted to announce that this Government has provided the unprecedented sum of well in excess of \$82.4 million for my local district. As a community-based Minister I remain in contact with the people of Ermington to ensure their needs are fully understood. I am happy to report that we have scooped an additional \$32 million in this year's Budget to that received in the previous financial year. This time last year I thought that Ermington's \$50 million budget allocation was, simply put, unbeatable. Nevertheless, I put every ounce of energy I had into campaigning for an even bigger slice of the State Budget, and it seems that my efforts, and those of the local community, have paid off. The hard work was not in vain.

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Roadworks and health are among the big winners this year, with public housing development and the environment also gaining increased government assistance. Last year the Government concentrated heavily on improving both public transport and the road network in the Ermington electorate. This year that commitment continues. One of the most important initiatives in the 1991-92 budget was the establishment of a high speed ferry service to Parramatta. More than \$13 million was allocated for the project, which included the purchase of two RiverCats. Last year \$6 million was earmarked for two additional RiverCat ferries for the Meadowbank ferry service. This financial year we will be welcoming an additional two RiverCat ferries for the Parramatta-Sydney service.

Each ferry will cost \$3 million, and I am pleased to announce tonight that only a few weeks ago I accepted delivery of those two ferries with my colleague the honourable member for Gladesville. That will bring the full complement of this exciting new ferry service to the full six, as promised and now delivered by the Greiner and Fahey Governments. The dredging of the Parramatta River is now in its final stages and it is only a matter of weeks before the six ferries are fully operational all the way to Parramatta city. Disabled or elderly passengers will be able to board the ferries with ease thanks to the \$8,460 worth of special access gangways that I have pursued with the Maritime Services Board and that will be fitted to all the RiverCats.

The local rail network will also have substantial improvements; \$4.7 million has been allocated for the northern line and improvements to Meadowbank and West Ryde, Denistone, and Eastwood stations. In addition, each station has recently had installed new automatic ticket machines as an added service. These machines will enable customers to buy their tickets, for the first time at my local railway stations, seven days a week, 24 hours a day, with improved access to ticketing facilities on both sides of the railway line. At West Ryde a further \$150,000 has been allocated to renew the footbridge decking and stairs. At Rydalmere I recently opened the \$750,000 completed new railway station - money allocated in this year's Budget. This upgrade brings a new level of service to customers and will greatly enhance train travel for local commuters. The new facilities include toilets, ticket offices, automatic ticket machines; waiting rooms; ramps for the elderly, disabled and mothers with strollers; car parking and landscaping. In short, on a rail line Labor wanted to close, this Government is making a substantial financial investment, not merely by renovating stations but by building new ones.

Also in the current Budget is the provision of \$13.282 million for continued roadworks in my electorate. Once completed, the fully upgraded local road network will ensure smooth and fast commuting, and will bring

Ermington closer to the city and Parramatta centres. The sum of \$3.3 million will be used this year to complete the James Ruse Drive and Victoria Road underpass - a promise of this Government. The project will be completed by the end of 1994, and will cost the State Government an estimated \$19 million - a worthwhile investment in the local area. A further \$6.6 million has also been allocated to complete the widening of Victoria Road to five lanes, including a pedestrian underpass at West Ryde - another promise given, another promise delivered. Also earmarked is \$2.74 million for additional construction of the Silverwater Road extension. To date, Government money has funded land acquisition and preconstruction activities such as utility adjustments. So far, more than \$6.62 million has been spent on the project, which commenced in the 1990-91 financial year. However, visible road works will have well and truly started by the middle of this financial year. The RTA is confident that this project, costing \$31 million, will be completed by the end of 1995.

Funding of \$152,000 will be used to widen the bridge and to construct a right turn bay at Pennant Hills Road and Jenkins Road, Carlingford, and a further \$63,900 will complete the widening of the Kissing Point Road from James Ruse Drive to Marsden Road at Dundas. The Roads and Traffic Authority has also agreed this year to make grants totalling \$423,000 to three local councils for local roads - not State roads - as a consequence of my energetic representations. The construction of \$6.496 million worth of public housing in the electorate this year will provide much needed accommodation for many local people. Last year I said to the House that I was determined to give priority to those who were forced to seek housing assistance from the Government. I am pleased to announce that this year I have increased that assistance by more than \$1 million. A total of 75 units will be constructed at five different locations within the electorate: \$2.285 million for the construction of 35 one-bedroom pensioner units in Rydalmere; \$703,000 for the construction of another six units in Rydalmere; \$948,000 for the construction of 10 units in Carlingford; \$1.24 million for the construction of another 10 units in Carlingford; and \$1.319 million for the construction of 12 units in Ermington.

Community services have been given even greater importance in Ermington. As the recession continues to bite, more people are relying on the State Government for community aid to obviate the heartless policies inflicted upon them by a Federal Government that simply cannot get its Budget in order. This year I have managed to increase spending on community services by \$500,000 in my electorate. The following breakdown of the community service budget allocations are, at this stage, only initial estimates, as I continue to make strong and forceful representations to the relevant Minister. I am certainly expecting greater increases during the year and I look forward to announcing new grants monthly. Under the support of the accommodation assistance program, \$30,000 plus was made available to local refugees at Adele House, a drug crisis centre, the Ryde women's refuge and the Wesley Central Mission facility in my electorate.

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In addition, Dundas Community Aid and Information Service has received a further \$8,500 in addition to the \$100,000, \$200,000, \$300,000 it has previously received. Funding of \$499,394 - a few dollars off half a million - will be allocated to children's services in my electorate and \$435,413 will be used for the elderly and disabled, in addition to \$319,854 for accommodation support and \$299,564 - a few dollars off the round \$300,000 - will be allocated for families and the community. During Family Awareness Week, which fell in the first week of October, I announced the following grants which will directly benefit families in the electorate of Ermington; \$3,000 to the Yates Avenue Before and After School Centre to establish a care centre to cater for up to 30 children aged five to 12 years; \$15,000 to the Telopea Family Support Service to purchase a community bus; almost \$5,000 to the Telopea Family Support Service to purchase safety educational equipment for children attending programs at the service; and \$10,500 to the Uniting Church, Ermington, to assist people of non-English speaking background to improve their English language skills.

More than \$43 million will be spent on servicing the health needs of my electorate. Our Government recognises that upgrading of health facilities and services is absolutely vital, and where the Labor Party prefers and proposes to close and wind back Ryde General Hospital, this Government will continue to expand it relentlessly, year after year. The two major hospitals that service the people of Ermington, Lottie Stewart at Dundas and Ryde General to which I referred, have had their funding increased by \$2 million and \$4 million

respectively, an increase of \$6 million. Lottie Stewart Hospital has been allocated \$9 million this year, and Ryde General Hospital a record \$34 million. This will be money well spent on upgrading and maintaining existing specialist services and facilities and accident and emergency services. My constituents can feel secure that they have first-class medical facilities close by if they need them, with a Government committed, not just in rhetoric but with dollars, to their service delivery.

I turn now to education in Ermington. This year local schools and TAFE will receive a generous proportion of the Budget to maintain existing facilities and to build new ones. Carlingford West Public School will receive \$210,000 for maintenance. Ermington West Public School has been allocated \$225,000 for maintenance. North Rocks Public School will receive \$210,000 for maintenance and Carlingford High School has been given the final \$40,000 to complete the magnificent multipurpose centre, the total cost of which is \$1.7 million. Meadowbank TAFE has been given \$153,908 to complete a computer laboratory, library and general teaching areas. The total cost of that project is \$7.632 million. Ryde TAFE is to receive \$50,185 for a retail garden centre and \$50,000 for structural repairs to its car park and building.

In a bid to reduce the escalating number of crimes committed in the electorate of Ermington, earlier this year I announced my crime prevention campaign - a set of initiatives designed to stamp out local crime in the area. It is with much pleasure that I now turn to law, order and emergency services. As part of the crime prevention campaign, I am pleased to announce that Ermington police station will receive \$446,000 worth of new facilities and extensions, a doubling in the size of the police station. Subject to council approval, tenders could be called for the construction of extensions as early as this month. Ermington police station was officially opened in 1975 with a strength of 12 officers. Police strength remained constant until 1988 when this Government was elected. The authorised strength is now 38 officers, plus two administrative officers. It was quite clear to me that the patrol had well and truly outgrown the present situation.

Mr J. H. Murray: There has been a blowout in crime. What is the local member doing? There has been a crime wave.

Mr PHOTIOS: It is well worth reminding the honourable member for Drummoyne and other members of the Opposition that crime does not stop at 11 p.m. The previous Labor Government was determined to keep that police station open only between the hours of 6 a.m. and 11 p.m. This Government has got real about law and order; it believes that police stations should be open 24 hours a day. The Ermington police station no longer has 12 police officers; it has 40 police officers. The Government has trebled police strength, opened the police station up 24 hours a day and it is now doubling the size of the police station. Ermington will be better served by these extensions. Additionally, \$3.9 million from the Budget will go directly to the Ermington and Ryde police stations in order to run the stations at an optimal efficiency level. Given the substantial increase in funds and this Government's real commitment to improving law and order - with increased police strength, police on the beat for the first time, a 24-hour police station - we urgently need that \$3.9 million. I am grateful to the Government for the contribution.

I turn now to emergency services. Rydalmere fire station has been allocated a new fire engine, which will greatly enhance the fire-fighting capabilities within the electorate. The new vehicle is Australian designed and constructed, costing \$250,000. In addition, a total of \$790,000 will be spent on fire fighting and fire prevention in the electorate. I am particularly pleased by that announcement. It is the first time in my five years as a community-based member that I have been able to seek additional funding for capital resources for emergency services.

I turn now to sport, the environment and recreation. Local sport and recreation facilities will receive an allocation of \$45,000 this financial year. This is great news for all of those who benefit both physically and mentally from playing team sports or simply exercising solo. In a recession, allocating money to sport and recreation facilities is often regarded as a non-essential expense. However, I

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believe that recreation, in any form, is even more essential for the well-being of those who have hit hard times. I look forward with pleasure, as do my constituents, to the development of Olympic facilities across the

Parramatta River. That will enhance facilities in my area. [*Extension of time agreed to.*]

The environment is another area which sometimes get put on the back burner. I am pleased to say that our local environment has certainly not been ignored, with \$250,000 already funding extensive mosquito control studies at Homebush Bay. These studies are jointly funded by the Fahey Government and the Federal Government, which has also contributed \$250,000. In addition, \$380,000 is being spent by the Water Board on an initiative that I announced last week: a new method to reline sewer mains in the Rydalmere area. This program will not only extend the life of the sewers but it will help protect the environment by preventing sewage leakages that occur when sewer mains deteriorate. That issue has been the subject of representations by my constituents for as long as 20 years. I am particularly pleased that we have been able to get hundreds of thousands of dollars to finally get something done about it.

In conclusion, as a community-based member of Parliament and as the Minister for Multicultural and Ethnic Affairs and Minister Assisting the Minister for Justice with the Fahey Government I am thrilled that the Government's \$82.4 million package for Ermington proves that it takes very seriously this prospering electorate in the northwest of Sydney. I am delighted with the increased level of assistance in the areas of health, public housing development, the environment, community services, law, order, and emergency services.

Being a community-based member of Parliament has enabled me to gain a good understanding of the needs of my electorate. As a consequence, I have lobbied hard over the past 12 months for more money to be allocated to our most vital services. I have also tried to ensure that much-needed improvements to infrastructure and capital works continue at full steam ahead. This carefully planned budget allocation should augur well for the people of Ermington. It makes the electorate of Ermington a better place to live and, hopefully, it will help to improve the quality of life, even if just a little, of each and every person who resides within its boundaries.

Mr J. H. MURRAY (Drummoyne) [8.56]: Premier Fahey has axed 10,000 jobs in this year's Budget. Any family whose bread-winner works for the Government will be devastated by this announcement. The Budget has indicated that 3,500 jobs in the key authorities of Elcom, the Water Board, the State Transit Authority, and the State Rail Authority will go in 1993-94. In addition, there is to be a transfer of 1,600 jobs from the Water Board through to the Public Works Department, which is a de facto way of cutting those jobs out because workers will then have to compete against other sectors for jobs with the Water Board. It is obvious that they will not be able to do that. They are for the chop some time this year. A further 4,300 jobs will be axed in the next two financial years. Another 2,500 jobs will be lost within Government departments.

With unemployment currently at 10.4 per cent, New South Wales is already losing the job war. Since John Fahey became Premier, 40,000 jobs have been lost. That is an astronomical number of jobs that have gone out of the public and private sectors in New South Wales. When that is compared with figures for Queensland, where job numbers have increased by -

Mr Photios: And it has the highest unemployment rate in the country.

Mr J. H. MURRAY: We are talking about jobs. I did not interrupt the Minister when he was speaking. Queensland has gained 46,000 jobs so honourable members can see why I say that this Premier is losing the jobs war. This is a Budget of a Government that has given up on jobs. The job fraud of 1992, when the Premier said there would be 18,000 additional jobs, is now seen to be a fraud. This year's Budget is a jobs sell-out. In March 1993 New South Wales lost 12,400 jobs. The New South Wales unemployment rate was above the national average. Reducing the rate of unemployment should be the number one priority of this Budget. I am sad to say that it is not the number one priority.

Given the ongoing employment shakeout resulting from continual structural reforms, the lagged impact of the recession and the commitment containing inflation to at least the levels of those of most of our major trading partners, this Government should provide a realistic timetable for reducing unemployment. The Budget Papers give no evidence of a concrete plan to reduce unemployment. The State Government should make a

commitment to reduce State unemployment to between 5 per cent and 7 per cent, or less, within the next two terms. The aim should be to reduce unemployment by a minimum of 1.25 per cent each year. Economic growth and a simple reliance on the free market without a substantially enhanced commitment to active training and labour market programs will not deliver the necessary jobs to move New South Wales towards full employment.

New South Wales is still spending less per capita than the Organisation for Economic Co-operation and Development average in this area. In fact, New South Wales is spending 30 per cent less for unemployed persons than was spent in real terms in 1984-1985. We are in a disaster area, yet on a per capita basis in real terms we are spending 30 per cent less. Only 30 per cent of the unemployed will have access to training or work experience in 1993-94. In New South Wales alone since 1990 more than 25,000 positions have been cut from TAFE. An estimated 55,000 school leavers were turned away from TAFE at the beginning of this year. They are our future. Yet they were denied training through TAFE, that essential ingredient when the economy picks up. A similar outcome is expected next year.

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Improving the skill base of the work force must not be seen as a last resort, defensive activity undertaken to relieve temporary skill shortages or retrenchments. Education and training must be essential components of any long-term strategy to maintain and strengthen the competitive advantage and increased employability. The West Germans, who are doing quite well, have committed themselves to providing a training place for every school leaver who wants one. This is one international best practice that New South Wales must adopt. New South Wales should lead the way in this area. A major consequence of microeconomic reform is that workers in the least profitable and or efficient firms are the ones that are threatened with unemployment. Sufficient effective and comprehensive labour market measures must assist such workers if the reform agenda is to carry the public support required for its success.

Society as a whole will benefit enormously from structural reforms over time. Nobody argues against that. But the cost of such reforms must not be imposed entirely on the backs of individual workers. New South Wales must develop an elaborate safety net, including early warning of organisational problems and of retrenchments, and there must be incentives to retrain, enhance skills and relocate. The New South Wales Government should lead the way. Sadly, this Budget contains not one initiative providing for that. Structural change must be seen as providing a potential career path rather than be seen as a threat to income and employment security. At the moment people see structural change as meaning retrenchment and being thrown on the scrap-heap. The New South Wales Government should review its programs to ensure that sufficient, effective and comprehensive labour market measures are directed to the workers affected by structural change. If the reform agenda is to maintain the public support so required for its success, the Government must show the way.

I turn to apprentices. The current collapse of apprenticeship opportunities in New South Wales is appalling and has serious long-term implications for future growth potential. In the past financial year 5,399 apprenticeships were lost in New South Wales, and public sector apprenticeship hiring has been cut by almost one-third over the past three years. The public sector apprentice intake fell from 1,600 in 1989 to 1,165 in 1991. Since then the apprentice training facility at Chullora has cut another 500 positions. This approach exposes the Government's confused priorities of short-term cost cutting against long-term economic development. As the New South Wales economy moves out of recession there will be a substantial skills shortage in industry. Skilled labour bottlenecks will limit the recovery and prevent a faster fall in unemployment. The State Government should support the establishment of government training consortiums to maximise the availability of on-the-job training opportunities by rotating apprentices through government departmental and subcontractors' workplaces.

The major apprentice employing departments and authorities could jointly create new group training companies to be run on private sector principles. The framework is there; all that is required is the work. Group training companies could recruit and employ all apprentices required by the departments and authorities

plus an agreed excess number. Such a major modernisation of the training system would provide cost savings because of lower overheads; expert management in the organisation and co-ordination of the training process - including selection, monitoring and supervision; apprentices with exposure to more varied and interesting types for work experience; apprentice availability at times of peak workload; virtual elimination of unnecessary paperwork; and, more importantly, increased training opportunities for young people. It is critical that both the number and the quality of apprenticeships and traineeships be raised if we are to compete for vital investment and employment opportunities in the late 1990s.

I turn to another major social problem relating to unemployment in New South Wales: mature age and long-term unemployment. The major disadvantage mature workers face is the chronically high levels of long-term unemployment experienced in this age group. For example, in February the duration of unemployment among mature workers aged 45 and over averaged 83.6 weeks per person. The median duration was 56 weeks. In contrast, the average period off work for all workers was 46 weeks, about half the figure for the older group. In other words, most unemployed mature workers will be idle for well over twice as long as younger workers. Men face even greater difficulties in obtaining employment. In all the mature age categories males experience double the duration of unemployment of women. By age 60 to 64 - New South Wales mirrors the national experience - males were unemployed more than four times longer than females. Extra funds should be allocated in this area, especially to TAFE and other educational centres developing programs for such workers. Incentives to employ people more than 45 years old - as for young workers entering the labour market - should be embraced by the Government. Unfortunately, the Budget has failed to address the problem.

This year's capital works program in real terms was down 4.2 per cent or \$234 million. Last year's budgeted figure was down \$400 million. If this Government does not give an incentive by creating infrastructure, the private sector will not get into the take-off phase. In 1992-93 the capital works program was to increase by \$656 million. However, it was underspent by \$327 million. That is a disaster. The total capital works program for both the inner budget and the outer budget sectors is also down by \$100 million on last year's actual spending. The real tragedy of the past five years in New South Wales has been the Government's failure to encourage private sector development and create jobs in the private sector. It has dragged down the State's economic performance with higher taxes and charges, waste and mismanagement and the endless self-imposed internal crises that we see emanating today.

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But in the very area they claim to be their special preserve, that is better management to free up private resources, they have achieved most spectacular and damaging failures. According to New South Wales Treasury's latest comparison of interstate indicators, this State is behind in motor vehicle registrations, retail sales, residential and non-residential building, house building material prices, private consumption and tourism accommodation, and also personal and housing finance. These Budget Papers show that new private investment in New South Wales fell at nearly twice the national rate last year. The latest monthly indicators published by the Australian Bureau of Statistics, compared with those issued a year ago, show that New South Wales is behind the national performance in 30 of 51 indicators.

The Government's record on taxes, entrenching New South Wales as the highest taxed State, continues to undermine our competitiveness and to impact on the private sector. The Budget Papers show that New South Wales tax revenue represents 7 per cent of gross product, compared with 5.8 per cent in other States. This means in reality that our tax revenues are \$1.65 million more than if we had the same ratio of taxes to gross product as the average of the other States. Using the Treasurer's methodology, that equals \$276 additional tax for every person in this State.

I turn to local matters. I am particularly perturbed that there has been no upgrading of the upper harbour ferry service to Mortlake, Cabarita and Chiswick. There would be no upper harbour ferry service but for the honourable member for Drummoyne. When the Labor Party was last in government, the honourable member for Drummoyne put much pressure on the Minister of the day to introduce a ferry service into that area.

Contrary to the wishes of public servants, that ferry service was introduced through to Meadowbank.

I give the Government credit for upgrading the quality of ferries on that service. However, although there is already a wharf at Chiswick, which has the highest population ratio of any inner city upper harbour area, the Government has failed to come up with \$50,000, which is all that is needed to put an additional pontoon on to the ferry wharf. The council built that wharf and was given credit by the Government for doing so. But the Government has failed to honour its commitment. The people of Chiswick are being denied potential access to a ferry service. Potential also exists for an additional service into that Mortlake-Cabarita area, three or four bays further upriver. A node for that service already exists: a bus service terminal is within 50 metres, or walking distance, of the proposed wharf. With expenditure of \$200,000 the Government could provide additional patronage for ferry services, yet it does not have the nous to spend it.

The Government has failed the people of Chiswick, Cabarita and Mortlake, who want ferries to call into their area, where facilities already exist, rather than see those ferries pass them by. Another difficulty suffered by people in Drummoyne is the closure of Drummoyne Boys High. The news that Drummoyne Boys High School has been sold to a private company, whose aim is to redevelop it as a retirement village complex, is a sad indictment on this Government. For four years that school has been a derelict concentration-style camp, surrounded by barbed wire to prevent people using it. The closure of that fine school has been a complete disaster. I have received more representations and petitions about that school than about any other matter. It is the largest issue I have had to deal with since I became a member of Parliament. In time, Minister Chadwick will regret that decision. Not far into the future that decision will prove to have been based on misinformation and guesstimates, and it will rebound on the Government. Only 63 per cent of Drummoyne residents were living in the area five years ago. Many new residents with young children have moved into the area. I am being inundated by constituents telling me they cannot get their children into alternative schools, Concord High School or Hunters Hill High. As a consequence, social disharmony has been created within the area.

Today the Premier released information that it plans to sell off the last of the family silver. The Opposition today released a confidential document revealing that the Treasurer and the Fahey Government have earmarked 11 authorities to be sold for \$5 billion. These are assets that the taxpayers of New South Wales have built up over time, but the Government is going to sell them off to its corporate mates for a song. The Government is selling off the family silver. The Labor Party opposes the Fahey Government's waste and mismanagement. We oppose the Government's policies of forced redundancies in hospitals, rail, cleaning and water services and its fire sale of the State Bank. It is now known that 11 other agencies are going to be included in the program of privatisation.

Mr TURNER (Myall Lakes) [9.16]: I congratulate the Treasurer on his first Budget, which builds upon the foundation of responsible financial management that has epitomised this Government since 1988. There was no need for a slash-and-burn budget, a legacy of the previous Labor administration in this State. In short, the 1993-94 Budget maintains the financial integrity of New South Wales whilst increasing funding in the key priority areas of health, education, community services and law and order. I thank the Treasurer also for his outstanding contribution to the capital works program in the Myall Lakes electorate. An amount of between \$34 million and \$35 million has been allocated to the Myall Lakes electorate. In a rural community such as the one I represent that allocation represents a significant influx of funds for jobs and employment. People tend to concentrate on capital programs but forget ongoing recurrent expenditure on hospitals, police, conservation and land management, which benefit dairy farmers and many others in rural areas. Many Government organisations are located in the Myall

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Lakes electorate. The Government is putting hundreds of millions of dollars into this community. That is the life blood of country communities, and is directly attributable to the budget and this Treasurer. Myall Lakes road funding allocation has been significantly enhanced from \$25.427 million last year to about \$27.5 million. Of that, approximately \$19.5 million will be spent on the Pacific Highway out of a targeted capital works budget of over \$238 million. Since 1988 when I became the member for Myall Lakes, \$309.740 million has been allocated to the Pacific Highway alone in my electorate. This represents about \$1.075 million a week allocated to Myall Lakes for road funding. That is a significant contribution compared with what was received prior to

1988, under the former administration.

Housing in my electorate continues to be funded, and I thank the Treasurer and the Minister for Housing for that. I have a very fast growing electorate, which attracts many aged people and single parent families. There is a significant demand for housing, and \$5.348 million has been provided in this Budget; and \$1.450 million has been provided for sewerage. In a jobs oriented budget I am pleased to see that the Get Started program, which has been so successful in my electorate, will receive funding. I partook in the Get Skilled project on a hands-on basis; I went along and participated as though I was an unemployed young person.

I was pleasantly surprised to see that this program has a real beneficial effect on the young people in my electorate. It shows that they can get work if someone is prepared to make some time and effort for them, as this Government and the Minister responsible for the program, the Minister for Industrial Relations and Employment, have done. In an area such as the Myall Lakes electorate, tourism plays a significant role in employment. I am pleased to see that \$100,000 has been provided for regional tourism in my electorate, which will stimulate employment in the hospitality and tourism industry.

State budgeting is about prioritising expenditure. The pie is only so big; and after six years the Leader of the Opposition still has not grasped this concept. Each year he trots out his reply to the Budget Speech and criticises the Government's financial reforms and efficiencies. He then says we should spend more in just about every area of Government. This year his gem was to pronounce that the \$5.5 billion to be spent on capital works is not enough. The Government should be spending more, he said; the Government should abandon its deficit reduction strategy and drive this State further into debt. Yet, in real terms the size of the capital program in 1993-94 is about the same size as the \$5.5 billion capital program in 1987-88 - the twelfth and thankfully the final year of the Labor Government.

The capital works program simply cannot be increased year after year indefinitely. It was made very clear that the increase in the capital works program last year was to provide a one-off boost to the depressed building and construction industry and to economic activity in general; and it achieved this objective. However, all last year the Opposition claimed that the Government was deliberately holding back spending on capital works. The Leader of the Opposition referred to this again in his reply to the Budget Speech. It is inevitable that there is some underexpenditure of the capital works program; it happens every year, year in, year out. With just 5.5 per cent underspent, the 1992-93 capital program came in closer to target than in 1991-92, when it was 6.9 per cent underspent. That compares with the 4 per cent underexpenditure in 1990-91.

As has been clearly explained, the underexpenditure last year was largely due to lower tender prices reflecting more competitive tender conditions; manufacturing and contracting delays with the private sector; revision of capital programs, particularly in the non-Budget sector; and delays caused by Commonwealth approvals and local council decisions. Clearly, the Leader of the Opposition is still lumbering under the old socialist notion that having more people on the payroll is the way to solve the economic problems of the nation. The Leader of the Opposition still cannot understand that governments exist not for the sole purpose of employing people but, rather, to ensure that the core services are provided to the people with the greatest possible efficiency.

While criticising the Government for not spending enough, the Leader of the Opposition attempted to claim that we tax too much. He quotes the Budget Papers as showing that New South Wales taxation in 1992-93 represented 7 per cent of its gross State product, compared with only 5.8 per cent for the other States. However, this fails to recognise that is due to the lower amounts that New South Wales receives in financial assistance grants from the Commonwealth. For the same year, 1992-93, per capita grants to New South Wales were only \$1,557 - much lower than the \$1,881 per capita average to the other States. Combining both taxation and grants revenue gives a much more meaningful comparison, and on this basis revenue from these sources in New South Wales represents 13.8 per cent of gross State product, compared with 14 per cent in the other States.

Further, Commonwealth Grants Commission data shows that in 1987-88 - the final year of the Labor Government - the severity of New South Wales taxes was 3.1 per cent above the all-State average. By

1991-92, the latest data available, after four years of a Coalition Government, the severity of New South Wales taxes had fallen to only 1.3 per cent above the average. The Leader of the Opposition, in what surely must be his lamest attempt at replying to the Budget Speech, rattled off a selective list of economic indicators supposedly showing the poor state of the New South Wales economy. Again, his basic lack of understanding of the role and influence of a State Government is evident. Padraic McGuinness summed up the role of a State Government eloquently in the *Australian* on 8th September, 1993:

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... it is not the job of a State government to address itself to the fundamental macroeconomic problems of the Australian economy ...

The most that can be required in economic terms of a State Government is that it should be responsible, careful in its accounting and stewardship of the State's resources, and concerned to run the affairs of the State efficiently in accordance with its own policy objectives.

No commentator would accuse this Government of anything but careful stewardship of the State's resources. Of course, the Government could have brought the Budget more quickly into balance by slashing services and increasing taxes. However, this would have caused considerable pain in the community, which is still hurting from Paul Keating's recession. The Government considered and rejected this approach. No government in Australia is more committed to or has made more progress on microeconomic reform than this Government. No government is more committed to sound financial management than this government. The good news is that the New South Wales economy, which did not plumb the depths of Mr Keating's recession as did the other States, is naturally showing a more shallow recovery line and is continuing to improve.

The interstate comparison of economic indicators for September, compiled by Treasury, shows that New South Wales economy continues to improve relative to the other States. In September, New South Wales performed better than the average of the other five States in seven out of the 11 monthly indicators and also in seven out of the 11 quarterly indicators. A recent survey of a panel of economists, conducted by Price Waterhouse and the University of New South Wales, endorses this Government's financial management. Members would be interested to know that the panel concluded that although the New South Wales economy was undeniably weak last year, that was due to factors other than the financial management of the New South Wales Government, which remains above average.

More importantly, the panel expects GDP growth per head in New South Wales to be higher than in any other State over the next five years, and that the overall prospects for the New South Wales economy are better than for any other State, except Queensland and Western Australia. Further, the panel believes New South Wales remains relatively unexposed to external shocks which may seriously affect both Queensland and Western Australia. The Leader of the Opposition accuses the Government of having lopsided priorities. We are quite clear where our priorities lie: health, education, community services and law and order. We believe these are the core functions of government.

What are the priorities of the Opposition? Mr Carr told protesters outside Parliament that he regards cleaning as one of the core functions of government. Presumably he puts government cleaning ahead of health and education. Mr Carr said that the Budget represents a "mechanical mindless pursuit of an ideological fixation". This much is true: the Government has a fixation with providing quality services to the community; the Government believes that the taxpayer has a right to expect value for money from government expenditure; the Government believes that the core functions of a State government are the provision of health, education, law and order and community services; the Government believes that it is vital that these services are provided whilst maintaining the financial integrity of the State's finances. But one would not go to the Leader of the Opposition for an analysis of the Budget. The editorial of the *Daily Telegraph Mirror* of 8th September, 1993, perhaps summed up the Budget and its strategy most succinctly, saying:

Without calling on the people to reach too much further into their pockets, the Government has delivered a document that not only provides cash where it was needed but continued the fight against the deficit.

I turn now to the Leader of the Opposition's comments about dividend returns from the government trading enterprises. The Leader of the Opposition equates dividend returns with higher prices. This is demonstrably wrong. He ignores the facts. The facts are that while inflation over the period 1985-86 to 1992-93 rose at an average of 5.6 per cent per annum, government charges rose by only 4.7 per cent on average each year over that period. That is, Government charges fell in real terms. In the 1993-94 period, Government charges are expected to decline by 2.4 per cent, compared with a forecast increase in prices of 3.3 per cent. That is a 5.7 decrease in real terms.

Although the average bulk supply price of electricity fell by 4.7 per cent in real terms between 1987-88 and 1992-93, budget contributions from Pacific Power increased more than 45-fold during that period, from \$10 million in 1987-88 to \$479.8 million in 1992-93. Dividends and tax equivalents are critical components of the framework which has been set in place to improve the efficiency of government trading enterprises. Dividend payments are a recognition that ultimately the risk of a government trading enterprise failing financially is borne by the shareholders and are a return reward for bearing that risk. Dividend payments are also a recognition of the opportunity cost of the capital invested in the government trading enterprises. The fact that the Government has been able to substantially increase dividends from government trading enterprises without increasing prices in real terms gives one an idea of the sloth-bed of inefficiency that government trading enterprises had become under the former Labor Government. Who can forget the stories about featherbedding and inefficiencies in government trading enterprises under the former Labor Government? Who can forget that it took five people to change a light bulb in the workshop of a New South Wales power station, or that the State Transit Authority was operating a tramways workshop, although trams had not run in Sydney since 1961? Who could forget that it took seven different tradesmen to remove an outboard motor from a Maritime Services Board patrol boat, a task a normal boatowner could do single-handedly?

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One wonders about the type of budget the Leader of the Opposition would have brought down had the Opposition been elected in 1991. Undoubtedly New South Wales would be facing financial ruin, and the budget deficit would be approaching Victorian proportions. First, a Labor Government would presumably give back about \$1 billion of income from government trading enterprises. The cumulative cost of the promises made by the Leader of the Opposition since May 1991 can be conservatively estimated as adding a further \$1.8 billion to the budget deficit. Another \$100 million in additional interest costs can be added because of the loss of the triple-A credit rating. Yet another \$40 million can be added because the Leader of the Opposition believes the Government Cleaning Service is an essential government function.

Under that scenario the Opposition's budget blowout for 1993-94 would have been nearly \$3 billion, should New South Wales have been so unfortunate to have the Opposition in power. But the cost of the Leader of the Opposition's increase in the capital program for this year has not been included. He has said the Government should increase the capital works program, but he has not said by how much. He never does. He is not interested in the cost of his promises. The Leader of the Opposition claims that his promises will be funded by cutting waste and mismanagement, as if repeating that claim like a mantra will make it come true. He says he will cut lower priority programs but he does not say which programs. Clearly he intends to put it all on Bankcard. Bankcard Bob will saddle this State and future generations with a mountain of debt.

Alternatively, he could do what Paul Keating has done and fund his promises by massive tax increases. He would have to pay double payroll tax, double land tax and double property conveyancing rates to raise that kind of money. I turn now to comments made by the Leader of the Opposition about the sale of the State Bank. He continues to maintain that the Government is engaging in a fire sale of the State Bank, and that the sale is ideologically driven. The sale of the State Bank was first mooted five years ago. Some fire sale! The Government is committed to the sale of the State Bank, which will proceed at the appropriate time in the best interests of the people of New South Wales. The only ideology in play is the ideology of the Opposition, which is out of line with the philosophy of every government in Australia, the philosophy of the Opposition's Labor mates in other States and the philosophy of most governments around the world. The fact is that selling the

State Bank will significantly reduce the financial exposure of the Government, which is equivalent to around \$3,000 for every man, woman and child in this State.

This Budget represents a commonsense approach for today and tomorrow. It was well received in the media and the community generally because it represented the right balance between maintaining the financial integrity of this State and maintaining essential services to the community. The New South Wales Budget is in direct contrast to the budget we had to have, which was brought down - but has still not been finalised - by the Federal Treasurer, Mr Dawkins. In the next 12 months and the two years beyond the Government will continue to secure the financial future of this State and ensure a stable and prosperous future for this generation and the next. I support the Budget.

Mr KNIGHT (Campbelltown) [9.34]: This Budget is an election budget. It does not matter that the law in New South Wales means that there almost certainly cannot be an election. It does not matter that the honourable member for Willoughby is most unlikely to be the Treasurer at the time of the next State election. It does not matter that, based on today's performance on Olympic financing, the Government could not run a chook raffle in a pub, let alone win an election. Notwithstanding those matters, this Budget still has all the hallmarks of a classic election budget. First, to the casual observer the Budget contains few obvious nasties. It contains no apparent equivalent to the Federal Government's levy on unleaded petrol. Second, the Budget has a few pleasing increases in expenditure for particular products, albeit largely funded by additional money from the Federal Government. Third, and most important, the Budget fails to deal with the real problems facing the New South Wales economy and the State's finances.

On the eve of an election, governments of all political persuasions are often tempted to put aside the real needs of their States or nations and, instead, bring down a so-called soft budget, an election budget. The political imperative of such decisions is to simply, and often quite crudely, maximise the government's chances of re-election. The financial and economic rationale is that the Government will take the hard decisions only after it has been re-elected. It is thus insulated from the electorate's wrath for three to four years. Alternatively, if the Government fails to win the election, the opposing political party will have to clean up the mess left by the outgoing government. Unfortunately, this cynical attitude to the electorate has been all too prevalent among both major political parties for far too long. The concept of the election budget is highly dubious at best, but when a government is 18 months out from an election, as the New South Wales Government is, bringing down an election budget now is not merely unethical, it is downright irresponsible. In the document entitled, "The Budget and How it Works", the New South Wales Treasury explains the centrality of the Budget to the State of New South Wales. On page 10 of that document the following appears:

The Budget is not only the plan for raising revenue and allocating expenditure. It is also a statement on the whole of our affairs as a State. It is not possible to effectively assess the decisions taken in the Budget without understanding the reasoning behind them.

That quote and the whole document fails to go on to say what Treasury officers know full well to be true: that this Budget sacrifices any medium-term attempts to come to grips with the real economic problems of New South Wales in favour of an attempt at short-term political popularity. In the past few days honourable members have seen just how transitory that short-term attempt at political popularity will prove to be for the Government. What then is the real condition of New South Wales? Unfortunately, it is the condition which my colleague in the Upper House, the Hon Michael Egan, correctly described: that New

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South Wales is the rust bucket State. On all of the key indicators - jobs, economic growth, retail sales, car registrations and housing approvals - New South Wales is lagging behind the other States.

I should like to look briefly at each of those key indicators. Since John Fahey became Premier in June 1992, New South Wales has suffered a net loss of 14,000 jobs. Economic growth figures from the Federal Treasury show that New South Wales had the lowest growth of all the States for the year ended June 1993. Gross State product growth for New South Wales was 1 per cent; for Queensland, 6.6 per cent; and for Western Australia, 4.2 per cent. Those figures cut across partisan political boundaries. New South Wales not only is behind the Labor State of Queensland but is behind the coalition State of Western Australia as well. Australian

Bureau of Statistics figures show that trend estimates of retail turnover for New South Wales have remained in decline since July 1992. In the period from August 1992 to August 1993 the increase in new motor vehicle registrations in Australia as a whole was 7.4 per cent. In New South Wales the increase was a paltry 0.27 per cent. On the most important indicator of economic activity - new building approvals - the increase for Australia as a whole was 7.3 and in New South Wales it was only 1.3, lagging massively behind the 18.3 per cent in Queensland and 11 per cent in Western Australia.

Where in this Budget is there any evidence that the Fahey Government has even the faintest idea of how to confront these problems? Last year the Premier made some pretence of wanting to do something about employment generation. Honourable members heard him in this Chamber trumpeting his very soiled, ex-working class credentials and asserting that the 1992-93 Budget would create jobs. Confidence would create jobs was the slogan he brandished, along with the highly dubious claim that that year's Budget would create 18,000 jobs. As everyone knows, the jobs did not come, nor did the confidence. Indeed, the only correct usage of the word "confidence" in regard to last year's Budget is in the phrase "confidence trick". Having failed to deliver on last year's promised jobs, the Premier proclaimed in the lead up to this year's Budget that his Government is not in the jobs business at all. He has certainly got that part right because this year's Budget is an attack on jobs. It is not a budget that will simply fail to deliver new jobs; it is a budget that will threaten and abolish many existing jobs.

In all, 10,300 direct jobs will be lost as a result of this year's Budget. First, there are 4,300 fewer jobs as a result of the cut of 4.2 per cent in real terms in the capital program. At a time when the State is in recession, this Government has cut the capital works program, which has led to 4,300 fewer jobs. Second, there are job losses in key authorities detailed in the Budget - in Pacific Power, in the Hunter Water Corporation, in the State Rail Authority and in the Sydney Water Board. Almost 3,500 jobs are to be abolished in the 1993-94 financial year and a further 4,300 in the next two years. Third, there are a further 2,500 losses of departmental jobs in this year's Budget.

That is a total of 10,300 jobs for 1993-94. Yet, the projections in the Government's own budget figures are for more to come in 1994-95 and even more in 1995-96 - in the unlikely event that the Fahey Government is re-elected. But the job losses do not stop there. The privatisation mania that affects this Government means further job losses will come from flogging off State owned assets. In his Budget Speech the Treasurer outlined his plans to get rid of the Hunter coal freight system. He wants to hand to the private sector one of the most profitable parts of the State Rail Authority's operations. The Government is obsessed with abolishing the Government Cleaning Service. It is interesting to note what the Treasurer said about that in his Budget Speech. He said on page 10:

In 1993-94, contracting of Government cleaning services will save around \$40 million a year, or 20 per cent within 2 to 3 years.

Every person who works for the Government Cleaning Service - and many of them are women - knows that there is only one way to save \$40 million a year, and that is by sacking workers. It is a labour-intensive industry; it is an industry that relies almost entirely on the sweat on the brows of the people who use the brooms and mops and do the necessary but dirty jobs around schools and other public institutions. This is a scheme designed to reduce jobs. The workers know it, the bidders for the contracts know it, the Government knows it and so does the community.

The third area where the privatisation mania affects this year's Budget is the proposed sell-off of the State Bank. If anyone doubts that is also a proposal for job losses they should walk into a State Bank, talk to the staff at the counter and hear what they have to say, because they are terrified about their job prospects. According to the documents that were leaked today and detailed by the Leader of the Opposition, there is an even wider agenda for privatisation should the Government survive beyond the next election. Almost all core activities of government are marked down for sale or privatisation.

The Budget is anti-jobs in a State that already has a poor job performance. No wonder even the New South Wales Treasury forecasts that employment growth in New South Wales in the next financial year will be

less than the national average. Of course, the Premier has told us that this Budget was not designed to improve employment in New South Wales. It is not designed to help business generate new jobs or keep workers in existing jobs in the public or private sectors. It is merely a feeble attempt to protect two jobs - that of the Premier and that of the Treasurer - and it is difficult, with the possible exception of the honourable member for North Shore, to imagine anyone with a more shaky hold on his current job than the Premier or the Treasurer. I was amused at the quote that the Treasurer used in his speech. He quoted an anonymous - one would suspect mythical - friend to sum up his attitude to the Budget. At page 25 he said:

As a friend of mine said recently it does not help you if you get the figures right but get the heart and soul wrong.

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Honourable members all know sweet, compassionate Peter Collins. It just rings like an everyday comment that people would make about the Treasurer when in fact the real quote to sum up the Treasurer's behaviour should be, "What profit it a man if he gains the whole Treasury but has to leave Parliament because he cannot pay his own legal fees?" This Budget does not deal with the underlying problem of the State deficit. Indeed, it attempts to disguise the extent of the State deficit. If the Government applies the financial reporting standards recommended by the Australian Bureau of Statistics, this year's deficit would be categorised as \$1.3 billion, not \$890 million. The main fiddle, as the Treasurer well knows, involves not counting the Treasury Corporation borrowings - the major source of government loans for its instrumentalities and authorities. As Professor Bob Walker of the University of New South Wales has clearly demonstrated, the underlying budget deficit since 1989-90 has been considerably worse than that which the Government has admitted.

In fairness, I have to say that when Nick Greiner was Premier, on some occasions the deficit claimed by the New South Wales Government was actually worse under the figures he used than the Australian Bureau of Statistics reporting standards, but when one looks at the ABS reporting standards to see in which years it makes the budget deficit much better than it really is, two years stand out - 1992-93 and 1993-94. They are the times when the results are most distorted to the Government's advantage. Whose budgets are those? The 1992-93 Budget is the only Fahey budget, when the Premier was Treasurer, and the 1993-94 Budget is the only Collins budget, with the current Treasurer currently delivering his first - and almost certainly only - Budget.

There is plenty of talk about fiscal rectitude in the Budget Speech and related documents, but this is still very much a Government with its snout in the trough. If one looks at the employment of consultants, again and again the Government shifts funds from the taxpayer to its rich mate consultants. For the first time it hired consultants to prepare the budget documents - an attempt to take over the job for which the Treasurer deemed himself ill-suited, and that was selling the Budget. The senior executive service - the public sector fat cats - continues to grow apace with no serious attempt to limit the rorts, the excesses and the blatant shifting of people from ordinary public service positions and reclassifying them to do the same job within the senior executive service at a much higher salary.

The refurbishing of Ministers' and senior executive service offices has taken on plague proportions. Above all, government trading enterprise dividends are continually raided. It is interesting that, in this Budget, two-thirds of the dividends used to prop up the Budget come from electricity bodies. A massive \$743 million worth of electricity consumers' money goes to propping up the Budget. The Treasurer tries to justify this on the basis that it is a return on capital. He speaks about electricity provision as though it were something the Government decided to do.

Mr Photios: No it was not. Your Government started dividend payments.

Mr KNIGHT: If the boy Minister will settle down, I will be able to deal with the Budget and he may get some understanding of financial accounting. The situation with electricity investment is as though the Government said, "What are we going to spend our money on? We might invest in banking, real estate or electricity supply, but wherever we invest we must get a good return on capital". In reality, as every electricity consumer knows, the State holds a natural monopoly in electricity generating for sensible, social policy

purposes. The \$743 million profit that the Government has ripped out of the system, as raided by the Fahey Government to prop up its Budget, could just as easily have been returned to the customers through lower prices. It would amount to \$371 per household in New South Wales, and if Government members think that they have done the right thing about investing capital and about return on capital, as the Treasurer claims, they should talk to the customers of electricity authorities and ask them whether they would rather have a bill of \$371 a household a year less or would they rather pay the extra \$371 in electricity charges and have it syphoned off to prop up the Government's Budget.

It is interesting that the Treasurer tries to explain his Budget in terms of household expenditure. He says that this year's State Budget spends \$3,500 for every man, woman and child in New South Wales. I doubt if anyone thinks he is getting value for money for his \$3,500 spent in this Government's Budget. I certainly know that the 400 of them who are paying the Treasurer's legal fees do not think they are getting value for money. Significantly, in activities where the talents of New South Wales residents are the key determinants of success, New South Wales does very well. It did well in State of Origin football, national netball competitions, Sheffield Shield cricket, and other sporting, academic and cultural endeavours. Where the activities that the State is involved in depend upon the talents of the Government, New South Wales is at the bottom of the pile and sinking quickly. The economic situation in New South Wales is serious. It is not yet desperate but it is on the way, yet the present Government has no idea about how to solve the problems. Indeed, not only does the Fahey Government have no answers, it is not even sure what the questions are.

This Budget provides not even a glimmer of an economic strategy. It is the classic election budget. It has all the gloss and all the flaws. It sacrifices solutions on the altar of short-term electoral expediency, yet it will not work. It is an election budget without an election. It is all dressed up with nowhere to go, and already in the month since it was delivered it has begun to unravel. It is late in the evening, and I understand that the budget debate is about to conclude. Regrettably, the Government has not allowed sufficient time to enable many members of the House the opportunity to contribute to the debate. I regret that so many of my colleagues have been unable to take the glove in the budget debate because there is not enough time provided by the Government for argument. In conclusion, because the time is limited and the debate is about to finish, I look
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forward over the next 17 months, with my colleagues, including the Leader of the Opposition, the Hon. Michael Egan, and others in the Labor Party, to articulating the solutions that will take New South Wales forward in economic performance and do something about the serious situation we face rather than this pathetic do nothing and feeble election Budget brought down by the current and transitory Treasurer.

Motion agreed to.

Bills read a second time.

Consideration called on, progress reported from Committee and leave granted to sit again.

**JOINT SELECT COMMITTEE UPON
THE SYDNEY WATER BOARD**

Motion by Mr West agreed to:

That the reporting date for the Joint Select Committee upon the Sydney Water Board be extended until 18 November, 1993.

And the Legislative Assembly requests that the Legislative Council pass a similar resolution.

Message

Message sent to the Legislative Council advising it of the resolution.

House adjourned at 10 p.m. until Tuesday, 26th October, 1993, at 2.15 p.m.
