

## LEGISLATIVE ASSEMBLY

Tuesday, 26th October, 1993

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

**Mr Speaker** offered the Prayer.

## QUESTIONS WITHOUT NOTICE

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### CHILD ABUSE DEATHS

**Mr CARR:** My question is directed to the Minister for Community Services. How many children in New South Wales have died this year as a result of child abuse? How many of those children were known to his department prior to their deaths?

**Mr LONGLEY:** The subject of child abuse is one about which I have spoken in this House on a number of occasions. It is a matter of great concern to all members of this House. It is disappointing that the Opposition has chosen to make this most difficult, sensitive and complex area one for a political exercise. It is an area to which I have devoted a significant amount of time. The reality is that this Government has increased the level of expenditure on child protection in this State by more than 33 per cent in the past five years from \$28 million to more than \$36 million annual expenditure last year. It is significant also that this Government increased the allocation again in the recent Budget by a further \$2 million, and that was done before the Labor Party began raising this matter as a political issue and before the media discovered this as a matter of interest.

It is significant that this issue has been one of continuing effort by this Government and increasingly we must put into place preventive actions, preventive courses, so that we might work more to prevent child abuse and to reduce the likelihood of it occurring. The New South Wales Government has indeed put in place a range of long-term initiatives to do this. These include the piloting of a number of preventive programs aimed at reducing the incidence of child abuse in New South Wales. These initiatives will result in a range of long-term preventive programs designed to protect children at risk of abuse and provide assistance and support for their families. This is in addition to the increased funding and staffing resources being provided by the Department of Community Services for the care and protection program.

As I said earlier, funding in this vital area has increased from \$28 million in 1987-88 to \$36 million last year, an increase of 33 per cent, and this year there is an additional \$2 million, bringing the allocation to \$38 million. I would like to outline to the House - because it is very appropriate and apposite to the question asked - the number of initiatives which this Government has introduced, aimed at reducing the incidence of child abuse. First, \$1.8 million has been allocated for the piloting of two innovative projects dealing with families where children are at risk of abuse. One of these projects will be piloted by Burnside, that well-known non-Government organisation at Campbelltown in Sydney's southwest; the other will focus on Aboriginal families on the State's North Coast.

Second, two home visitor projects will be piloted to provide home base support and advice for families with new babies, again a particularly important area. The home visitors will work with new parents over an extended period. Again, they will be focusing on families in Campbelltown and also in Sydney's inner west and eastern suburbs. Third, an additional \$2 million family support package will be established to fund a range of projects for families. This initiative was announced recently by Premier John Fahey during the Government's inaugural Family Week in New South Wales. As a result of this package, new support services for vulnerable families and their children will be set up across the State to help prevent child abuse. This innovative project will pick up from where the home visitor scheme finished. Fourth, this \$2 million package will also see the establishment of a new statewide 008 parent help telephone line which will provide support and information to parents, particularly those who live in isolated and rural areas and parents of children with disabilities.

Fifth, 44 new child protection positions will be created in the New South Wales Department of Community Services. These new positions are the result of the \$2 million injection in the care and protection budget for this financial year. This enhancement will allow additional training and support for staff who deal with child protection issues on a daily basis. These new positions are an acknowledgment of the increased community awareness about reporting of child abuse and the need to increase resources for the investigation of these abuse notifications, especially the confirmed notifications. Sixth, in addition the New South Wales Government has allocated more than \$25 million during the past three years to extra family support services in response to the increased stresses on families caused by the national recession. All of these measures reflect the Government's continuing commitment to providing both immediate and long-term measures to protect children and support families.

In relation to the specifics of the question which the honourable member asked, the recent deaths of children in New South Wales are clearly the subject of full review in the Coroners Court and other courts which deal with criminal charges. The specific details are therefore confidential, and it is essential that that

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confidentiality be maintained to protect the well-being of the brothers, sisters and families of those children. In conclusion, I pay tribute to the professionalism and dedication of the staff who have carried out this vital work. The district officers deal daily with a range of complex human issues to which there are no simple solutions. Those professional staff members have the full support and commitment of this Government, as is demonstrated tangibly and in solid and real terms by the increased resources that have been allocated to their work by the Government over that period.

#### **ASSISTANT COMMISSIONER OF POLICE COL COLE**

**Mr BLACKMORE:** My question without notice is addressed to the Minister for Police and Minister for Emergency Services. Is Assistant Commissioner Col Cole still under suspension? In view of recent reports will the Minister inform the House of any developments?

**Mr SPEAKER:** Order! There are far too many interjections.

**Mr GRIFFITHS:** I thank Opposition members for their good humour. In a House such as this that is absolutely essential.

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

**Mr GRIFFITHS:** I ask all honourable members to turn their attention to the serious matter that has been raised by the honourable member for Maitland. Some honourable members may be aware of the quite unfounded rumours circulating about this issue. There is no question of Assistant Commissioner Cole's integrity in any matter of which I am aware. In fact, Mr Cole has had a long and distinguished

career, spanning approximately 35 years, with the New South Wales Police Service. I am advised that during that time Mr Cole has never ever been accused of corrupt conduct, let alone had any such allegation against him sustained. Assistant Commissioner Cole reported on sick leave on 2nd March. As a consequence of that stress-related illness he was unable to be examined by either the State Crime Commission during its investigation of the Frenchs Forest matter or the Police Board in regard to possible disciplinary action arising from that investigation.

I should say also that at about the same time the Independent Commission Against Corruption requested Mr Cole's attendance to give unrelated evidence in its current police inquiry. Mr Cole was also sought by the Joint Select Committee upon Police Administration during the course of that parliamentary committee's deliberations, which led to its final report that is to be debated in the House today. All honourable members must understand clearly that each of those bodies exercises varying degrees of coercive powers, and that all have given consideration to a number of independent medical reports and have accepted that Mr Cole is too ill to give evidence. It is accepted also that any attempt to coerce him to do so at this time would be likely to seriously aggravate his illness.

On 8th April the New South Wales Police Board suspended Mr Cole from his position as an assistant commissioner. Following a request by Mr Cole's representatives, the Police Board lifted that suspension on 7th October. The sole purpose of that action was to allow Mr Cole to pursue an application for medical discharge through the State Authorities Superannuation Board. I am advised that such an application is now before that board and will be considered by the Police Advisory Committee in due course. Part of that consideration, I understand, will involve further independent medical review. Contrary to some malicious, and I suspect politically motivated, rumour mongering, the process to date has been above reproach. I inform the House that before the Police Board lifted the suspension I ensured that this proposed course of action was referred to the Independent Commission Against Corruption Commissioner, Mr Ian Temby, Q.C., for his opinion as to its propriety. I advise that the Independent Commission Against Corruption Commissioner raised no objection to that course and, in fact, agreed that it was most appropriate.

I am advised further that the process of considering Mr Cole's application will take some time to be completed. It also requires further consideration by the Police Board before any medical discharge can be granted. I have made it clear that, in the interests of maintaining public confidence, this sensitive matter must be dealt with not only compassionately but to the strictest of standards. To that end, as the Minister ultimately accountable to the people of the State for the performance of our police, I have made it perfectly clear to the Commissioner of Police and the Chairman of the Police Board that that process must not only be beyond reproach but must be seen to be. Therefore, I have directed that, before any final decision is made on Mr Cole's discharge, the Independent Commission Against Corruption will be further consulted to ensure that the proper process has been strictly observed. None of this is based on any question whatsoever of Mr Cole's integrity.

The Police Board's continuing interest turns on an apparent failure by Mr Cole to discharge his duty to inform his commissioner of the full facts about the Frenchs Forest incident - and absolutely nothing more. On that question it may also well turn out that Mr Cole's illness had an influence on the way he discharged his duties. However, that is a matter that must await the final determination of the proper authorities. Even in the event that Mr Cole does eventually retire, it is important to note that if at some future time his health improves sufficiently, he can be asked to give a full account to either the State Crime Commission or the Independent Commission Against Corruption. It is manifestly unfair for anyone inside or outside this House to infer that Mr Cole is attempting to leave on other than genuine medical grounds.

**Mrs GRUSOVIN:** My question without notice is directed to the Minister for Community Services. In view of the Minister's previous answer, can he explain why his department underspent child protection funds by \$1.7 million last financial year? Will the Minister guarantee no underspending in child protection and other welfare services this financial year?

**Mr LONGLEY:** It is exceptionally dis-appointing that an issue as important and sensitive as child abuse and child protection is being dealt with by the Opposition as a political issue.

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

**Mr LONGLEY:** This Government increased actual expenditure on child protection by 33 per cent.

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

**Mr LONGLEY:** That is comparing 1987-88 at \$28 million and last year at \$36 million actual expenditure. Honourable members should not confuse that issue. It is a real increase, an actual increase of 33 per cent. This year that allocation has been increased by a further \$2 million, bringing the budget allocation for this year to \$38 million. Exactly how that amount will be spent has already been announced: it will be used to establish an additional 44 positions around the State. That is a significant increase and is way ahead of anything ever done by the Labor Party when in office.

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

**Mr LONGLEY:** In addition, the package has within it a significant component for staff training and professionalism. It is important to note that the requirement for tertiary qualifications for child protection workers was removed by the Labor Party, by Frank Walker, who said that people working in child protection no longer need to have tertiary qualifications. The requirement for tertiary qualifications was reinstated by this Government. It increased the training and professionalism requirements, and the package reflects this. The furphies of the Labor Party are without basis or foundation. Though the former Labor Government reduced the requirements and standards relating to child protection, the Government has increased spending dramatically. Every dollar that is in the budget is fully committed; it was always that way and honourable members opposite knew that. My Estimates Committee comprised 2½ hours of questions and answers - and this is clearly an estimates question - and I answered every one of those questions in painstaking detail. If honourable members have any doubts they should read *Hansard*.

## **MENTAL HEALTH SERVICES**

**Mr TINK:** I address my question without notice to the Minister for Health. What is the response of the New South Wales Government to the Burdekin report into the human rights of the mentally ill? Will the Minister seek support for uniform mental health legislation across Australia?

**Mr PHILLIPS:** I thank the honourable member for Eastwood for his question on this important issue concerning the human rights of those suffering mental illness. One of the most significant elements of Brian Burdekin's report is that it strongly endorses the policy direction in which we are going in New South Wales, and have been going for at least the past four or five years. Some of the media, particularly in its headlines, and the public generally have been under the misunderstanding that Burdekin is attacking the policy of the deinstitutionalisation of those with mental illness. He attacks that in no way. In fact, he strongly supports it in many of his statements. However, he is clearly highlighting a policy that was in place during the 1970s and 1980s, particularly under the former Labor Government, which was about significant deinstitutionalisation without providing proper support in the community. The honourable member for Liverpool knows he is on record as trying to accelerate the closure of nine institutions at that time.

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

**Mr PHILLIPS:** As Minister Collins said by way of interjection, previously Labor's policy was going in the right policy direction, but it was proceeding too fast and its management of this matter was not conducted in a sound and sensible way. The resources were not going at the pace necessary to support those people in the community. The policy direction has to be supported and dealt with at the right pace. This Government has done that. Since we have come to office a number of significant steps have been taken with regard to mental illnesses.

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

**Mr PHILLIPS:** First, we have increased the budget for mental health by 62 per cent - an additional \$105 million - more than the budget of the previous Labor Government. The Government has quarantined the mental health services budget. That means that as we progressively deinstitutionalise the major institutions and funding becomes available from those institutions, the money is quarantined within mental health services and goes to other parts of New South Wales to provide facilities, support networks and community services closer to people's homes; to give them support at their local hospital and in their local community and to give them access to a better quality of life. If there is any doubt about what Mr Burdekin

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said, I point out that he took three pages of his report to clearly state the developments that have occurred in New South Wales since the inquiry began three years ago.

The second most significant factor he comments on is that in New South Wales and Victoria in particular there has recently been a significant redirection of Government effort. They are his comments about what is happening in New South Wales at the present moment as we try to undo the sins of the past 30 years with regard to policy direction. The policy is right but its implementation has been mishandled. Other things that have occurred relate to the number of community centres. The number of crises teams, which are important in supporting the community, has increased from nine to 30. Another team was announced last week and the number will continue to increase. They are not the only support networks in the community. There are 300 community based mental health teams working throughout New South Wales. In 1988 there were 980 community mental health staff and that figure increased by nearly 50 per cent to 1,478 over the next three years. They are the directions we are taking in caring for those who suffer mental illness.

Another initiative that was undertaken before the Burdekin report was released relates to boarding houses. Burdekin rightfully targets the question of accommodation and homelessness for people with mental illness. That link must be addressed by governments. Minister Longley has set up a task force dealing with licensing boarding-houses. We look forward to the report while addressing that problem. The Government has also announced the implementation of a team to consider boarding-houses and other accommodation. It will not only address mental illness but take a much more holistic approach to care, including diet, clothing, cleanliness, et cetera. Those issues must be addressed and will continue to be addressed. What else has the Government done? A joint interdepartmental committee of housing, community services and health is attempting to address the problem that all members with housing department accommodation in their electorates are aware of, that is, how do we accommodate people with mental illness in our housing department estates?

That is an important issue because there is very heavy stigmatisation associated with people suffering mental illness, and public housing residents are concerned that someone suffering mental illness may be placed in a residence near them. That issue must be addressed. Burdekin is basically saying, "We want you to do more and we want you to do it faster". The Government will attempt to do more and will attempt to do it faster, and with the support of the Commonwealth Government that will be

done as quickly as possible. That is in quite significant contradiction to the Opposition's policy regarding deinstitutionalisation. The Deputy Leader of the Opposition severely attacked the Government over the closure of Marrickville District Hospital and attempted to create a scare about people being dumped in the streets, which is just not true. I shall read from a letter dated 13th July, 1993, relating to Gladesville Hospital. It states:

I am appalled by the hypocritical comments being made by Dr Refshauge about the closure plan. Labor has lost the moral high ground it had when it lost the 1988 elections for its support of the Social Justice approach . . .

It is unfortunate that Labor has chosen to support the vested interests who wish to continue a Dickensian system.

Who is that letter from? Is it from a supporter of the Government? No, it is from Dr Michael Ryan - yes, the Dr Michael Ryan. We are all aware of Dr Michael Ryan's strong commitment to the mentally ill in this State and his attitude regarding the about face of the Opposition towards helping the mentally ill. The Opposition is totally out of step with every other Government and Opposition in Australia. I could go through all the recommendations from Burdekin, but I will not take up question time by doing so. However, this Government is implementing almost every recommendation that was tabled, and was doing so before the report was issued. It will continue to work to solve the problems of those suffering from mental illness in this State, in an effort to undo the sins of the past.

#### **SYDNEY ORGANISING COMMITTEE FOR THE OLYMPIC GAMES**

**Ms ALLAN:** My question is to the Premier and Minister for the Olympic Games. Why are no women in New South Wales acceptable for representation on the Sydney Organising Committee for the Olympic Games? Why is the Premier continuing to downgrade the role of women in New South Wales?

**Mr FAHEY:** I would have thought that the honourable member for Blacktown might be concerned about her own preselection when she asks such a question. It is well known that when it came to certain people being endorsed by the Labor Party on the Central Coast the fact that they were women brought immediate interference by the Leader of the Opposition, and immediate interference by the head office of the Labor Party, who moved in and said they did not want these women -

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

**Mr FAHEY:** There were two direct appointments by me to that board, one of whom is a woman. There were two direct appointments by the Prime Minister, and neither is a woman.

#### **ACCOMMODATION FOR THE MENTALLY ILL**

**Mr HUMPHERSON:** I direct my question without notice to the Minister for Community Services, Minister for Aboriginal Affairs and Minister for the Ageing. Will the Minister advise the House about the progress of the task force into private hostels, set up in April this year? How will this task force assist people in New South Wales who have mental illness?

**Mr LONGLEY:** I thank the honourable member for Davidson for his question because he understands the human dimension of our role as members of Parliament and has a continuing concern  
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and interest in this issue. The recently released report by Brian Burdekin into mental health is a landmark step forward for our community's understanding of this complex and vitally important social issue. I am pleased to report to the House, as my colleague the Minister for Health indicated, that this

Government has been at the forefront in its positive and substantial initiatives to improve both the rights and living conditions of those with mental illness.

I would like to bring the House up to date about progress of one of these key initiatives, that is, the task force on private, for-profit hostels for people with disabilities. All honourable members would be aware of the large numbers of disadvantaged people, many with significant mental and intellectual disabilities, who reside in licensed and unlicensed boarding-houses and hostels throughout the State. The residents within the for-profit boarding-house industry form a marginalised, shifting population of poor people with a very wide range of problems, including intellectual disabilities, mental or psychiatric disorders, multihandicaps, as well as physical and sensory impairment. Tragically, it is quite clear that some of these people are open to being exploited and abused.

In April I appointed the Director of the State's Office on Disability, which forms part of the Government's new Social Policy Directorate, to chair a task force of experts to inquire into hostels and boarding-houses as they affect people with disabilities. The task force includes representatives from the community services, housing and health sectors, from both government and non-government agencies, including the Mental Health Co-ordinating Council, the Guardianship Board, the Accommodation Rights Service and the Disability Council of New South Wales.

The task force is to report to me at the end of November. Since its inception it has met fortnightly, and sometimes weekly, in order to progress its vital work. All members of the task force have participated in intensive inspections of licensed hostels throughout the State. They have been involved in detailed data collection and analysis, and a great deal of international information on the hostel and boarding-house industry has been secured from sources in Canada, Great Britain, New Zealand and the United States of America, as well as from other Australian States. Further, a survey is being conducted which is specifically designed to obtain a profile of the hostel resident population.

A number of special subgroups have been initiated, with membership drawn from within the task force and including other experts. These are investigating areas such as fire safety, guardianship, tenancy and medication. A number of possibilities and issues are being considered by the task force. Comprehensive community consultation is under way, aimed at giving all community members, including hostel proprietors and residents, an opportunity to contribute constructively to the work of the task force. In addition, a consultancy to investigate the economic operation of the hostel and boarding-house industry is being completed. As well as these several intensive activities, the Department of Community Services has initiated an internal working group which is investigating a number of regulatory options for all the community services it licenses, particularly those services licensed as residential centres for people with disabilities. This working group interfaces with the hostels task force and will provide information to enhance the content of its final report.

People with disabilities are entitled to live within our community with dignity and without fear of exploitation, abuse or neglect. The work of the hostels task force and the departmental working group will develop options to improve the quality of life for people with disabilities in boarding-houses and hostels throughout the State. This vital work, combined with such landmark initiatives of this Government as the Disability Services Act and the historic complaints, appeals and monitoring legislation, which passed through the Parliament earlier this year, shows that we are at the forefront in ensuring that the rights of people with disabilities are both safeguarded and progressed.

#### **LETONA CO-OP LIMITED CANNERY FINANCIAL ASSISTANCE**

**Mr J. H. MURRAY:** I ask the Premier and Minister for Economic Development a question without notice. Is he aware that the receiver has backed the business plan to save Letona? Why has he rejected this plan, drawn up by business experts and senior staff from the Office of Public Management, New South Wales Agriculture and the Regional Development Board?

**Mr FAHEY:** The Minister for Agriculture and Fisheries has given a fairly extensive response to the Letona question on a number of occasions, both inside and outside this House.

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

**Mr FAHEY:** I was at the meeting with the Minister for Agriculture and Fisheries, the Treasurer and the receiver about two weeks ago. At that time the matter under consideration was whether there would be something like \$3.5 million available to underwrite the tomato crop that was going to produce some 28,000 tonnes of tomatoes. The other question was about further rescue packages being left, it was suggested, for a further few weeks. The Government is not in the business of growing tomatoes. When it came to the other funds that were necessary, it was suggested that about \$2.5 million would be required by way of cash advance from the State Government, a similar sum of money from the Commonwealth Government and about \$12 million from the private sector, if someone from the private sector could be found to invest, totalling about \$15 million or \$16 million. The Government, as the major shareholders on behalf of the taxpayers of this State, in effect was also asked to write off the \$7.4 million or \$7.5 million of guaranteed State Bank loans.

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

**Mr FAHEY:** As the receiver indicated, there was little likelihood of the taxpayers being refunded the guarantees that were put in and extended over the years. In fact, the major revamp of Letona occurred in 1983, under a Labor Government. Sadly, at the time funding of the taxpayers was put forward, that Government did not address the work practices and management. It was fairly clear to all concerned, in discussions at that time and in subsequent discussions held with the Minister for Agriculture and Fisheries and the Treasurer, that any appropriate amount of money that the Government could put into Letona would likely be of a sum that could start up a completely new plant, with modern technology, employing approximately 50 per cent of the current employees. All of that could be done from the ground, on a greenfield site. I am concerned about the workers of Letona. Naturally, I am concerned about anyone who is facing the prospect of losing their job. Sadly, this whole process has crept through to a point where this has happened.

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

**Mr FAHEY:** The Letona people came to the Minister for Agriculture and Fisheries about four weeks before it was really crunch time; four weeks before it was all over. In the lead up to what we have seen in recent weeks, or over the past several months, one would have thought that if there were a problem, the directors - the members of the board - might have at least kept the Government informed, spoken to the Minister and endeavoured to get some co-operative plan to resolve the cannery's difficulties. The other aspect is that a number of growers, I believe about 200, supply the Letona cannery. Those people are small businessmen who have invested in trees, crops and so on.

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

**Mr FAHEY:** The honourable member for Monaro should not bother to help the honourable member for Port Stephens. He is beyond redemption. Do not rescue him, please. There are many more, including people in the Riverina, who would need rescuing before him. These people are small businessmen. They are required to make an investment to have crops on their farms. They are required to go through the process of spraying, and everything else, to produce a crop at the end of the season. The Government has grave concern about the future viability of their farms, the commitments they have made, the fact that they have not been paid by the co-operative for last year's crops, and where they go when it comes to continuing the process to see if they can get a return on the crops that are

currently in the ground.

In that regard - after discussions with the Deputy Premier and the Minister for Agriculture and Fisheries as well as the honourable member for Murwillumbah, who has also been part of these discussions on a regular basis with myself and the other Ministers as we have continued to see if we can assist in every sensible and responsible way - last Friday the Department of Agriculture had people from the Leeton office of the Rural Assistance Authority examine the difficulties of the small businessmen. The aim of that examination is to give the Government some idea of the difficulties that these small businessmen are facing with their crops, et cetera, so that the Government can determine whether in some small way it can assist the small businessmen with their difficulties. What has happened is a tragedy. It is a co-operative that is absolutely out of the control of Government.

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

**Ms Allan:** You are a hypocrite.

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

**Mr FAHEY:** The honourable member for Blacktown knows all about hypocrites because, as I pointed out on the last occasion, statements that she made about privatisation and water when she was visiting Maitland demonstrated her hypocrisy and the hypocrisy of all those on that side of the Parliament. When it comes to hypocrisy, the Leader of the Opposition is the ace, the true deceiver. Only last week, thanks to the vigilance of the honourable member for Maitland, it was pointed out to me that there was a report in the Maitland *Mercury* about the local Federal member making a statement to the press and, I believe, a statement in Federal Parliament that I had transferred the Maitland Hospital money to the Bowral and District Hospital, with \$90 million support for a private hospital in Bowral. That was, of course, supported by the Federal Labor member for Gilmore and the Federal Labor member for Macarthur. I would have thought that the honourable member for Macarthur would have been on the phone to ask me about that, to see if it were true that some support like that might be forthcoming in his electorate.

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

**Mr FAHEY:** The fact is, again, that it is a lie. Naturally, one digs further to answer the question, "Where is all this coming from?". The very good reporter from the Maitland *Mercury* asked Mr Horne, the local Federal member, "Where did you get this from?" and he said, "I believe it came from Mr Carr". For four years there have been discussions with a private consortium. Those discussions actually started when the honourable member for Liverpool was the Minister for Health and a feasibility study was done to build a private hospital. Not one cent of public moneys will go into it. So we all know about hypocrisy.

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

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**Mr FAHEY:** Let me return to Letona. The Minister for Agriculture and Fisheries, the Deputy Premier and the honourable member for Murrumbidgee will be discussing with me the report of the Rural Assistance Authority and the impact it will have on growers and small businesses. We will continue to seek a way to help them. However, we cannot continue to pour money in when the situation is beyond control. I am not aware of any recommendation from the receiver which suggests that there is a viable way of trading out of this problem. It flies in the face of advice that was given to me and to my ministerial colleagues at that meeting about two weeks ago.

**UNLICENSED MOTOR DEALERS**

**Mr W. T. J. MURRAY:** Is the Minister for Consumer Affairs, Minister Assisting the Minister for Roads and Minister Assisting the Minister for Transport aware of concern in the motor trade about the practices of unlicensed motor dealers? What action is her department taking to combat such illegal activities?

**Mrs Grusovin:** A range of unsafe toys is coming up.

**Ms MACHIN:** I thank the honourable member for Barwon for his question and for his interest in motor vehicle safety and passenger safety. It is interesting that the honourable member for Heffron referred earlier to unsafe toys. It is a pity that the shadow minister for consumer affairs was not at the Estimates Committee hearing last week to ask some of those questions. He is busy swanning around overseas. Honourable members would be aware that the Flemington car market is a popular location for both buyers and sellers, particularly those people wanting to sell their cars privately. However, surveillance by my department has revealed that many people are using the car market illegally. A raid of the Flemington car market by Consumer Affairs inspectors and police last Sunday revealed the presence of a number of vendors selling vehicles regularly without the required motor dealers' licences.

The department takes a serious view of the threat that unlicensed operators and backyard boys pose to honest and licensed operators as well as New South Wales consumers. My department has established the unlicensed dealer task force to combat the problem of backyard operators and associated problems, such as odometer windbacks, which have been the cause of considerable concern. In a carefully planned operation, quaintly called Kykatire, six Consumer Affairs inspectors and 12 police officers raided the market to arrest illegal traders and locate any stolen vehicles. During the first raid in the morning the police arrested three people for unlicensed dealing and a further two were questioned. During the second raid in the afternoon two people were arrested and another three were questioned. A sixth person was arrested as a result of further investigations. One of the people who was arrested had actually been prosecuted by the department twice before for the same offence.

My department was able to single out alleged offenders through an examination of the Flemington car market register, which shows a large number of offenders who are selling regularly from that market-place. That information, when combined with the department's data on classified advertisements and Roads and Traffic Authority information, gives us a profile of the regular sellers at the markets and allows us to identify those who are operating there without the dealers' licenses required for regular sellers. The investigation by our authorities will continue to uncover other possible unlicensed motor dealers. The raids on Flemington markets are just one of the activities and crackdowns on unlicensed dealers in New South Wales.

The car market provides a legitimate venue for private sellers to display and sell their motor vehicles. We want to keep it that way. However, some of the individuals using the car market are doing so as business outlets to sell cars that they buy at auction or through newspaper advertisements; therefore, they are competing unfairly with licensed dealers. Effectively, they are carrying on the business of motor dealers, but the buyers do not have the usual protection and the vendors do not have to pay the overheads normally paid by others. One of the risks to consumers is that no warranties are provided through these unlicensed dealers. Consumer Affairs investigations indicate that odometers are often altered by backyard operators to enhance the value of the vehicle. Police also suspect that unlicensed operators, at places such as these markets, are an outlet for stolen parts and, occasionally, stolen vehicles. If we had a reduction in this unlicensed activity we would see a further reduction in the number of stolen vehicles.

The six people who were arrested last Sunday are due to appear in Burwood Local Court on 11th November. The maximum fine for dealing in motor vehicles without a licence is \$50,000 and, on conviction, the court could order the defendant to forfeit the proceeds of any illegal activity. One person who was arrested has been convicted on two previous occasions, once in the Supreme Court. This

person was located in the car driven by another target and it appears that a number of unlicensed operators actually work together. My department, through its unlicensed dealer task force, will continue its crackdown right across the State. We will do what we can to stop dishonest operators and encourage those who are doing the right thing. This is not only in the interests of the industry; this is a consumer issue. It is a case of giving consumers a fair go and maintaining integrity in the market.

### **DOMESTIC VIOLENCE HOTLINE**

**Mrs LO PO':** My question without notice is directed to the Minister for Industrial Relations and Employment and Minister for the Status of Women. Is her 24-hour domestic violence hotline staffed by only two people who are required to answer 12 telephone lines? Have callers had to wait for over an  
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hour to receive assistance? Why has the Minister allowed deficient staffing to compromise support given to domestic violence victims?

**Mrs CHIKAROVSKI:** That question is in the province of the Minister for Community Services.

### **SYDNEY INTEGRATED TRANSPORT STRATEGY**

**Mr MERTON:** My question without notice is directed to the Minister for Transport and Minister for Roads. What response has the Government received to the integrated transport strategy released last week? What action will the Government take on submissions made by interested parties on the strategy?

**Mr BAIRD:** I am sure that all honourable members are interested in the integrated transport strategy that was publicly released last week by the Premier, me and Minister Webster. I noted earlier that the honourable member for Kogarah has a copy of that strategy. Transport experts across this State have welcomed this document. The National Roads and Motorists Association Senior Manager of Transport Policy and Economics, Alan Finlay, said, "It will not be possible to build our way out of trouble with new roads, so improvements to the public transport system are necessary especially for cross suburban journeys". He went on to say, "We commend the approach being taken to involve the community in the decision-making process".

The Government has received similar commendations from various environmental groups, including Greenpeace. The most perplexing response to the document was received from none other than the honourable member for Kogarah. He rushed down to the press gallery in his Arnold Schwarzenegger *Terminator Two* mode and issued a press release which said in part that the Fahey Government's integrated transport study was short on practical solutions and long on bureaucratic jargon. He said also, "There are no practical solutions for security, reliability and affordability of public transport. This report does not present the public with any practical short, medium and long term strategies". He also said, "It is just 86 pages of recycled rubbish".

**Mr Langton:** Exactly!

**Mr BAIRD:** It was particularly interesting because on 28th June this year he obtained a leaked copy of the report from one of his mates. He then issued a press release which said, "Brian Langton, M.P., Shadow Minister for Transport, Member for Kogarah. Opposition supports new transport links". He said:

The Opposition welcomes and supports the integrated transport strategy recommending a shift from the use of the car to public transport.

The report, prepared by the Department of Transport, recommends new cross regional rail links for Sydney, echoing Labor's transport policy.

*[Interruption]*

I want Opposition members to hear every word of what you had to say.

**Mr SPEAKER:** Order! I call the honourable member for Kogarah to order. I call the Minister for Multicultural and Ethnic Affairs to order.

**Mr BAIRD:** On 28th June the honourable member for Kogarah said that the report echoes Labor's transport policy. He also said:

The Department of Transport has finally recognised the need to boost public transport in Sydney and while it is some years too late it is an acknowledgment of what Sydney's residents and the Opposition have been saying for many years.

Apparently the Government stole the ideas of the honourable member for Kogarah. On 21st October, when everyone had forgotten about it, he rushed into a press conference, did his number and said that the report was 86 pages of recycled rubbish. This is a typical approach of the honourable member for Kogarah. He has no credibility, and one wonders how long he will survive in that role. Honourable members may well remember one of his great initiatives in terms of urban transport. He was going to solve the problem in Sydney with the electric bus - 18 tonnes and a trailer following the bus all around Sydney. Yesterday, none other than the Toyota motor company stated that the big problem that still exists with electric vehicles is battery technology; with the best available still only capable of powering cars for relatively short distances before being recharged.

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

**Mr BAIRD:** According to Toyota's research division, which is working on a solution, it has yet to make a major breakthrough in the battery technology necessary to make electric cars a viable proposition for day-to-day travel. The difference between the Opposition and the Government is very clear. The Government is introducing an integrated transport strategy, with plans, a blueprint for the future set out in great detail. The Opposition has its own vision of a city swarming with electric buses. The trouble is the Opposition, like the honourable member for Kogarah, is going nowhere.

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## BILLS UNPROCLAIMED

**Mr Speaker,** pursuant to sessional order, laid upon the table a list detailing all legislation unproclaimed as at 26th October, 1993.

## PETITIONS

### Capital Punishment

Petition praying that the House will call for a referendum asking the people of New South Wales to vote on the provision of capital punishment for those people who are convicted of a violent crime, received from **Dr Kernohan**.

### 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**.

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#### **Guildford Railway Station Footbridge**

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

#### **Camden District Hospital**

Petition praying that Camden District Hospital not be privatised and that children's services be reopened to make the hospital fully operational, received from **Dr Refshauge**.

#### **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**.

#### **F6 Freeway Emergency Telephones**

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

#### **Serious Traffic Offence Penalties**

Petitions praying that laws relating to road accident fatality or injury be re-evaluated, received from **Mr Mills and Mr Price**.

#### **CountryLink Timetables**

Petition praying that CountryLink timetables be maintained, received from **Mr Schultz**.

#### **Area Assistance Scheme**

Petition praying that the area assistance scheme be maintained, received from **Ms Allan**.

#### **Merrylands Defence Property**

Petition praying that the House and the Minister for Planning oppose residential development of the Merrylands defence property site, received from **Mr Yeadon**.

#### **Brighton Memorial Playing Fields**

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

#### **Hepatitis C**

Petition praying that the Government act to combat hepatitis C, received from **Mr Chappell**.

### **David Berry Hospital**

Petition praying that the David Berry Hospital at Berry not be closed or sold, received from **Mr Harrison**.

### **Shellharbour Public Hospital Children's Ward**

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

### **Sexual Assault Counselling Services**

Petition praying that more financial resources be made available to provide counselling, supported accommodation services and community education for adult and child sexual assault victims, received from **Ms Allan**.

### **Berkeley Police Station**

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

### **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**.

### **Wilderness Act**

Petition praying that the Wilderness Act be amended to provide that no wilderness nominations be accepted that contain previously nominated land that has been rejected as a wilderness area, that no person or group can nominate an area without first lodging a minimum fee of \$10,000, and that all nominations include an economic and social impact statement paid for by the applicants, received from **Mr Chappell**.

### **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**.

### **Native Bird Protection**

Petition praying that native birds at Long Jetty be protected during the nesting season, received from **Mr McBride**.

### **Central Coast Petrol Pricing**

Petition praying that petrol pricing on the Central Coast be reviewed, received from **Mr McBride**.

### **Country Retail Trading Hours**

Petition praying that local government be given the power to determine retail trading hours in the

country, received from **Mr Windsor**.

**PRISONS (AMENDMENT) BILL**  
**SENTENCING (AMENDMENT) BILL**

**Withdrawal**

**Order of the day for second reading of these bills discharged.**

**Bills ordered to be withdrawn.**

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**JOINT SELECT COMMITTEE UPON THE SYDNEY WATER BOARD**

**Message**

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

Mr Speaker

The Legislative Council having had under consideration the Legislative Assembly's Message of 14 October 1993 regarding the Joint Select Committee upon the Sydney Water Board, desires to inform the Legislative Assembly that it has this day agreed that the reporting date for the Committee be extended until 18 November 1993.

Legislative Council  
14 October 1993

**Beryl Evans**  
Deputy-President

**JOINT SELECT COMMITTEE UPON POLICE ADMINISTRATION FINAL REPORT**

**Suspension of Standing and Sessional Orders**

**Mr WEST** (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [3.20], by leave: I move:

That so much of the standing and sessional orders be suspended as would preclude the Minister for Police and Minister for Emergency Services moving the following substantive motion -

That this House take note of the final report of the Joint Select Committee upon Police Administration - Remaining Issues.

**Mr WHELAN** (Ashfield) [3.20]: My concern is not to do with the substance of the motion, but rather with the time limits for speaking. I am led to believe that the Minister who proposes the motion will have unlimited time, as is normal, and that the first member speaking, who will be the honourable member for Liverpool, will have unlimited time also. What time limit will be imposed upon the honourable member for South Coast, who was a member of the committee?

**Mr WEST** (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [3.21], in reply: In response to the honourable member for Ashfield, I should indicate that the limit on the times for speaking will be as follows: the mover will have 30 minutes, the member first speaking thereafter

will have 30 minutes - in both instances provision being made for an extension of 10 minutes - and other members speaking to the motion will have 20 minutes, with the opportunity of an extension of 10 minutes.

**Mr Whelan:** There is a big difference. The motion moved by the Leader of the Government should be amended to provide unlimited speaking time for the Minister moving the motion, the honourable member for Liverpool and the honourable member for South Coast. Any other speaker in the debate should be limited to 20 minutes, plus a 10 minute extension.

**Mr West:** Does the honourable member for South Coast want unlimited time?

**Mr Hatton:** I may not need it but I would seek it.

**Mr SPEAKER:** Order! I remind all honourable members that this procedure is completely irregular. The Minister moved the motion and the member for Ashfield spoke to it. The Minister replied, and that completed the debate. I do not have scope to permit further debate on the motion. I suggest that the member for South Coast discuss the procedure with the Minister privately. I am sure they will be able to arrive at a suitable arrangement.

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

#### **Motion**

**Mr GRIFFITHS** (Georges River - Minister for Police, and Minister for Emergency Services) [3.23]: I move:

That this House take note of the final report of the Joint Select Committee upon Police Administration.

As Minister for Police I am pleased to draw to a close the work of the Joint Select Committee upon Police Administration. After more than 12 months of deliberations the work of the committee is done. I can now concentrate on the job at hand, which is reforming the New South Wales Police Service. Let me state clearly that the Government accepts the final report of the committee. That is consistent with the Government's approach to the committee's previous reports. The majority report represents, in my view, the umpire's verdict on a troubled and controversial episode in the history of the New South Wales Police Service. If we are to maintain public confidence in our police and the Parliament, we must accept that verdict. My concern as Minister is that the continual derogation of police by some in this place and by sections of the media will undermine public trust.

Let us not forget that it is on the streets and in the homes of New South Wales that confidence in the police really matters. Recent surveys of opinions about the Police Service show that 84 per cent of people who have dealings with police in this State are satisfied with the service being provided. As most people come in contact with the police only in circumstances of personal misfortune or when a law is broken, I believe we should be proud of the performance of our police in helping to make our streets safer. The majority of respondents indicated that the New South Wales police in general were reliable, easy to approach and to talk with and very professional. Most other jurisdictions in the world would be extremely proud of that response. As representatives of the people, parliamentarians need to be careful that the hothouse atmosphere of this building does not create a climate in which the real gains in police reform are lost for short-term political advantage or personal revenge, or to gain media headlines - none of which will serve the people of New South Wales.

We should not be surprised if policing produces headlines. Police work - like politics and sport - is, after all, a media staple. As the Government strives for a more open and accountable Police Service those headlines will continue. Policing in Sydney, as in

London, New York or any other great city of the world, has always been controversial. Much of the controversy has centred around the allegations of corruption. We need to apply a sense of perspective to the current state of policing and to recognise that historically we are in an extremely good position. I do not intend to retell the history of the battle against police corruption. Others inside and outside of this place have attempted to build their careers on the subject. Suffice it to say that there was a time in New South Wales when institutionalised corruption existed in the New South Wales Police Service.

More than a dozen years ago the Lusher commission of inquiry examined a police force that was poorly managed, poorly structured, poorly trained, tolerant of corruption and unresponsive to the community. The commission of inquiry identified new directions to reshape the organisation. Starting with the appointment of John Avery as commissioner, this sorry state of affairs has been reversed. Community based policing is making our streets safer and our police more open. When I assumed responsibility for the administration of the police portfolio it became obvious to me that police on the beat could be more effectively supported through improved management performance by senior command. The Fahey Government's accountability, integrity and management reforms have given the Police Service the right structure and refocused attention on integrity. Police training is and will continue to be a priority. But more needs to be done, especially in the crucial field of higher command training.

Since becoming Minister I have focused my attention on improving communications, management expertise, and more particularly accountability. These will be continuing themes for the Government's ongoing reforms. The Police Service already has an excellent reputation for financial management, and I am working to bring all of the other management disciplines to the same level. The Joint Select Committee upon Police Administration was established in unique and extremely controversial circumstances. After approximately twelve months and at a cost of \$2 million of public money the committee has finally reported. Many witnesses have been examined, many hours of evidence heard and many thousands of words written and spoken; and three substantive reports have been produced.

In its first report the committee examined in detail the circumstances surrounding the breakdown in the relationship between the Commissioner of Police and the former Minister for Police. The committee found no reason why the commissioner should not continue to hold his position. In its second report the committee endorsed the reforms implemented by the Government's Police Service (Management) Amendment Bill. We are here today to note the committee's latest and final report, which focuses on the first term of reference. It is well worth repeating that term of reference:

... to inquire into whether mechanisms of accountability, the existing roles and reporting relationships between the Minister for Police, the Police Board of New South Wales, the Inspector General of Police and the Commissioner of Police are adequate to ensure an efficient, effective and accountable Police Service in New South Wales ...

The bottom line of the majority report is that the Government's extensive reform program to ensure accountability, maintain integrity and improve the management of the Police Service again has been fully endorsed. The Government readily accepts the thrust of the findings of the final report of the majority of the committee. The committee sensibly rejected the idea of a standing committee on police. I believe that any rational commentator who took the time to consider the obvious public policy implications of such a move would agree wholeheartedly with the majority position on that matter.

The majority report concludes that the reform process implemented by the Fahey Government over the past twelve months must be given time to fully impact on this large and complex organisation. The central focus of all of these reforms has been to ensure the accountability and openness of the Police Service. Honourable members will recall not only that legislation was changed to alter the composition and roles of the Police Board and to place the employment of the commissioner on a contract basis, but that the entire senior command has been restructured. The guiding principle has been to establish clear lines of command and control so that true accountability can be accepted by every officer at every level of the organisation. Stage four of the reform process is aimed at ensuring an equitable allocation of

resources in the entire Police Service. It is nearly complete. The fifth and final stage, which consists of a review of the work to date, will soon commence. As the majority of the committee rightly points out, time will be the true test of those reforms.

I should like to refer to the minority report. This House must reject its ill-conceived proposals, just as the majority of the committee has already done so. The idea of a broadly based standing committee to take over the management of the Police Service from the responsible Minister is totally misconceived. What is being proposed in no way resembles an improvement in police accountability. Rather, it carries the potential for reformist police to withdraw back into a shell of isolation and suspicion. The minority proposal would inevitably lead to politicisation of policing in this State and create a dangerous conflict in authority over one of the State's most complex and sensitive areas of responsibility.

If there is a lesson to be learned from the past twelve months it is that the community cannot afford such confusion. Frankly, I am amazed that two members of the committee, which has spent such a long time considering this issue, have at the end failed to grasp the real facts. One question that has not been addressed in any consideration of a standing committee is exactly what a standing committee could do to address the perceived problems in the Police Service. Despite the pretensions of some, members  
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would have no expertise in investigations, nor would they have the time to address the issues systematically or in detail. The job of police reform is too big to be left to dilettantes. It is interesting to note that the honourable member for Liverpool, the only other person in this Chamber with experience as Minister for Police, did not pursue the standing committee option. Given that he hopes one day to become Minister again, he must have been tempted to pursue that option, but to his credit he did not.

I turn now to the recommendation for a standing committee to oversee the State Crime Commission. That also causes me some level of concern. The recommendation is an unexpected footnote to the committee's examination of the events that occurred at Frenchs Forest police station. A significant aspect not highlighted by the report is that the State Crime Commission's involvement in this matter was the result of my determination to have a speedy review of the police investigation into the shooting of a constable and a missing drug exhibit. The commission duly reported on its investigation to the management committee. I note the concern of the parliamentary committee that Commissioner Lauer gave evidence before the then chairman of the commission even though both were members of the management committee. It must be clearly understood that this highly unusual situation is being unreasonably exaggerated so as to unfairly question the integrity of the then chairman of the commission.

Commissioner Lauer's evidence was a very small part of the much wider inquiry undertaken by the commission. The concern was to quickly get to the bottom of events at Frenchs Forest. I believe that is now being done. All honourable members should remember that the report of the State Crime Commission was the basis for subsequent and successful criminal and disciplinary proceedings against several officers. The parliamentary committee's task, which took twelve months to complete, was to examine matters relating to the Police Service. In fact, the State Crime Commission was not even mentioned in the terms of reference. It appears that the committee's recommendation is based on a cursory examination of only part of one State Crime Commission investigation, and one which had unique features not usually part of its work. I credit the committee with acknowledging that it was only a cursory investigation.

There is criticism of Judge Thorley's examination of Commissioner Lauer in this report, particularly by minority members. The implication is that Judge Thorley was not determined to get to the bottom of the matter because of a personal association with the police commissioner. I genuinely believe that this is a major slur on his integrity which cannot and will not pass unchallenged. Honourable members should remember that Judge Thorley was not informed that it was proposed by committee members to criticise him. He was not afforded the basic right of an opportunity to defend himself against those criticisms. The true purpose of the State Crime Commission inquiry - that is, what really happened at Frenchs Forest and how the internal investigation was handled - seems to have been totally lost sight of

and so, too, does the evidence of all the witnesses who were interviewed, other than Commissioner Lauer, including Deputy Commissioner Stirton.

Unfortunately, the minority report reveals a pre-existing personal antagonism towards Judge Thorley which I believe is extremely unfair. It also points to the dangers inherent in a standing committee of the kind supported by two members of the committee. I remind all honourable members that the State Crime Commission has a management committee which is chaired by the police minister of the day. The commission investigates the most serious criminal activity and assists in building cases for prosecution before the courts. It has been very successful against high level drug trafficking and other forms of organised crime. To have details of such sensitive and, for many officers, dangerous investigations exposed to the risk of disclosure through a parliamentary committee is a matter of concern to me. Further, the possibility that privileged access to such sensitive information might be abused for political or even baser motives cannot and must not be ignored.

I cast no aspersions on any member of this Parliament. I merely state the obvious: that risks to major investigations could be unnecessarily created. The Government is prepared to give close consideration to establishing a standing committee to oversee the State Crime Commission. That legislation will need to address legitimate security concerns. Indeed, it should be noted that the standing committee on the ICAC is deliberately distanced from operational matters, which instead are subject to the scrutiny of the Operations Review Committee. The State Crime Commission is a very different organisation to the ICAC or the Office of the Ombudsman - the only bodies which have standing committees.

The State Crime Commission is directly accountable to the people of New South Wales through the Minister of the day. Essentially the ICAC and the Ombudsman are independent of the Executive, and their parliamentary committees provide the necessary accountability mechanisms for these organisations. The State Crime Commission differs from the ICAC and the Ombudsman in other ways. It is an inner budget agency directly responsible to its Minister. The ICAC and the Ombudsman are independent agencies directly answerable to this Parliament. Removal of the ICAC Commissioner and the Ombudsman can only be done by the Parliament. The Chairman of the State Crime Commission can be removed from office by the Governor on the recommendation of the Minister.

It is therefore naive to compare the State Crime Commission with the ICAC or the Ombudsman. The State Crime Commission is a small, operational body working on highly confidential, high level criminal investigations. It has important partnerships with the National Crime Authority, the Federal police, the Australian Taxation Office, the drug enforcement agency and other bodies. It also has links with other

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bodies that will be placed at risk if sensitive information is to be routinely revealed to a parliamentary committee. These issues need to be fully canvassed and, given the stakes involved, I will not be rushed into precipitate action. What is at stake is whether the success achieved by the State Crime Commission against drug trafficking can be put at risk.

The committee's recommendation will be properly considered by the Government, but the arguments advanced in the report provide a poor basis for such a drastic step. The committee's other recommendations have considerable merit. I have considered legislative amendments that will allow for the appointment of assistant commissioners to permit, if it became necessary, examination of a member of the management committee by someone with no involvement in that committee and allow for the appointment of an eminent Queen's Council to fulfil that function. The capacity to use part-time commissioners in the same way as the ICAC was not available to the State Crime Commission when the Frenchs Forest inquiry was undertaken. The Attorney General and I have been concerned about the current methods of destroying seized drugs. The Attorney General has established a working party, chaired by Mr Adrian Roden, Q.C., to examine the issue and make recommendations on legislative and procedural change.

Honourable members should note that the police commissioner also put this idea forward as the logical solution to the problem with drug exhibits. Essentially, the select committee conducted an inquiry into police accountability. A key element of accountability is to ensure that effective corruption prevention measures are put into place. The greatest danger to public confidence in our police is the corrupt conduct of any officer. After all, public confidence was the major consideration of the Premier when he announced the formation of the select committee more than one year ago. Institutionalised corruption that existed in the recent past in the Police Service has been removed. Much of the hard work was carried out by the police themselves. Most of the work has been done to root out the corrupt elements, and public confidence in the police has, in my opinion, returned. In a very fundamental way, the Police Service has undergone its own cultural revolution.

The deceptively simple philosophy of community based policing has brought the police and the community they serve much closer together. Thanks to this Government, beat police are now part of the community landscape. Emphasis is on crime prevention rather than simple detection. The by-product of that closer relationship has been greater exposure of police conduct to the public's gaze. Let there be no mistake, the Police Service welcomes that attention. Quite importantly, the Government, to its lasting credit, had the political will to establish the Independent Commission Against Corruption, which has significantly lifted the profile of the fight against corruption in government. The Police Service and the ICAC are working closely together in many areas to forge a better managed and more professional Police Service. This morning the Commissioner of Police and the Commissioner of the Independent Commission Against Corruption jointly launched a new discussion paper on the management of criminal investigations. That is the way of the future.

It is true to say that New South Wales is now a very different place to that of 10 or 20 years ago. The expectation of the community in regard to the ethical conduct of police is continually rising. That expectation is not a one-off thing, nor is it confined to police. It is part of a community-wide trend; a trend which must not only be accepted, but positively encouraged if we are to make this State a better place for our children. Police corruption is vile, it is reprehensible, and it is a betrayal of the trust that we all have in our police. No doubt there are and will continue to be instances of corrupt conduct by some individual officers or groups of officers. Only a fool would be happy to hear nothing of corrupt officers being exposed. The important thing is that the Police Service as a whole is determined to root out corruption wherever it occurs.

For my part I hope that every remaining corner is exposed, because exposure is the sign of success, not failure, as some have suggested in the past few days. Only in the full light of day can the darkness which surrounds and nourishes corruption be totally stripped away. Anyone who believes that we are not serious about dealing with corruption should note that the intensity of police commitment to rid themselves of the shame involved has now reached the extent that officers are coming forward to report their colleagues. The most recent example of this was in the past few days when two young officers courageously reported the behaviour of a superior who had succumbed to temptation over a matter that was referred to the ICAC in the past few days.

I assure the House that these brave officers will be afforded every support and encouragement by the service under new policies designed to provide a shield of protection to internal informants - officers who act in a most responsible manner in the best interests of the Police Service. Just as public standards and expectations have changed, so too has the essential nature of police corruption. It is no longer realistic to speak of high level organised corruption in the New South Wales Police Service. Regrettably, some people who are more interested in headlines than in facts seem unable to recognise that fundamental challenge. That in itself is a danger. Unless you know thine enemy you cannot defeat him. Many so-called experts are doing little more than pursuing the ghosts of the past. If they are to make any worthwhile contribution, they should join with the Government in acting on the problems of the present and planning for the demands of the future.

Let us not for one moment underestimate the current problems. We face corruption that is isolated, opportunistic and sporadic. In many ways that is as difficult, if not more difficult, to combat as any of the  
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worst examples of the past, but the extensive Government reforms I have outlined are designed to minimise the opportunities for unethical behaviour. The basic change is that misconduct is now seen as something to concern every police officer - from the most junior probationary constable to the most senior commissioned officer. The new realisation is that turning a blind eye is every bit as unacceptable as directly participating in corrupt acts. Equally as important, supervising officers are also aware that their own personal performance will be judged by the way they control the behaviour of their officers. Honourable members will be interested to learn that 21 police officers are before the courts and that 37 officers are currently under suspension.

While this illustrates the extent of the service's commitment to rid itself of wrongdoers, it needs to be kept in total perspective that this represents a minuscule proportion of the 16,000 people in the Police Service. Like public expectations, the stakes are now much higher than has ever been the case in this State. No doubt while the fight against corruption is ongoing and unrelenting, it is clear that the public believes the battle is being won. In the community attitude survey, which I referred to earlier, 61 per cent of respondents believe there is corruption in the Police Service, but 82 per cent of those respondents believe that the number of corrupt police is low or very low. In other words, public perception matches the reality. I again warn that we must not damage unnecessarily or without cause the public confidence in our police any more than we have already done.

In world terms Australians live in a very safe society. The people of New South Wales have a right to expect that their Police Service will protect them and improve their safety. To do the job effectively, police have to be accountable. I believe that we have the correct mix to ensure police accountability while encouraging the police themselves to develop initiatives aimed at promoting community safety. The crux of the terms of reference of the joint select committee was to examine police accountability. To me this was the critical issue. Accountability has been the core of every reform so far.

The committee has fully endorsed the Government's reform package. Appropriate accountability mechanisms are in place. Perhaps even more importantly, there is a new willingness among police to accept accountability. I repeat that the Government accepts the report of the majority of the select committee. The Police Service should now be left to get on with the job of delivering safe streets to the people of New South Wales. The people can be assured that the Government will be making sure that the Police Service will keep its eyes on the job. I believe that the people of New South Wales can be justly proud of their police - I know I certainly am. I commend the motion.

**Mr ANDERSON** (Liverpool) [3.51]: In leading for the Opposition on this matter, as a member of the select committee, I welcome the fact that the Government accepts the report. We will await with interest exactly what happens with regard to the specific recommendations contained therein. After a year of sittings, after more than 2,000 pages of transcript, and after tens of thousands of pages of exhibits, the report, including the final report, deals in its various important parts with the specific reasons for which the committee was created and the matters that came to its attention.

What many people fail to understand about the select committee, its work or the report, is that committee members had to assess the witnesses called before the committee. In many ways a committee is like a court of law. For many years I was a police prosecutor, dealing with matters from parking to murder. The question is one of credibility of witnesses. It is about forming a view about one witness as against another, or a group of witnesses as against another group. It is about the way in which witnesses respond under cross-examination. It is about the demeanour of witnesses when placed under pressure by questioning and, in particular, under cross-examination.

I believe my committee colleagues would concede that, with the exception of the chairman, the Hon. Duncan Gay, no committee member asked more questions of witnesses than I did. I have certainly had

complaints - some pleasant and some not so pleasant - from some of the witnesses. I might say that the majority of those complaints came from what might be called the police side of the ledger, about the bad time I gave them under cross-examination. Of course, that was for a purpose. We were there trying to determine the truth as best we could in a committee structure, and as best we could, for that matter, in a court of law.

The decisions I came to as to the credibility or otherwise of witnesses, collectively or individually, were based on the totality of the picture. In respect of total sitting time, Commissioner Lauer probably spent the longest period before the committee, but he was probably not all that far ahead of the Hon. Ted Pickering. Certainly both of them were well in front of any other group of witnesses. During the year those two witnesses spent more time than others before the committee's hearings, both in open hearing and in camera. I have referred to some of the issues raised in the final report, in the dissenting report, and in the earlier reports.

There has been a suggestion floated that the Hon. Ted Pickering was the victim of a conspiracy by the police witnesses. If that were so, it was thrown together very quickly, bearing in mind the evidence with regard to the conversation with Stirton at Parliament House and the transmission to Lauer in Wagga Wagga or Deniliquin overnight. If this was a police conspiracy, the police should all be dismissed for incompetence, because we had witnesses who could not remember things, documents that could not be found, notebooks that could not be located, computers that had been zapped, and such things. Quite frankly, whether one assessed the demeanour of witnesses or used any other criteria, there was no evidence of a conspiracy against the Hon. Ted Pickering.

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The bottom line on that side of it, and in many of the bigger issues that the committee was required to consider - and I put this to the Hon. Ted Pickering, as I did also to former Commissioner Avery and to Commissioner Lauer - is that many of the problems would not have occurred if the Minister had used his undoubted powers to direct Mr Lauer to return from Deniliquin and or Wagga Wagga without conducting press conferences or doing anything else but simply walking, driving, catching a train or flying back to Sydney to urgently brief his Minister.

At one stage it was suggested that it was unreasonable of me to expect the commissioner, at the behest of the Minister, to return from Wagga Wagga to Sydney. I told the committee, and I will tell the House, that as Minister for Police I rang the then the Commissioner of Police, who was asleep in the early hours of the morning in London, and said, "Get on the next plane and get back here". He did because he was required by law, by convention and morally to obey my request. That was a matter of probably no greater moment than we are talking about here, but it was important that he be here to brief the Minister of the day. I say that much could have been overcome. Anyone who reads the totality of the evidence will come to conclusions about where the right and wrong fell in this matter. I do not seek to apportion blame or say it was all on one side and not on the other. There was blame on both sides. To suggest that it ought to fall on one rather than the other would be unfair.

The dissenting report to the final report makes reference to the threat - acknowledged by the committee - by Mr Lauer against Mr Pickering on that Saturday morning during the conference, following the Campbelltown press conference that occurred the day before. The threat has become important both in itself and as justification for suggested action against Mr Lauer. I will read from page 735 of the transcript because it was my colleague the honourable member for Ashfield, who was a member of the committee, who raised this matter in previous debate. I believe it needs to be pointed out again to put the threat into context. I had asked a number of questions of the Minister and following that Mr Whelan asked some questions. He asked:

Mr Pickering, could I ask you to look at the Police Service Act, section 27? You may even recall this: "The Governor may suspend the Commissioner from office for incompetence or misbehaviour".

Did you not think that if page 27 and the allegations you have made against Mr Lauer are correct that Mr Lauer's conduct was misbehaviour in the terms of section 27?

Mr Pickering answered at some length. He said:

I was earlier asked whether I saw these comments in terms of the word "blackmail". I had not seen them in those terms in the sense if I had not agreed to it the commissioner in effect would destroy me and force me out of the job. But I had certainly seen them as sinister in the sense that it would put me in the hands of a commissioner which obviously a Minister cannot allow himself to become.

This is how he finished the answer:

In terms of the impact of section 27, I did not think in those terms.

There is no doubt, if you accept the words that Mr Pickering alleges Mr Lauer used, or Mr Lauer concedes he used - some of which are more offensive than others but convey the same meaning - that something along those lines was said. There is no doubt it can be construed as a threat as such. But even Mr Pickering, who had only days before drafted a Cabinet minute regarding the removal of a Commissioner of Police, did not for one moment contemplate using that to fall within the misbehaviour provisions to seek Mr Lauer's removal, whether he would have succeeded or otherwise.

He did not think about it. In fact, almost immediately after this so-called threat, they got together with their staff and drafted a joint press release, which they were both happy about and issued that afternoon, in an attempt to play down what had occurred between them. I concede it is a threat, but, for goodness sake, let us look at it in the context that Mr Pickering did not even think it was worthy of action. More important, having been the Minister for Police for four years and four months, having worked with three commissioners in this State, and having been the Minister for a number of other departments - not many of which were regarded as a holiday, such as Corrective Services and Health - I can tell honourable members that a Minister's working relationship with his head of department, whether that person wears a uniform or does not, is very much dependent upon the personality of the two human beings involved.

There will be times when there are disagreements. There will be times when there is friction because both are coming at it from different perspectives. The first responsibility of departmental heads, in their eyes, is usually the responsibility towards their departments, and I do not suppose I can argue with that. The Minister's first responsibility is to the Government and to the public. That brings me to even greater and more important questions. What is the Minister for Police? To whom is the Minister for Police responsible? I want to respond in my way. While there have been plenty of occasions in the past, and I am sure there will be in the future, when I am happy to have a crack at the Minister for Police, I do not wish him to feel particularly upset about what I am going to say.

Ministers for police have to be particularly careful. They are not Ministers for the police force; that is, they are not mouthpieces for the police. They are the public's Ministers, responsible for the police force to this Parliament and to the public. Their first and only duty is to the public of New South Wales through the forum of this Parliament and otherwise. Their job is not to sign letters to Cabinet or anything else, or issue press releases that are in the interests of the police alone; they should do so only if it is in the interests of the public. Their responsibility is to get the police and the public working together.

The Minister rightly points out that the simple concept of community police is working. Why was it that it took two years, pre-Avery, to get anyone to

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take any notice of it in this State, particularly in the police force? Why is it that the concepts that Sir Robert Peel enunciated in 1829 are realised in the 1990s still to be relevant and effective? That is why, when the Police Service and the Parliament are distracted by this matter in the way in which they have been for a year, it is not a question necessarily of scalps; it is a question of all of us learning something

from it, and it is my fervent hope that that will be the upshot of this exercise, which I do not regret participating in. I suppose I could have done a lot of other things, but I believe it was a worthwhile exercise, despite the fact that some people have written and said that it was a waste of time. I think, on one occasion, it was described as bureaucratic dross. I found that an offensive and ill-informed comment by the person who wrote it.

The fact is that we do have to understand this unique relationship between the Minister of the day and the commissioner of the day. At no time does the State want a Minister who is a puppet of the Commissioner of Police or the Police Service; nor does it want a Commissioner of Police who is a puppet of the government of the day or the Minister of the day. One does not have to look at too much recent history throughout this nation to know why. We want a situation, which we have had in the past, where the Minister of the day and the commissioner of the day, behind closed doors, can be free and frank in their exchanges as they represent their respective constituencies - the public of New South Wales on the one hand and the Police Service on the other.

If the Minister and the commissioner do not have that effective working relationship, they cannot achieve what they both want to achieve and what the public deserves to have achieved. I am delighted that, while it was brief in respect of Jim Lees, I had a long period working with Cec Abbott and another long period working with John Avery. I was indeed fortunate. But it would be foolish and naive of me to suggest that the relationship was at all times pally-wally. It was always based on mutual respect for each other's position and for each other as human beings. There were raised voices, but there was never contempt or an overutilisation of the uneven position I was in. It is not a level playing field. A departmental head, including a Commissioner of Police, is never on an equal footing with the Minister of the day, legislatively or in any other way, so it requires both those human beings to understand, respect and respond to those particular situations. Having dealt with that, I should like to mention briefly some of the matters raised by the Minister, because time marches on.

The Minister mentioned that with the appointment of John Avery the bad things he had mentioned were reversed. I have said before, and I want to say again, that I hate to have to ensure that history is not continually rewritten. I acknowledge, more than anyone else, the contribution to law enforcement in this State and this nation by J. K. Avery. No one is held with greater affection in my heart than John Avery. No one will acknowledge, in greater words than I, what he did. But John Avery did not become the commissioner until 7th August, 1984. It is wrong to not acknowledge the work of Cecil Roy Abbott from 1st January, 1982, until 6th August, 1984. He did things that were tough, things that were unpopular. He did them in response to the government of the day. Many of the things for which credit is given to others happened when Abbott was commissioner. The discipline package started when Abbott was the commissioner, as were promotion by merit, the establishment of the Police Board, and the confrontation with certain sections within the Police Service. When we are dishing out credit, Abbott should not miss out.

We talked about the way in which this bipartisan committee had achieved something over the year, whatever one's view is of the totality of the recommendations. This Government and this Minister for Police enjoy a unique position in the political history of this State in that they have a responsible and responsive Opposition. I and the Opposition are subjected to criticism from time to time because of the attitude we take on some police matters, but the fact is that necessary changes to the Police Service and to the policing of this State will not be achieved unless, from time to time, there is a bipartisan approach to the issues involved. Being allowed continually to play the Government off against the Opposition - as was so effectively done in 1982, 1983, 1984, 1985 and 1986, to a certain extent - makes achievement of those changes that much harder.

How I would have liked to have been able to deal with the major reforms I instituted from the end of 1981 until early 1986 with a co-operative Opposition, but we were thwarted every step of the way. The Minister for Police would be stunned to know that there were the odd occasions, numbering in the hundreds, when I had disagreements with the Police Association of New South Wales. But, of course,

neither I nor they remember those. Not much! The fact is that they were difficult times. There does need to be consultation.

We have learned from the past that all change is not bad. If we do not learn the lessons from the past, we will make the same mistakes again. Some of the things that were done were probably done a bit fast; but they needed to be done fast because evolutionary changes in policing had never worked. There needed to be, I suppose, revolutionary changes - and certainly they were. But they are acknowledged. The Hon. E. P. Pickering, to his credit, acknowledges that those things that were done in the face of violent opposition were right.

As a consequence of evidence which was given to the committee, the name Office of the Minister for Police and Emergency Services - OMPES - has been changed. It should never have been got rid of. There is also the issue of the Minister's office being situated on the twentieth floor of the Avery Building. The

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Minister for Police and I are diametrically opposed on this. Others think they understand why it should be situated on the twentieth floor, but they do not. The reason goes back to what I was talking about earlier concerning the relationship between the Minister and the commissioner. I believe the office of the Minister should not be located in police headquarters. When I was Minister my office was never located there. The Minister's office should be separate from police headquarters. The board should also be separate, the way it used to be, so that there is a clear delineation.

People wishing to see the Minister for Police should not have to go into the Avery Building, police headquarters, to do it, no matter what arrangements are in place. I have made a commitment that the office of Labor's police minister will not be located in that building. I speak from experience. I can remember the days - and I know that my colleague the honourable member for South Coast will remember the days - when Eddie Azzopardi was on the vexatious letterwriters list at police headquarters. I caused him to be removed from that list. He would have constantly experienced difficulty trying to visit me, as Minister, in police headquarters. The same problems would be experienced by any complainant or person in fear. Much is to be learned from the report of this select committee.

From day one the Police Board was opposed by the then Opposition. A week after the 1988 election the Government found out what a good idea it was. The structure of the Police Board and its role have now been changed by legislation, which we supported. We supported that and other things because we believe the government of the day has a right to effect changes to policing if it believes those changes are for the better. Governments no longer have a blank cheque. We are constantly monitoring what is happening. We make no commitment that, when we come to government, we will not alter policing in the future. We make no commitment that we will not criticise it in the meantime if we do not believe it is working. In recent times a host of legislative, administrative and other changes have been made. That is why the select committee did not reject the concept of a standing committee on police. It rejected it conditionally, for the time being, for those reasons. But it said, "If something happens in the future which requires change, so be it".

The situation is very different for the Crime Commission committee. The recommendation has been made and the Government's bona fides will be tested by its response to that recommendation. The Minister said that the reasons the committee gave were poorly based. I do not necessarily agree with him. It is difficult to write a report when the bulk of evidence being considered has been taken in camera. The committee complied with the secrecy provisions in the State Drug Crime Commission Act as well as the provisions in the Parliamentary Evidence Act, which I believe was right and proper. We cannot change the rules in the middle of the game.

The Independent Commission Against Corruption has its own committee, the Ombudsman has one and now the National Crime Authority has one. There are slight differences in those committees, but no body has more extensive, coercive powers and operates in greater secrecy than the New South Wales

Crime Commission, and for good and valid reason. I do not say that as a criticism. But to whom is it responsible? Is it responsible to the Minister for Police and is it responsible to the management committee, which is chaired by the Minister for Police? The State Crime Commission has enormous powers. Though we may be satisfied with this Minister for Police, one day another Minister will be in the chair. Very soon it will probably be me and the people will give thanks and rejoice.

We need to establish a committee, not to run the New South Wales Crime Commission and not to interfere in its operations, but to provide an additional level of accountability. This and everything else that has been mentioned in the report relate to accountability. It might be argued that no group of people is more accountable, checked on, oversighted and reviewed than the New South Wales Police Service. That is true. That does not mean it is wrong; it means it is right. It might well be that other groups of people in the community need greater oversight of their activities and their conduct, but that does not alter the fact that a lot of mechanisms are in place to confirm or make accountable the police force in this State. While that is resented by some, I think it is welcomed by others. Whether we need an additional police role is another matter.

The Minister said in passing - and both I and my colleague the honourable member for South Coast gasped - that this select committee cost \$2 million for the year in which it operated. Both I and the honourable member for South Coast want to know who got the \$2 million. I indicated earlier that my son voluntarily undertook a number of research and other duties to enable me to do my job. During that whole year no resources were made available to me. The only trip committee members made was to Surry Hills, to look at the drug exhibit room. We did not get any overseas trips. So I would like to know who got the \$2 million. That is an excessive amount and I am sure the Government is unable to justify it.

I wish briefly to mention the matter of Judge Thorley. Though I do not necessarily agree with the comments made by the Minister concerning the motivation of some people with regard to Judge Thorley - I understand that he would be hurt and upset by some of the things that have been written - on the face of it we had a responsibility to raise this matter. I draw the attention of honourable members to minutes of Tuesday, 14th September, when I moved, unsuccessfully, that Mr Thorley be recalled to give further evidence to the committee and that the committee seek the provision of the Inspector General's report into Frenchs Forest. I did that to give Judge Thorley an opportunity to respond to the matters. I was unsuccessful, but that is the way it goes. I still believe that would have been appropriate, but concern was expressed about the time which the committee was taking to contemplate these matters.

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The Christine Nixon matter is referred to at some length in the report. The Opposition in the upper House pursued the non-promotion of Christine Nixon for a considerable period, but without success. I invite people to read the *Hansard* of that time. I will stand on my head if anyone can tell me that the Government responded to the legitimate concerns that were raised in the Parliament. The committee was the only opportunity for people to air this matter effectively. Christine Nixon was poorly treated. After all the evidence given in camera and in open hearings, we still do not know why she was not promoted. It might be suggested that it is because her friend Chief Superintendent Jarratt was the convenor of the selection committee. [*Extension of time agreed to.*]

I draw attention to pages 6 and 7 of the committee's report. There was animosity among members of the police force about Jarratt and Nixon. That animosity is referred to in the evidence, so I will not take the time of the House by repeating the evidence. Avery gave evidence that Pickering had made commitments to certain members of the police force that certain things would not happen with regard to Jarratt and Nixon. Christine Nixon, this female sergeant, had beaten all applicants in Australia and had won the Harkness fellowship to go to New York.

Christine Nixon studied at Harvard. She had been taken on secondment to work at New Scotland Yard with the London Metropolitan Police. Her non-promotion certainly was not on the basis of a lack of

qualifications. We are told that her non-promotion was not because of her gender. We are told that her non-promotion was not because of a lack of operational experience - the report reflects what she has done. We are told that her non-promotion is not for this reason or that reason. We are none the wiser. There was no redress for it and it should not have happened.

I wish now to deal with the recommendation in regard to drug exhibit security. The recommendation is there for the Government to act upon. If a person was found with one kilogram of white powder and if 80 per cent of that powder was analysed as being pure heroin, that person would be charged with possessing 0.8 kilograms of heroin. In 1986 the former Labor Government changed the law so that a person in possession of a kilogram of a powder that contained heroin would be charged with possession of a kilogram of heroin. It made it awfully easy to prosecute that person. That is what we did.

It is interesting to refer to the 1986 *Hansard* in the other place, where the Hon. John Hannaford was in full flight. At page 3011 of the *Hansard* of 29th April, 1986 he is recorded as saying: "The Government has not taken the next step of making certain that the drug destroyed was the drug tested". The Hon. E. P. Pickering interjected, "One would not have to ask why". So, back in 1986 the Hon. E. P. Pickering was aware of the position. The reality is that after the initial testing, the law does not provide for a further testing prior to destruction. There was a mountain of paper between the Police Service, the Police Board and the then Minister's office about it. It is simple: if the Government wants to fix this problem, it introduces legislation. If the legislation is passed, it is fixed. Why are we wasting time with a great hullabaloo about it? The bottom line is we can have tamper-proof exhibit bags, impregnable fortresses to store the drugs; they can be destroyed at the time of analysis. We are in trouble if, at the actual point of seizure, a police officer seeks to take some of the drugs for illegal purposes and his or her colleagues do not say, "Put it back, I will not cop you doing it". We cannot legislate against that; laws can be put in place to deal with it, but at the end of the day it comes down to the corporate and individual ethos of the Police Service.

I defy anyone to say that the police force today is not better than it was in 1967 when I joined it, and that it is not better than it was when I took over as Minister. Enormous efforts have been made by police of all ranks and they should be receiving some credit. Those who are immoral and corrupt in the way in which they deal with drugs or any other matter have no place as serving police in this State. However, it is time we stopped being diverted from the very real issues at hand. I return to deal with the issue of Lauer. I do not understand how the statements by my leader and myself could have been in any way misunderstood over the last 10 days. The statements, perhaps in different words, all said the same thing: if and when evidence is produced against Lauer we may alter our position of supporting him, but until it is produced he continues to have our support. Perhaps I could have used smaller words or drawn it in pictures. However, that has been our unchanged position. Some have purported that it was something different. It is not.

I concede upfront that I have known Lauer for about 20 years. I have always had a reasonable relationship with him. I would not describe us as close friends. Despite the fact that he lives a few kilometres from me, I have never been into his home. However, when I first became Minister he was the President of the Police Association of New South Wales. Shortly after, he was promoted to commissioned rank. I have watched with interest the work he has undertaken. Far be it from me to talk about him at any great length. I mentioned earlier my admiration, respect and affection for John Avery. He was questioned at length about Lauer and it became abundantly clear that, despite the fact that John Avery's health was not improving, and that coming to work was not a joyous occasion towards the end, he hung on until he could ensure his successor - and ensure his successor he did. On page 1406 of the transcript he was asked about Lauer and the relationship between Lauer and Pickering. He said:

If there had been difficulties it would come as a surprise because Mr Lauer was always a very loyal, diligent officer with an impeccable integrity and that is why he  
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continued to get onerous and difficult responsibilities, not only in his present job but in previous jobs - I do

not know how he bore them sometimes.

Mr WHELAN: He was your understudy; he was State Commander. You had absolute faith in the jobs and tasks you gave him to complete?

Mr AVERY: Yes, I did not have him as deputy for long enough. I went for nine months without a deputy because of a malicious piece of anonymity which caused an inquiry at ICAC.

We all know what that was about. There was an Independent Commission Against Corruption inquiry and he was cleared. We have to ask some people what more do they want. If there is evidence against Lauer, produce it. Further, Mr Whelan asked him:

Mr WHELAN: Can you recall whether the selection of Mr Lauer was unanimous?

Mr AVERY: Yes, it was.

That was referring to the Police Board. On page 1529 of the transcript, I questioned Mr Avery:

Mr ANDERSON: In both cases could you assist the Committee with your view of Lauer?

Mr AVERY: As I said before, he is - his integrity was impeccable. His loyalty was unquestioned as far as I was concerned. He had a great capacity and I gave him some jobs - for instance, we put him in charge of the CIB when it was winding up. There would not have been a queue for that job. I had the highest regard for him.

Mr ANDERSON: You said you had. Has it altered?

Mr AVERY: No.

I say this about Lauer as I say it about anyone else: produce the evidence - evidence in the true meaning of the word - and I will support any action that ought to be taken. However, I cannot support the findings in the dissenting report. It is a matter for the other House what they do today with the resolution. If there is evidence against him or anyone else, let us see it. But in the absence of it I am not prepared, and the Opposition is not prepared, for political gain or any other reason, to do something that we do not believe is warranted. Others have a different view and I respect them and their position, but I say again that without the evidence I find it extremely difficult to support action that I consider to be unfair.

I am in a very difficult position because I have no animosity towards the Hon. E. P. Pickering. He was shadow minister to me for a while, and I was shadow minister to him for almost four years. We have had our moments, but, to his credit, he has been sincere in his praise for the things I did 10 years after I did them. I wish he had done that at the time. I do not want to do a number on him, but the fact is that there is fault on both sides. An unfortunate thing has happened, but it is over. I want to finish with this statement. I agree with what the Minister said: we must not damage the public's perception of the police; nor must the police damage the public's perception of the police.

The opportunity exists for Commissioner Lauer, for the new people appointed to those senior positions, for the newly formed board, for the ministry, for the new structures in place and for the Police Service as a whole to respond. If they fail to respond to the opportunities given to them by the new arrangements, by the new legislation and by the matters drawn to their attention by this select committee report in its entirety, they will have no one to blame but themselves if this Parliament says, "You had your chance and you did not respond, and we will put a committee in place". That is the bottom line. They have to respond. The New South Wales Police Service is as good as any police service, but in administrative terms it has always had problems. I regret to say I am beginning to think the biggest problem was removing the Secretary of the Police Department in late 1986, after I had left the portfolio,

and bringing the public service under the police.

They should have continued to train administrators and allowed the police to do what they were trained to do. That is an argument for another day. I thank the House, in particular the Government, for its consideration. This is a particularly important debate. It is to be hoped that the year my colleagues and I spent serving on this committee, which may be subjected to criticism for one reason or another, will be acknowledged as having been an important contribution to the debate on policing in this State. Heaven help us if we ever reach the stage when we cannot have a free, frank and open debate on policing. If that stage is reached, we will all know that we have failed.

**Mr HATTON** (South Coast) [4.30]: The vast majority of members of the New South Wales Police Service should not feel the sting of any criticism that is made today or the sting of the criticism made by the committee. Any reference that the committee made and any reference that I make are aimed at the police administration, which has let police down badly. They are aimed at those at police headquarters involved in what I believe is a cover-up, who deliberately lied, misled the parliamentary committee inquiring into the Police Service, or who were part of a system that was so appallingly inefficient and ineffectual in many areas that in many regards they could be said to be guilty of mismanagement. I believe I speak on behalf of many other people - and I certainly speak for the Hon. Elisabeth Kirkby - when I emphasise that the police at the coalface are under great stress. They deserve a police administration that is efficient. They deserve maximum support for the performance of difficult, dangerous and stressful tasks. They do not deserve to be let down by police headquarters.

Problems highlighted in the committee's reports give cold comfort to police officers in the field or to the public. That is where the Police Association and the Minister have erred. Nowhere in any of the reports did the Hon. Elisabeth Kirkby, I or any other member of the committee criticise the Police Service. We were considering specifically the administration of the Police Service, what happened in that administration and who was responsible. When a parliamentary committee is critical of vital aspects of the service, many police feel that the criticism is unfair to them. In this instance the vast majority of

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the New South Wales Police Service should not feel that sting; it is the administration that is letting them down. I shall concentrate on what poor administration is all about.

Poor administration, corruption and mismanagement are not peculiar to the Police Service, and the remedy for them should not be any different. Though my name has not been mentioned, there were allusions that somehow I had some personal axe to grind in this matter. In my career in Parliament I have never had any animosity towards any public servant or, I might add, towards my fellow members of Parliament or any Minister. I have looked to accountability. I should give several examples. An internal audit revealed a computer hardware and software purchasing mismanagement scandal in the Sydney Water Board, involving between \$12 million and \$15 million. An inquiry underlined and confirmed my allegation that there was a scandal. I called upon the head of the Water Board to resign. The departmental head, Mr Wilson, in my view had not acted effectively and therefore had to bear the responsibility.

I revealed in Parliament a trade in drivers' licences, taxi and hire car plates, a host of corruption and mismanagement in what was known at the time as the Department of Motor Transport. Another inquiry confirmed the truth of my revelation and I called for the departmental head to resign. Departmental heads have been sacked for much less than has been revealed in this report by the committee. That is what this matter is all about. In the case of the Department of Motor Transport, the Liberal Opposition accused me of covering for the Minister. They said that the Minister should resign, that the Minister takes responsibility for the department. That statement should be taken seriously. If a Minister lines up closely with a department and a major problem arises, he is in danger of becoming enveloped - perhaps unfairly - in the problem. This is not an anti-police campaign. I could name in the Parliament officers to whom I have given strong support, in the face of serious opposition - some of it from within the Police Service itself. Nor is this an anti-Lauer campaign. It is a matter related to the responsibility of

departmental heads and Ministers.

Ted Pickering resigned; he misled Parliament. He had many faults, as we all do, but dishonesty was not one of them. I ask members to stop and think and to compare the circumstances of Ted Pickering's resignation and the sackings of heads of other government departments with the evidence that I put before the House today, lest it be said that John Hatton, Ted Pickering and Elisabeth Kirkby are biased or have been misled, despite the fact that the parliamentary committee in its conclusions did not agree with them. Let me examine some of the matters revealed in the inquiry. I quote from page 168 of the committee's first report:

The committee believes that it is probable that the Commissioner did make a remark along the lines of that attributed to him; "if you put shit on the department I'll put shit on you". The Commissioner has acknowledged that he said "when you go tipping buckets on people you have to be careful that it does not splash back on you". The Committee accepts that, in the Commissioner's mind, that is exactly what he would have thought the then Minister had done. The Committee believes that constituted a threat by Mr Lauer.

Is the Minister for Health, the Minister for Transport, the Minister for Sport and Recreation or any Minister going to take that type of thing from the head of a department? Did Cabinet stand up for Mr Pickering? I barely knew Ted Pickering before all of this happened. I am not his spokesperson in this House. I am outraged, and I feel that in my heart, as Mr Pickering has every right to feel it in his heart. The committee did not delve deeply into the issue of corruption; but I tell honourable members that I firmly believe if it had done so, it would not be a simple matter of saying that there were only isolated elements of opportunistic corruption in the Police Service. Some of the comments I shall make later will bear on this issue. The committee's first report stated further:

There is no doubt that the issue of the security of seized drugs was one of major concern to Mr Pickering and one that he took up with vigour when he became Minister in 1988. To his credit, very considerable progress was achieved and virtually all witnesses who gave evidence on this issue gave credit to the former Minister for his close personal interest and his drive to get things done.

The evidence of both Mr Avery and Mr Lauer was to the effect that they did not see Mr Pickering's involvement as meddling. Mr Lauer said that the former Minister kept them on their mettle.

Later in its report the committee found that the Minister was a good administrator. That was a finding made by the whole committee, not just the opinion of John Hatton or Elisabeth Kirkby. On page 316 the report stated:

The Committee has noted that the then Minister's principal concern was the rate of progress attained by the Police Service and what he considered inordinate delays in the introduction of the new exhibit bags, the installation of secure drug cabinets in police stations and the installation and commissioning of the drug vault at the Sydney Police Centre. The Committee concurs with Mr Pickering's view that the time taken to achieve the present level of security was far too long . . .

The Committee has not been impressed with the speed with which many administrative tasks seem to be accomplished within the Police Service and would believe that there should be an urgent and comprehensive review of all administrative procedures. The Committee notes particularly that delays are occasioned in the passage of material through the chain of command.

Do honourable members understand what the committee was talking about? It was talking about a delay of 14 months in securing drug exhibits which at any one time may be worth \$200 million; it was talking about Premier Greiner having to get involved; it was talking about memorandum after memorandum from the Minister, many of them being follow-up memorandums. I shall give the statistics of them later. The committee was talking about being able to get into the exhibits room by using a pocket-knife. The

Minister complained that he wanted better security than what I describe as a corrupt specification from Honeywell by whoever gave it the instruction;  
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the blame has been sheeted home to a poor sergeant. Who gave Honeywell the instruction to write that specification, which allowed an officer inside to turn off the camera?

The honourable member for Liverpool speaks about substitution of drugs. The fact is we will never know. We do know that \$20 million of Australian Federal Police drug exhibits disappeared. We are talking about big money and drugs, the most pernicious influence in our society and the biggest influence on corruption, no matter where it is found. No one will deny that. Those were the comments. What was my conclusion? There have been grave faults on both sides. The Minister has paid a heavy price. He did the honourable thing. Because he misled the House, he resigned as Minister. There were delays in drug security; missing records; failure to respond to memorandums; failure to brief the Minister adequately; a threat to the Minister; acting against the advice of the Minister and the head of the Premier's Department; public criticism of the Minister knowing the inevitable result and not giving the Minister an opportunity to correct his statements; not advising the Minister in writing of absence from Sydney during a parliamentary sitting; expecting the Minister to wait a week for advice when the Minister was under attack in Parliament on a critically important matter, together with, at best, appalling inefficiency within the department. These matters dictate that the commissioner should resign or be sacked and the department restructured. Would this Minister put up with that? No Minister would put up with that, and the Parliament must not put up with it.

I am on rock solid ground when I stand here and say that, and I do not care if I am the only person in the New South Wales Parliament who says it. It is the fact, and no one will deny that. It is damned serious stuff. We are talking about the administration of a \$1,000 million department that is responsible for law enforcement, good order in our society, and with awesome powers over citizens. Let me emphasise that these comments are not aimed at the police in the street. They deserve our support and an efficient administration. Corruption thrives on inefficiency, disorder and poor accountability. Operation Milloo will reveal the shocking position in regard to records on criminals, criminal contact and so on.

I wish to refer now to what the committee revealed about records. The revelations were shocking. Drugs and illegal gambling are the money trees of crime. Trade in illicit drugs is worth hundreds, if not thousands, of millions of dollars. There have been significant drug busts, but all the experts agree that we are making little impression on this multimillion dollar illegal industry. That is not to decry the efforts of those involved; it is to underline the ongoing seriousness of this question. As a member of the Committee on the Independent Commission Against Corruption I asked Mr Temby this question in open session, which is recorded at page 35 of the draft transcript:

Mr HATTON: Just one last question. How many investigations - in 8.5 - how many of the s11 reports did police result in investigations by ICAC, and what flowed from these investigations, and you listed those as Operation Seagull, Operation Ita, Operation Tamba, Operation Wallow and Operation Kirra. Was any of those or a significant number of those involving drugs?

Mr TEMBY: No.

Mr HATTON: Is that significant, do you think?

Later Mr Temby said, and I am paraphrasing - I indicate that I am a supporter of the ICAC; I am not criticising Mr Temby - that it needs to be remembered that the commission does not have the charter as the drug busting body because the prime responsibility rests with the Police Service and also, to a significant extent, with the State Crime Commission. That puts the matter clearly in context. I asked him later:

Mr HATTON: But it is not true that because drugs are a public market that corruption has to be involved in drugs, in terms of lack of effectiveness in police action. Therefore, it is an area directly involving ICAC?

Mr TEMBY: I do not dispute that for a moment.

Let us put this drug business in context. Police and the State Crime Commission are responsible, and Mr Temby does not dispute the seriousness of drugs and corruption. He continued:

I do not dispute that to the extent that there is police corruption in relation to drug dealing, that is an area which should be and is of concern to us. I also concede that it is an area in which we have got(sic) to this stage done much by way of effective work.

I do not wish to mislead the House, because, to be fair, he referred later to the small number of officers and the "contentment on both sides". This is the nature of corruption. I want to emphasise that my comments are in the context of the police administration. The honourable member for Liverpool says there is no evidence. As a former police prosecutor, he has more experience in these types of matters than I will ever have. It should be put on record that whenever the committee tried to pin the police commissioner down on serious matters, the records could not be produced. This sort of issue should not be considered merely in terms of the police but also in relation to other departments such as the Department of Health, the Roads and Traffic Authority, or any other such organisation. More than 400 items were lost from the commissioner's computer, with no back-up disks or hard copy.

Inspector Newberry made notes of the events of 16th July, 1991, and those notes have been lost or discarded. It should be remembered that on the first day of evidence Commissioner Lauer said: "Mr Newberry will support what I said and Mr Cole will support what I said". He was very confident. The commissioner picked a bad mark with Inspector Newberry because he is not good at cover-up. I make no apology for saying that. Sergeant Peters faxed a report from Milton to Sydney and transmitted it to the Minister's house but the fax transmission record was lost or discarded. There is no copy of the report with a fax transmission header available. Mr Speaker, I ask for sufficient extension of time to complete what I have to say.

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**Motion, by leave, by Mr West agreed to:**

That so much of the standing and sessional orders be suspended as would preclude the honourable member for South Coast having unlimited time to conclude his speech.

**Mr HATTON:** I thank the Leader of the House, the Government and the Opposition for their support on this crucial matter. Inspector Newberry prepared what is called a pink for the Minister. That is the highest level of communication. It is called a pink because it is either a pink document or it is in a pink folder. The pink is then sent to the Minister, who must countersign that he has received it. Inspector Newberry said in evidence that he remembered this because he had never prepared a pink before and the event was impressed on his memory. He prepared a pink for the Minister on 16th July, 1991, but the copy of the pink has been lost, as recorded in the transcript at page 171. The computer record of this document was accidentally wiped from the police computer, as the transcript at page 1207 records. The typist of this document has left the Police Service and is in the Middle East. That is what Inspector Newberry said. Notes from which the pink was prepared have been lost or discarded and there is no signature acknowledging the pink. The committee decided to ignore Inspector Newberry's evidence. Honourable members should consider that aspect because Inspector Newberry is the chief executive officer to the Commissioner of Police.

Is that man so dumb? Is he so incompetent? Or is he involved in a cover-up? He is the chief

executive officer to the Commissioner of Police, yet he loses, discards or ignores all these records? It does not make sense. What about the statements of Miss Zadel of the media unit, Sergeant Barry and Inspector Newberry, who all make the same mistake in statutory declarations? They all refer to faxes being sent on 16th July, 1992, when it was 16th July, 1991. Of course, that can be explained away! Three times, especially when under cross-examination, they denied any collusion in the preparation of the statements. The Rigg matter was discussed at an internal affairs-internal police security unit meeting in August 1991. Surprise, surprise! Assistant Commissioner Cole has lost his diary of this meeting - transcript page 266. Sergeant Favret states that he made a report on Operation Fog for the Minister. Operation Fog was mentioned in the August meeting, and therefore this document supports the theory that the Minister was at the meeting; but the document has been lost in both hard copy and from the police computer.

Sergeant Favret states that he based his report on written material he received from Detective Inspector Riack. This material has also been lost or discarded. I am able to provide the transcript pages for all of this evidence that comes from the witnesses' mouths; it is not what John Hatton says. Sergeant Favret was briefed by Inspector McGoldrick on this operation, but McGoldrick has no notes of this briefing. To explain away as coincidence a chain of events so numerous and sequential and, in this case, so vital and central to the issues, is an affront to logic. If that is explained away as not being a cover-up - a group of officers getting together to ensure that they are going to give their commissioner maximum support - the commissioner's position is still quite untenable because he must resign for incompetence. How do these people ever get a case to court - notebooks missing, faxes missing, hard copies missing, computer records missing, all these things missing? How do they ever convict anyone?

It is convenient that it happened when members of the Police Service were under cross-examination and when serious questions were being asked about a relationship between the head of that department and the Minister. Those explanations can be accepted as coincidence, but can they be accepted as good management? They must be regarded as total incompetence and it must be agreed that the commissioner should resign. Central to whether the Minister was informed is whether the briefing material, including Sergeant Peters' report, had been faxed to the Minister's home. On this issue the committee found as follows:

However, it was the occurrence pad entry of 5 July 1991 which provided the first hard evidence for the Committee that Mr Pickering's office had informed elements within the Police Service of his proposed leave and that facsimile transmissions to his home were to be suspended.

Mr Pickering had informed elements within the Police Service that he was going to be on leave and that facsimile transmissions to his home were to be suspended. I quote further from the findings of the committee:

If the occurrence pad had not been discovered during the evidence and requested by the Committee, some valuable information may never have come to light.

How did the committee find out about this valuable piece of evidence when the police commissioner had told us he was putting everything before the committee? I shall tell you. The committee found out from someone who is not in the department. Again I quote from my report:

The Committee was alerted to the existence of this vital piece of evidence in the Police Media Unit not by a Police Department employee, but by an ex-employee of the media branch, Mr Steve Brien.

The interesting thing about Mr Brien is that the police department could not find him. Our police prosecutor friend from Liverpool did not have any problem with this. I refer to his questions in cross-examination of Mr Brien:

Mr ANDERSON: Do you maintain contact with anybody at a fairly senior level in the Police

Service?

Mr BRIEN: Yes.

Mr ANDERSON: Can you explain why the New South Wales Police Service could not find you?

Mr BRIEN: No.

Mr ANDERSON: And that it took the sheer doggedness and expertise of this Committee to locate you? Can you explain why no-one up there would know where to find you?

Mr BRIEN: No. My phone number has been on their records for quite some time. I do the normal things people do, such as drive a motor vehicle.

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Mr ANDERSON: You have a licence to do that, I assume?

Mr BRIEN: Yes. I am on the electoral rolls for both the State and Federal parliaments.

Mr ANDERSON: Are you a ratepayer?

Mr BRIEN: Yes, I am a ratepayer. I worked for a newspaper for some 15 years and I think most of the media in Sydney have my home phone number.

Mr Brien is a media consultant. The police could not find him because they did not want to find him - he was the one who told the committee about the occurrence pad and he was the one who found the occurrence pad that clearly stated, "Don't fax material to the Minister's home because he is away". How's that for evidence! The significance of this occurrence pad can be seen from the entry 91/492 dated 5th July, 1991, timed at 2.10 p.m., as follows:

Minister's fax. Refer also to 91/490 P Sinclair, M Davis advise Minister will be on two weeks leave from today. Media Unit should NOT fax press clippings info to his home in this period. Regular AM briefings to continue to his office.

Tracey Arthur of the media unit, despite this instruction, signed the occurrence book to the effect that press clippings and material had been sent to the Minister's home at 8 p.m. But the press clippings were from the next day's newspapers and could not have existed at that time. No one is involved in a cover-up here! Telecom billing records provide concrete evidence as to what faxes were sent. The Minister's home and the commissioner's home are both on subscriber trunk dialling. Therefore one would assume that if there are billing records, both would be billed. Surprise, surprise! A billing record exists for the call to the commissioner's home fax but not to the Minister's home fax - another coincidence! The committee found as follows:

That telephone advice indicated that a fax was sent to the Commissioner's residence that morning. Further inquiries of Telecom by the Committee's staff would indicate that any STD fax sent on that date to the then Minister's residence which was outside the Sydney Telephone District should have been part of the same billing record.

Why was it not? Because it did not exist; it did not happen. What about the commissioner disobeying instructions? Do not sack him for that! Why should departmental heads, after this example, follow any Minister's instructions? That is the view of the majority of the committee. It is quite clear from what the honourable member for Liverpool and the committee have said that the Minister can give instructions. The present Minister has endorsed that. But we are not talking about instructions in operational matters.

We are talking about Mr Humphry, for example, from the Premier's Department. In his evidence Mr Humphry said:

I did ring Commissioner Lauer, and I did pass on to him my views that it was inappropriate for a Chief Executive Officer to hold public media conferences in which he is critical of his Minister, and that these matters were best handled between the two of them. It certainly would not resolve the issue by making it a media debate.

Mr Humphry said later that he had advised the commissioner as follows:

I said to him that it was most unfortunate that all of this was happening. It would make it almost impossible for the relationship between the two to continue working, if he were to continue with these statements, and that the appropriate way, really, to do that was with the Minister directly. I asked him not to proceed to pass critical comments on the Minister.

The committee in its report observed as follows:

Mr Humphry saw the subsequent media conference and said that he had been disappointed - he was actually quite angry about it.

Mr Humphry told the Premier that it would sink any chance of the two getting back together. That was a deliberate attempt by the head of a department to sink his Minister. There is no doubt about that. But we do not need to sack him for that; it is perfectly all right. He is the Commissioner of Police; do not sack him, sack someone from the State Rail Authority or somewhere else for a lot less. My argument today does not rest on any vitriol towards Mr Lauer; it rests on the head of department responsibility and ministerial responsibility. On 14th October, 1992, Reverend the Hon. F. J. Nile said:

I do not believe a joint select committee will get very far in resolving some of the problems to which I have referred in the terms of reference. It will not help the State if the Police Service feels that it has to close ranks - as I believe it will - as the committee commences its inquiry.

There is no doubt that that was right. As I have said, the commissioner indicated in his opening statement that he would be supported by Chief Inspector Newberry and Assistant Commissioner Cole. I have detailed how it was that Chief Inspector Newberry got it wrong so many times. He was the commissioner's chief of staff. The committee resolved to disregard Mr Newberry's evidence. I wonder how generous a judge in court would be to Mr Newberry. Under cross-examination he made assertions but could not produce one shred of evidence to support them. It was a series of coincidences.

What of Assistant Commissioner Cole, the other strong branch on which the commissioner leaned for support? He was head of professional responsibility and assistant commissioner. Under him came the divisions of internal affairs and professional integrity, and the Commander of the Office of Professional Responsibility. On 5th November, 1992, Mr Cole gave evidence to the committee. At that stage the committee had been conducting hearings for some time. It had been given assurances that everything it needed had been given to it. Questions were asked about drug security. Mr Cole sat at the witness table. His hands did not shake. He was not in tears. He showed no signs of stress. He was as fit as a mallee bull that day, he was confident and he was on top of things. Some months later he was in big trouble with psychiatric problems.

I ask the House to consider these matters. Assistant Commissioner Cole made no mention of Frenchs Forest, yet he knew about it and so did 10 other police officers: two assistant commissioners - one of whom was Cole himself, and Norm Maroney - knew on 29th June, 1992; two chief superintendents

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knew, Myatt on 29th June and Cluff on 31st July, before the committee met; two superintendents knew - Detective Superintendent Hagan knew on 29th June and Superintendent McIntosh knew on 17th June;

two inspectors knew - Inspector Stewart on 26th May, 1992, and Detective Inspector Smith, from the northern region crime squad, on 29th June, 1992; two sergeants - Black and Detective Sergeant O'Toole - knew on 26th May and 29th June, 1992, respectively; and one detective, Detective Senior Constable Neal, knew on 29th June. In all, 11 officers knew.

Police commissioner Lauer said he did not know. When I asked him, "How is it that you can not know about the drug-related circumstances surrounding the shooting of a police officer seven months after the event?" he said, "Because I was not told". His office was down the corridor from Mr Cole's; they had both been in the service a long time. Mr Cole was in charge of professional responsibility. What was Mr Lauer's position before he became the commissioner? He was the head of professional responsibility. But, gentlemen and ladies, it gets worse. Mr Lauer said he did not know until the following year, 25th February - nine months after the first person knew and eight months after the last person I have listed knew. Tell me another one!

I have said in the minority report that if all the evidence taken in camera from Commissioner Lauer and the evidence provided to the committee in confidence by the New South Wales Crime Commission were to be made public, it would cause grave concern. I have asked the Minister to supply material under the freedom of information provisions because I want that material out; I want it out where it does not prejudice ongoing inquiries and does not prejudice a fair go for someone before the court. The vast majority of that material can be released and should be released, and I ask the Minister and his Cabinet colleagues, in the name of fairness to the Hon. Ted Pickering, to ensure that that information sees the light of day.

Commissioner Lauer said he was informed of the shooting of Constable Bourke at Frenchs Forest police station soon after the shooting on 22nd June, 1992. He said he did not become aware of the related drug security issue until 25th February, 1993, at a time when he was in Christchurch, New Zealand. Yet in November 1992 he was asked what steps he had taken to ensure that the parliamentary committee was fully informed on all aspects of drug security. Of course he gave the committee an assurance. Worse still, he downplayed the Frenchs Forest matter. When he did know, when he came back to the committee after 25th February, he said they were talking about a few grams, about a few officers. Have a look at the Crime Commission reports and the situation reports. That is not the truth; he lied.

The evidence of the criminal activities at Frenchs Forest is dramatic. The committee now knows that 28 grams of cannabis resin was involved, but a lot of other things were involved that I cannot tell the House of. Mr Lauer said he could only have known about the events at Frenchs Forest by way of an official written report from Assistant Commissioner Cole or from the State Commander. What is interesting about Frenchs Forest is that most of the events took place after improved drug security was in place there, according to the commissioner. The drug safe was double keyed, with the keys supposedly held by different officers. There were 3M drug bags to be used. However, these procedures were flaunted at Frenchs Forest station. Those measures were in place before the committee asked Mr Lauer whether he was happy with drug security at police stations, and he said he was. One can only speculate as to what the situation was before those extra security measures were implemented.

There were five situation reports about the shooting, yet the commissioner said he knew of none of the drug-related matters in any of them, even though Mr Cole's office was on the same floor as the commissioner's office. There was another line of inquiry from the shooting investigation team. Commissioner Lauer said that no one told him of the drug issues associated with the shooting, yet the shooting investigation team had different and separate lines of reporting to the office of professional responsibility, headed by Assistant Commissioner Cole, through the State Commander's office and then to the commissioner. How can a commissioner be so ignorant? Simply, he said, because he was not told.

Three audits were conducted at Frenchs Forest police station, one by the professional integrity

section, headed by Chief Superintendent Myatt, and another by the comprehensive audit branch in January 1993, a month before some of these events became public. Again there were two separate lines of reporting. Mr Lauer said in evidence that both of these should have automatically come to him, but neither did. How convenient! How convenient it is to be able to stand aside and say, "All that was going on in internal security and professional responsibility, but it never came near me and I do not want to know about it." Mr Lauer sure does not want to know about it because if he knew about it, he lied to the parliamentary committee. In any event, he is presiding over a regime where no one tells anyone anything.

I know nothing about the latest allegations, but it will be interesting if we find out that the crims know a lot more than us about leaks from the department. I would not be surprised if they knew a lot more than the police knew. Mr Lauer said, "Neither of them came to me." He said that he would not expect to be burdened with detail if everything was all right. But we are talking about the shooting of a police officer. In fact, everything was not all right. How could he not have known? Three audits were conducted at the patrol level before the shooting. All these officers knew. On 10th November, 1992, Mr Jobling asked Commissioner Lauer:

Mr JOBLING: I would like to ask one question in a very simple form relating to drug security now. Are you totally satisfied that your security is correct, proper and safe? Have you no concerns with it whatsoever?

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Mr Lauer replied, "I am". The minute he said that, he was locked in. He could not then say later to us, "I knew".

Nothing is more serious in the Police Service than the shooting of a police officer. We are asked to accept that the commissioner did not know about the drug-related circumstances, and that he did not ask. How did the public come to know about Frenchs Forest? We would never have known had it not been for a *Sydney Morning Herald* reporter who told us; yet we were a parliamentary committee of inquiry. This is the history. In January 1993 an audit report by the comprehensive audit branch went to Mr Cole. Mr Cole was supposed to report to the Ombudsman, but that did not happen until 23rd February, 1993. On 24th February Mr Pehm from the Office of the Ombudsman telephoned Mr Cole following inquiries by the *Sydney Morning Herald* reporter Mark Reilly. Mr Pehm asked: "What is all this about? We know nothing at the Ombudsman's office".

Cole said he wrote the letter the previous day. The letter is in the mail! Thanks! Trust me, I will respect you in the morning! Mr Lauer said he did not know seven or eight months after the event; and after the date he said he knew, he dismissed Frenchs Forest as something that was not important. At best, he deliberately misled the committee; at worst, he lied. The shooting of Constable Bourke was not the first incident. Think about this: Constable Bourke was stabbed the year before, on 11th June, 1991. No one has ever been told why, and we do not know why. Was this drug-related? Almost a year later, on 22nd June, 1992, Constable Bourke was shot. The commissioner still does not know about the drug-related circumstances. Constable Bourke was placed in a witness protection program after the shooting.

A police officer attached to Frenchs Forest went on holidays for two months after the shooting in August, 1992. He was not interviewed before he went on holidays. When he returned from South America, on 16th October, 1992, a customs alert had been placed on him. I will not talk about cocaine because I cannot tell you about it, but it is in those reports and I want those reports on the allegations of cocaine and police officers to be made public. Although that officer returned to Australia on 16th October, 1992, he was not interviewed for two months - a fellow who was the subject of a customs alert! We are talking about the stabbing and shooting of one police officer, the placing of that officer in a witness protection program, and the placing of another police officer under a customs alert. Was all this

done because of a few grams of marijuana for personal use?

That is what the commissioner says. He says, after all that, that he did not know. The committee expressed grave concern about the inordinate delay in the investigation of what is a very, very serious matter. Mr Lauer is the man who was in charge of internal affairs before becoming commissioner. This is a man whose office was just down the corridor from that of Mr Cole; both were in the Police Service and both had had a close working relationship for a long time. So much for the alibis. What about the pension? The Minister - and I do not make any deprecating remarks - is in exactly the same position as we are and as the ICAC is in. We have reports from psychiatrists that say that this man cannot be cross-examined. He is the key.

I remind members that psychiatry is a weapon in the police force. It was a weapon used against Mr Arantz when he blew the whistle. It is now used as a defence by Mr Cole. It was used by a sergeant who was accused of being involved in a \$1 million jewel robbery. What did he do when he came back? He admitted himself to a psychiatric ward. However, I want to reveal one piece of important information relating to someone who stood up in this Parliament and blew the whistle on something very important, a very honourable man, who has now left the police force, Detective Sergeant Hanrahan. I refer to a medical report obtained under freedom of information, dated 17th December, 1984, which states:

The Senior Police Medical Officer has asked me to write and inform you that Sergeant 2nd Class Hanrahan has been absent since 20 August, 1984. He is apparently suffering from a recurrence of a neck injury. He has not been seen by a Police Medical Officer.

Would you please arrange for him to attend the Medical Branch as soon as practicable.

J. Griffiths,  
Police Medical Officer.

Do you know what is written on the bottom, in fairly legible print? "Leave in limbo till New Year. It is alleged that he leaked (unreadable) to Mr Greiner. He is not actually at Bathurst, but on extended leave. Review Feb to work out", dated 17/12. It is signed by either A. V. or M. V. I should like to know whether that is signed by Maurie Vane, the police psychiatrist, because the Vane express was a very common expression when I was inquiring into problems in the police force. The police chose at least one of the psychiatrists. Accept it if you like, but at best it is extraordinarily opportune. This assistant commissioner was on suspension from March 1993. What has happened to have that suspension lifted two days after the final committee report?

Mr Lauer, in his evidence, was vehement that this man should not have any more psychiatric examinations. It was put forward that a panel could be chosen by the committee to examine him. Now the Minister has said today that perhaps there will be further examinations. What about the questioning of Mr Lauer by the State Drug Crime Commission? I am accused and others are accused of slurring Judge Thorley. I ask the Minister to produce a record of the cross-examination of Mr Lauer. You will see leading and lenient questions asked of Lauer by Mr Thorley, but you will not see clinical or searching questions asked by him. Take up that challenge, Mr Minister, and produce that transcript. Let members who have greater training than I look at how a former judge cross-examined the commissioner.

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

## SUTHERLAND SHIRE COUNCIL FINANCES

**Mr KERR** (Cronulla) [5.15]: I rise to speak on a topic that is of great concern to this House: the financial stewardship of Sutherland Shire Council. I deplore the recent action of that council voting to use unspent funds which had been allocated to roads, footpaths and drainage to balance a deficit budget. These funds should have been spent as they were committed; they should not have been carried over to help reduce a \$4.5 million deficit to a \$2 million deficit.

**Mr Knight:** That is what Peter Collins does.

[Interruption]

**Mr KERR:** It is outrageous that roadworks have been held over to help balance a deficit budget. As the honourable member for Campbelltown has made the point, those savings could have been made in other areas. A recent report revealed that the council voted to spend \$55,000 on anti-ANSTO activities, bringing to more than \$300,000 the total budget for the campaign against ANSTO, an organisation administered by the Federal Labor Government, at which the council is taking shots. That organisation dares to carry out medical research and research into water quality and other environmental issues.

**Mr Whelan:** That is disgraceful.

**Mr KERR:** As the honourable member for Ashfield said, and as the Minister for Health said, it is disgraceful. The Minister could tell the House about the interference of Sutherland Shire Council in relation to health matters. I will not be distracted, because the facts have to be dealt with. Let us look at some of the council's other activities. It has spent more than \$42,000 in legal costs fighting against the construction of the third runway, which is being built by the Federal Labor Party. How much is it spending to stop the building of the Woronora Bridge? That is what it ought to tell us. In relation to roadworks, I received a letter from Jacaranda Nursing Home, which said:

We, the residents of Jacaranda Nursing Home, would like to lodge a complaint about the state of the road surface of English Street, Cronulla.

Many of us are taken out in wheelchairs to get some fresh air. Lately the staff have been finding it very difficult to negotiate the pot-holed road and as a result we have a very bumpy ride.

At the same time, council has programmed 94 vehicles to be replaced during 1993 at a cost of \$400,000. Council's motor vehicle policy provides for the replacement of vehicles every two years or after 40,000 kilometres. With car dealers currently offering two, or even five-year warranties on new vehicles, could this policy really be a ploy to avoid suspension repair costs caused by damage from their own potholes? An analogy could be drawn with a millionaire who gets rid of his vehicle when the ashtrays fill up. For the average resident of Sutherland shire, getting a new vehicle every two years is a pipe dream.

**Mr Knight:** It is the same policy for ministerial cars.

**Mr KERR:** The honourable member for Campbelltown has just said that the same policy applies to ministerial cars. I turn now to deal with rock pools in the Sutherland shire. The rock pools at Cronulla beach are enormously popular. After battling for years to get the Cronulla rock pool rebuilt, I was dismayed to see the level to which Oak Park rock pool has been allowed to deteriorate. One Sutherland shire resident wrote to the *St George and Sutherland Shire Leader* and said that it may well be that one of the items on council's hidden agenda is to get rid of that rock pool. Council ought to tell us where it stands. It ought to come clean and tell us when it first became aware of the problem, what it did about it and what it will do about it in the future.

Residents' fears will be allayed because council will be employing a public relations consultant to promote its image and performance. At what cost? Council already has an extremely efficient public affairs officer, the very capable Joan Thompson, in charge. Council staff are hard-working, conscientious and aware of the problems of residents of Sutherland shire. I can save council the cost of a public relations consultant. Unfortunately for council we know just how good it is. It is just no good! It is time that the residents of Sutherland shire got a fair go. Council must be prepared to work with its State representatives. I am sure the honourable member for Campbelltown would agree that local government is no place to run political campaigns, Federal or State. Let us work for the good of the people. Let us get back to basics.

## CENTRAL COAST PENSIONER PUBLIC HOUSING

**Mr McBRIDE** (The Entrance) [5.20]: I wish to alert honourable members to the plight of aged citizens seeking pensioner public housing on the Central Coast. They are already facing an eight-year wait for placement and are now further condemned to the sidelines as the Government allows waiting times to blow out to 10 years. Before detailing community concern on this social crisis I would like to raise as an example the case of Jack and Marie Moore of The Entrance. Their frustration is born from desperate need and endemic failings within the existing system. That is good enough reason for the Government to review its policy with respect to the provision of pensioner public housing on the Central Coast.

The Moores first applied for pensioner public housing six years ago when Marie's health began to deteriorate. Earlier this year she suffered two strokes, which confined her to a wheelchair. Poor access at her home in Denning Street effectively

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prevented her from leaving home. As a result of Marie's condition the Moores were placed on the priority list of the Department of Health. However, following my representations the Moores were informed that the dearth of pensioner public housing on the Central Coast would require them to leave the area to seek placement. Let us consider the absurdity of the situation. The Moores had lived on the Central Coast for 15 years. They had already been on the department's waiting list for six years. Marie's health had been identified as being in severe decline, yet no local housing could be found.

To move the Moores from the Central Coast would have torn them away from their one salvation - a sympathetic social environment. They would have been alienated from their local doctor and friends. The Moores, aged in their seventies, and with Marie's health failing, were being asked to start all over again. I took this case to the *Central Coast Express*, which featured an article on the Moores' plight. Soon after the department contacted my office to confirm that it had found a placement in The Entrance for the Moores - a ground floor flat close to services which the Moores regularly called on. Not everyone is as fortunate as the Moores. It is an indictment of this Government that a case as well founded and as deserving as the Moores' case had to be taken to extremes before housing could be found.

I would like it noted that there is no question about the commitment and professionalism of departmental workers. Local staff are charged with the impossible task of trying to accommodate the demands of the Central Coast without the necessary resources. I now draw attention to the Government's record on pensioner public housing on the Central Coast. Earlier this year I asked the Minister for Housing a question on notice - question No. 1163 - concerning details of a construction program for pensioner public housing in The Entrance electorate. The answer revealed that in 1991-92 the number of new pensioner public housing units built in The Entrance was 58. In 1992-93 that number had fallen to 16 and for 1993-94 that number is down to 11.

To compound the wind-down in pensioner public housing construction the Minister confirmed that no new units were planned in the Government's 1994-95 and 1995-96 forward construction programs. That

means that no new units will be available in the next two years and the waiting time for pensioner public housing will effectively blow out from eight years to 10 years. In 1988, the last year of the former Labor Government, the waiting time was only four years. The waiting time now is 2½ times what it was five years ago. I subsequently prepared a submission to the Minister for a review of the program with a view to putting in place a fresh construction program designed to lower waiting times. The Minister provided me with a mean-spirited reply that tried to gloss over the problem. Even his boastful figures confirmed that the Government has snubbed aged citizens on the Central Coast.

The Minister's figures are as follows: in 1990-91, 231 units were constructed; in 1991-92, 122 units were constructed, nearly half; in 1992-93, 66 units were constructed, half again; and in 1993-94, 17 units were constructed. The Central Coast, which is growing at the rate of 4.5 per cent per annum, has one of the largest percentages of aged people in this State. The Minister claimed in his letter that "these statistics demonstrate the strong and continued commitment of the Government to pensioners on the Central Coast". That is nonsense! That statement is an insult to aged people on the Central Coast. The Minister's figures clearly indicate that the Fahey Government is winding back the rate of public housing construction and increasing waiting times for pensioners on the Central Coast.

Waiting lists have increased from four years to 10 years. The Minister's figures and words condemn the Government's weak and unworthy efforts for pensioners on the Central Coast. No attention has been given to the waiting lists, which honourable members should remember were the basis for concern in my submission. Pensioners on the Central Coast, after years of contributing to the community, are now being slapped in the face by a government that is content to see them denied a basic right to housing.

It is the duty of the Government to provide adequate housing for aged pensioners. It is a basic responsibility of all governments to look after its young and its aged. I am appalled at the Government's callous disregard for the housing needs of aged pensioners on the Central Coast. Without proper housing our aged lose both the dignity and respect that they deserve. I again call on the Minister for Housing to act - I ask honourable members to ensure that he does - on behalf of pensioners in The Entrance and on the Central Coast and to urgently revitalise building programs and reduce waiting times.

### **CAPTAINS FLAT PUBLIC SCHOOL**

**Mr COCHRAN** (Monaro) [5.25]: Captains Flat, an old mining town which is immediately outside Queanbeyan, has been the subject of many historic studies by people interested in the early days of mining in New South Wales. I wish to refer to a complimentary report regarding Captains Flat School which was issued by the quality assurance unit of the Department of School Education. This report reflects the dedication and professionalism not only of the school's principal, Mr Howard Mackinder, but also of staff at Captains Flat School. I am delighted to be able to report on a more positive note, something we do not often hear during private members' statements.

Captains Flat School, despite suffering all the problems of an isolated school, has come out with flying colours, something of which it will be justifiably proud in the years to come. The summary of the report issued by the quality assurance unit refers to literacy and learning and reveals strong support by the school community for the successful teaching of literacy. The school has taken this matter

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to heart and has taken great pride in it. Another matter raised by the Quality Assurance Unit concerns student welfare. The review identifies some highly successful programs to support student self-esteem and contribute to effective learning. It makes a number of recommendations with regard to the school continuing its student welfare programs and community participation.

The Quality Assurance Unit commends community participation in classroom helper programs and general school activities. The unit recommends that the school should explore the establishment of a lasting record of the mining history of Captains Flat utilising the skills and resources of the entire

community. The Captains Flat community has a proud history in mining. Many people in the Captains Flat area, in particular Tommy Kerr, would be well-known to Opposition members. Tommy Kerr was a great old union stalwart of mining days. I am sure he will be identified by school students as a man whose experience can be tapped into when they are writing the history of the town.

I would like to take the opportunity to commend the principal and staff, and in particular the students, who have overcome isolation problems and, to a degree, underprivileged circumstances in the community, to produce what has proved to be an outstanding report. I pay tribute also to the community of Captains Flat, who have given a great deal of support to this small school. The school has called on the community for assistance, and the community has given its help willingly. The report mentions the exceptional quality of student welfare in this school, and identifies other areas in which students in underprivileged circumstances will be able to participate, such as in the languages other than English program. I take the opportunity of commending the school, the students and the community.

### **SYDNEY TO LITHGOW RAIL SERVICE**

**Mr CLOUGH** (Bathurst) [5.30]: The State Rail Authority has been divided into three separate groups - CityRail, Freight Rail and CountryLink. They are all fancy names but the fact is that the authority does not work any better because it has been split into three sectors. That is the reason I am on my feet tonight. CityRail operates passenger services that run from Sydney to Lithgow, the extremity of the metropolitan area. CityRail has apparently made a decision that from next March services operating along the Blue Mountains line will terminate at Mount Victoria. That information has come to me from the railway unions. This will mean passenger services to Lithgow will be severely limited and trains providing the service on the Blue Mountains line will be stabled at Mount Victoria rather than at Lithgow.

Already a few decisions have been made, and Freight Rail has indicated to CityRail that it can have the coal sidings at Mount Victoria for stabling of the trains. The incredible reason given for doing this is that CityRail has passed over to Freight Rail that section of the railway line operating between Mount Victoria and Lithgow. Freight Rail is making a profit. It is not making a profit on the western line; it is making a profit on the southern line to Melbourne. CityRail is running at a loss. CityRail has indicated that because it is running at a loss and because the trains operating in and out of Lithgow - apart from commuter trains - are lightly patronised, it cannot afford to maintain the railway line between Mount Victoria and Lithgow.

CitytRail says it cannot afford to maintain the line because the line between Mount Victoria and Lithgow runs through a series of 10 tunnels. The 10 tunnels require very little maintenance because of an initiative of Peter Cox as Minister for Transport 10 or 12 years ago, when the tunnels were lowered and given concrete beds, and the railway lines running through them were placed on rubber to cut down the noise. CityRail has opted to pull out of providing a passenger service because it cannot afford to maintain the railway line. It is one of the ridiculous end results of the service being fragmented the way it is.

Previously the New South Wales Government Railways provided passenger and goods services and operated as an entity, as one organisation. Under this Government the three organisations compete for funds, have their own managerial structures and operate as three separate entities. In order to send a coal train between Lithgow and Port Kembla, track time must be hired from CityRail. The amount of clerical work involved is enormous. No wonder there are no railway people left to provide the services that should be provided by rail in this State. Sixteen State Rail Authority employees employed at CityRail at Lithgow railway station will lose their jobs.

There will be conflict between locomotive enginemen who are stationed at Lithgow and at Mount Victoria because most of the Lithgow personnel are class 6 locomotive enginemen. In other words, they are the highest class of locomotive enginemen because of the variety of work they carry out. They haul

large coal trains and operate passenger services, et cetera. My purpose in raising this matter tonight is to ask the Minister, through the Treasurer and Minister for the Arts, to consider why CityRail should cede to Freight Rail the railway line between Mount Victoria and Lithgow and, by so doing, isolate Lithgow from the point of view of rail passenger traffic. A \$4.5 million passenger transfer system has been installed at Lithgow, and people from the western part of New South Wales will not be able to use this transfer system because the trains will not operate from that point.

## **BEROWRA CREEK RED TIDE**

**Mr O'DOHERTY** (Ku-ring-gai) [5.35]: I rise to inform the House about a matter of concern in my electorate, relating to Berowra Waters. First, I want to provide as much information as I have to hand from the Environment Protection Authority so that information is available to my constituents. Second, I want to make sure that what is happening in

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Berowra Creek in the vicinity of Berowra Waters does not cause undue alarm. I have been notified of a red tide in Berowra Creek. It is the kind of red tide that gave the Red Sea its name. It is important to point out that while it is a type of algal bloom, it is not the toxic green algae. I wish to provide for the information of this House and my constituents the information from the briefing provided by the EPA.

Today an inspector of the EPA collected a sample of this red tide, this algal bloom, from Calabash Bay at Berowra Waters. It has been identified as *gymnodinium sanguineum*, a non-toxic dinoflagellate. It is a species which is common throughout the world - cosmopolitan. It is similar to the species which gave the Red Sea its name. In this instance the bloom is not red but is a deep brown colour and it extends downstream from Berowra Waters for about three or four kilometres. *Gymnodinium sanguineum* is an important food source for zooplankton in the aquatic food web. It is obviously part of the aquaculture that is dynamic in water such as Berowra Waters.

The EPA has advised me that these sorts of blooms often dissipate quickly - it can take about a week or two. Generally, these sorts of algal blooms, which are not as persistent as the blue-green algal bloom, are experienced quite regularly in the Berowra Creek in the vicinity of Berowra Waters and Calabash Bay. I am sure honourable members are well aware of the sensitivity of this area, not only because this beautiful and marvellous environment needs to be protected, but because it is a very important area for the tourist trade and for industry generally in that part of Sydney, and certainly that part of my electorate. It is important to understand that the only recorded problem with these types of algae is an incident in New Caledonia that related not to human beings but to some losses of the oyster crop. This is another great worry to people in my electorate, which has some of Sydney's best oysters - in fact I would say Sydney's best oyster crops. I am sure honourable members realise that the oysters that grow there are the best oysters in Australia, if not in the world.

The Attorney General and the honourable member for Burrinjuck will agree with that. In New Caledonia the cause of the loss of the oyster crops was put down to a simple clogging up of the gills of the oysters, not to any toxic effect, as I was informed by the Environment Protection Authority. The reason for the clogging up of the gills of the oysters was the density of the particular bloom in New Caledonia. I have no information as to the relationship of that problem to the density of the bloom that occurred on this occasion in Berowra Creek, though I shall seek that information for oyster growers in my electorate.

Berowra Creek receives treated sewage effluent from two sewage treatment plants, Hornsby Heights and West Hornsby. I have spoken many times about this matter. Millions upon millions of dollars of work is being done on both of those treatment plants to reduce the volume of nutrients being emitted from them. The plants are producing world quality tertiary treated effluent in dry weather and can accept a large amount of inflow and infiltration even during wet weather. It would be a shame if the debate focused entirely on those treatment plants, as there are many other point sources of nutrients discharging

into that creek. I have been speaking to representatives of the council as to the action that should be taken.

The biggest problem is stormwater, and nothing is being done about it at present. Other problems include agriculture related runoff, industrial runoff and wastewater from boats. My view is that a broad-ranging approach should be taken to all of those issues as they relate to the nutrients in Berowra Waters. To that end I have discussed already with the chairman of the Hawkesbury-Nepean Catchment Management Trust ways in which the problems might be examined by the community. I shall be asking the Minister for the Environment to provide further information as it comes to hand so that I can keep my constituents up to date on this serious problem.

## **F5 MOTORWAY TRAFFIC NOISE**

**Mr KNIGHT** (Campbelltown) [5.40]: I raise the plight of many of my constituents who are affected by traffic noise from the F5, the freeway that forms part of the Hume Highway. When the freeway was first constructed traffic noise caused a problem for nearby residents. However, as the volume of traffic has increased over the past 20 years, the noise has increased exponentially. Residents whose homes adjoin the freeway suffer from ever increasing traffic noise. Their distress is compounded by the knowledge that North Shore residents have had many millions of dollars of taxpayers' funds spent to insulate them from traffic noise. Compare for a moment the situation of people in suburbs such as Woodbine, St Andrews and Claymore in the Campbelltown area to that of people who reside near the start of the freeway from Hornsby to the Hunter.

Near Hornsby and Berowra massive earthworks, noise baffles and other insulating measures have been provided. A special road surface has even been supplied to reduce the noise - a sort of road carpet. Yet in the Campbelltown area residents cannot even get a few scrawny saplings. They have nothing to insulate them from the noise. Earlier this year I approached the Minister for Transport and Minister for Roads to try to get relief for Woodbine residents. On 29th July the Minister wrote to me, and I shall quote briefly from his letter. Referring to the Roads and Traffic Authority he said:

... the Authority has recently updated its traffic noise policy to address locations adjoining major roads where traffic noise levels are excessive and considered to be inappropriate for the adjacent land use. Arrangements have been made for the locations in question to be examined as part of the Authority's "Loudspot" treatment program. A "Loudspot" is a length of road where traffic noise levels are high and generally considered inappropriate for the adjacent land use.

Should the "Loudspot" examination reveal a need for noise attenuation measures the locations will be placed on a priority list with a view to taking appropriate action as funds permit.

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I thought there was some hope. First, there must be an examination; second, the area must be placed on the list; and third, funds have to be allocated. But at least it was a start. I was even willing to say nice things about the Minister. I am not renowned for saying nice things about the Government, because it does not deserve them. But I thought that credit had to be given where it was due. So I said nice things about the Minister and wrote back saying two things: first, that Woodbine residents would like to be involved when the monitoring was done, they would like to speak to the people who would come out to monitor the loud spot, tell them the worst times and show them the worst locations; and second, that St Andrews residents who had read my reference to the program in the local newspaper, the *Chronicle*, would like to have treatment of loud spots in their suburb by the Roads and Traffic Authority. I received a reply dated 1st October from the Minister. What the Minister told me in that letter was very different to what he had said originally:

Funds to control noise will be limited and cannot significantly address this issue.

He went on to say:

... it is not practicable to indicate when monitoring will be undertaken in the Woodbine area.

There we have it. The Minister's advice was that it was unlikely that funds would ever be available to solve the problem and he could not say when the monitoring would be done. The only suggestion he made, at the end of his letter, was that residents might spend their own funds on soundproofing their homes. The advice given to St Andrews residents was essentially similar. The much vaunted loud spot program appears itself to be all noise. The light at the end of the tunnel that was shown by Bruce Baird to Woodbine residents was simply a trick with mirrors. Clearly the Government has no commitment to do anything to assist Campbelltown residents affected by noise from the F5.

To get help, money must be allocated; to get money, the area must get on to the program list; and to get on that list, the area must be inspected. But under Bruce Baird's regime those suburbs cannot be inspected. I deeply resent the way the Government continually gives priority for noise abatement measures to the privileged North Shore. I further resent the abandonment of Campbelltown residents by this Government. Above all I resent the cavalier way in which the Minister for Transport and Minister for Roads held out false hope to the residents of Woodbine and then dashed their hopes. Even by the sleazy standards of this Government, that was a particularly low act.

### **PINE TREE PLANTATION INVESTMENTS**

**Mr SMALL** (Murray) [5.45]: I raise an important issue that has been of longstanding concern to a large number of investors in pine-tree investments through the Percheron group of companies. Approximately 23,000 investors from Australia and overseas invested in good faith in Percheron, recognising what was in the 1960s and 1970s a huge potential. Those people believed they could invest in pine-tree plantations and secure honest and genuine returns after approximately 12 or 15 years. The salesmanship of the companies' representatives was extremely good. However, it was expected that after 15 years the growth of the trees would yield a satisfactory return. Annual reports referred to fire control and management, and all sounded to be well.

During the early 1980s things began to fall apart. In 1986 I called a special meeting at Deniliquin that was attended by more than 130 people from the local catchment area. Representatives of the New South Wales Corporate Affairs Commission were present and investors were given every opportunity to register their names and the amount of their investments with the Percheron group of companies. An extensive investigation has been carried out, but the investors have been unable to obtain any results. That is a sad state of affairs. In January this year I drove to Braidwood on the South Coast and inspected a number of plantations. Those that I saw were in better condition than I had expected. A company by the name of J Pine Pty Limited was harvesting the trees that were suitable and was paying a royalty for timber that had varying uses, depending on size and quality.

I understand that the Percheron Westpac Bank loans have now been paid out, but as at April this year a debt of \$2.5 million was outstanding on a loan and accrued interest to Standard Chartered Bank Hong Kong Trustees Limited. The loan was secured by Mr A. R. Buchanan as the original owner of and the person responsible for Percheron. This matter has caused untold hurt to and loss of investments by those who have been ripped off and taken advantage of. I believe that the investors have not been treated fairly. The assets of the Percheron group are quite large, and include approximately 31,000 acres of land with timber available for harvesting. It is acknowledged that the early management and development of the plantations in question were extremely poor.

Pine Tree Register Incorporated was set up to represent the investors, and Mr Keith Jacob, the

honorary secretary, wrote to me about the matter. I congratulate him and the organisation on the immense work they have carried out. The mismanagement has affected investors throughout New South Wales and Australia and from overseas. It has caused great distress to many families who had invested in the hope that after 15 years they would be able to provide for their retirement. Others had invested on behalf of their children in an effort to assist them when embarking on married life or commencing work. The mismanagement of Mr Buchanan has resulted in poor investment, poor management and loss of production. On behalf of the investors, I ask that the Minister for Consumer Affairs make every effort to try to rectify this terrible wrong.

## **SOUTHERN SYDNEY OFF-SHORE SAND MINING**

**Mr J. H. MURRAY** (Drummoyne) [5.50]: I draw to the attention of the House a proposal by Metromix Pty Limited, owned jointly by CSR Limited and Pioneer, to extract up to five metres of marine  
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aggregate - fine sand - from two deposits located off-shore of southern Sydney. The extraction would take place over a period of 50 years in water depths between 25 metres and 65 metres. A self-loading, unloading extraction vehicle would then ship each 4,000 tonne cargo - that is, 150 semitrailer loads or 300 semitrailer movements - to a central terminal in Port Jackson for distribution to markets. The use of the Glebe Island-Pyrmont terminal to unload dredged sand will be a disaster for inner west residents. The map provided by Metromix Pty Limited, although a bit hazy, reveals that the proposal is to use a facility either in the Pyrmont area or the Black Wattle Bay region. The controversial proposal to mine beach sand off the Sydney coast and transport it to Glebe Island will result in the Drummoyne electorate becoming a truck derby track as thousands of tonnes of sand are moved daily. The Government has announced it is in favour of the proposal to transport as many as 600 semitrailer loads of sand daily through inner west streets.

Sydney transport planning is already a shambles. This plan will make it worse, especially as the proposed area is waterlocked and there is only one major exit. The Homebush Olympic Games site will use large quantities of the sand. This will have to be transported along Parramatta Road, Victoria Road, Lyons Road and then out to Homebush Bay. The safe and sensible alternative would be to transport sand by rail to a number of smaller distribution centres. The logical location to berth the sand ship would be in Botany Bay. Why bring the sand right up the coast into Port Jackson when the ships could travel just around the corner into Botany Road and unload existing sand deposits at Kurnell?

Residents of the inner west should not be used as cost savers so that CSR Limited can use its existing Pyrmont berth. The Government prefers to clog inner city roads and disrupt the amenity of local residents. The present movement of sand from Kurnell requires some 5 million kilometres of truck transport yearly. The same amount of sand unloaded at Glebe Island will create millions of kilometres of truck movements in the inner west. A column of trucks up to 5 kilometres long will enter the city on a daily basis and, of course, once they are loaded they have to leave the city. For every semitrailer that comes into the city, there will be a double movement. With already overcrowded roads, traffic jams will worsen and air pollution, road accidents, noise impact and the cost of road repairs will soar.

The residents of the area already suffer above average lead pollution from car exhausts. They will soon be exposed to increased amounts of carcinogenic diesel soot from the proposed sand truck traffic. Our roads are already full of potholes as a result of State Government neglect, and local government will have to pay the bill. The heavy sand trucks will quickly wreck the remaining road network and local residents will have to bear the cost of the damage. Also, car drivers will be put at great risk from these huge trucks. Most of them will be owner-drivers and will be paid on a per load basis. Increased numbers of accidents, coupled with traffic jams, will make it impossible to transport victims in an emergency to the remaining hospitals in the inner west. If this proposal goes ahead, it will prove that the Government has no real concern for the residents of the Drummoyne electorate and the inner west generally. The proposal to bring sand into Port Jackson and to off-load it into semitrailer transport must

be rejected because it will result in devastation to those areas serviced by Victoria Road and Parramatta Road. I ask the Minister and the Government to give serious consideration to the proposal and to ensure that the sand is off-loaded in Botany Bay rather than at Port Jackson.

### **WEST RYDE TO HOMEBUSH PENINSULA BRIDGE**

**Mr PETCH** (Gladesville) [5.55]: Probably one of the greatest announcements ever made - certainly in my life, and possibly in this era - was the recent announcement that Sydney is to host the Olympic Games in the year 2000. That was great news not only for the people of Sydney but also for the people of Australia. Homebush Bay as the Olympic Games site is ideal because of its central location to the Sydney metropolitan area. Unfortunately, there is an industrial estate to the west, an expressway to the south and housing as well as industry to the east. However, there is not a sufficient link to the north. The honourable member for Drummoyne is interested in roads in his electorate and also how Gladesville is to be affected. He is concerned about bridges, and that brings me to the matter I wish to raise.

At one stage the Roads and Traffic Authority proposed the construction of a bridge from Abbotsford to Gladesville. That project has now been abandoned, and the property-owners concerned have had their property titles restored. It is my view that the money allocated for the bridge construction could be better used for a project further along the river to West Ryde. Over the years the Minister for Multicultural and Ethnic Affairs and I have had extensive discussions as to how Ryde, Ermington and Gladesville could provide greater facilities for people attending the Olympic Games. A bridge construction from Wharf Road, West Ryde, across to the Homebush Peninsula not only would make Ryde the garden gateway to the Olympic Games, but would probably re-route about 30 per cent of traffic that currently traverses Ryde Bridge. Traffic heading in a southerly direction could travel down Marsden Road onto the wide carriageway of Wharf Road, West Ryde, and across to Homebush Peninsula, rather than travel from Carlingford, through Ryde and across Ryde Bridge.

This would achieve two things. Immediate pressures would be taken off the current road system, and, more importantly, people who will be attending the 2000 Olympic Games venue would be provided with great hospitality and services. I refer to those places north of the Olympic Games site that are in my Page 4439

electorate and that of the Minister for Multicultural and Ethnic Affairs. The electorates have excellent restaurants and excellent facilities, such as golf clubs and other sporting facilities. In other words, people attending the Olympic Games who temporarily reside on the Homebush peninsula will have immediate access to some of the best hospitality services that Australia can offer. In this area middle-class Australians will go out of their way to make visitors welcome. I join with my colleague the Minister for Multicultural and Ethnic Affairs in asking the Minister for Transport and Minister for Roads to give consideration to this request. The proposal will be of enormous advantage to the Gladesville and Ermington electorates and to those electorates on the north side of Parramatta River. The isthmus is so close at that point that I could throw a stone across the river. The cost of the bridge would be no more than the cost of constructing a bridge over a small creek in a country area. The expense would be minimal but the advantages would be outstanding.

**Mr PHOTIOS** (Ermington - Minister for Multicultural and Ethnic Affairs, and Minister Assisting the Minister for Justice) [6.0]: I earnestly endorse the comments of the honourable member for Gladesville for the establishment of the bridge at West Ryde. As we move into the Olympics phase, it is critical, as our precinct of Sydney becomes the gateway for the world, that the area be better served by public transport. The project has been proposed by the honourable member for Gladesville and me in our joint delegations to the Minister for Transport and Minister for Roads and after discussions with local residents, particularly the Ryde-Parramatta Golf Club of which I am patron. I will be delighted to see the realisation of this project. I welcome my colleague's announcement and join with him in arguing the case. I shall certainly take the matter direct to the Minister for Transport and Minister for Roads.

As a gateway to Ryde, the bridge from Wharf Road to the Homebush Bay precinct would be most important. It would provide magnificent and more efficient transport capacities and facilities for the people of Carlingford, North Rocks, Eastwood, Denistone and the Marsden area. I applaud my colleague the honourable member for Gladesville for his work in addressing this issue. I look forward to an early announcement about the Government's financial capacity to construct the bridge across to Wharf Road. That would fulfil a long held dream. The bridge has been a wish of previous governments, but has merely been the subject of much rhetoric. I know that the can do honourable member for Gladesville looks forward to seeing the dream come true.

## HUNTER REGION ACUTE SURGERY WAITING LISTS

**Mr GAUDRY** (Newcastle) [6.2]: I bring to the attention of the House the continuing concerns in the Hunter and Newcastle areas about the inability of the Hunter Area Health Service to meet the needs of the people. The length of waiting lists for acute surgery - especially cardiac surgery at the John Hunter Hospital - the long waiting lists in the oncology treatment section at the Mater Misericordiae Hospital, the overloading of the accident and emergency services at the John Hunter and Mater hospitals, and the issue of overnight stays for patients in those areas are of a continuing concern. This matter was highlighted in the *Newcastle Herald* last Friday, 22nd October. Dr Geoff Oldfield, cardiologist and president of the Hunter Medical Association, was reported as speaking out strongly against the unacceptable length of waiting lists for acute heart surgery. He said that waiting times of between four and six weeks would be more appropriate for completely elective cases but semi-urgent and urgent cases should have to wait only one or two weeks at most. Today I wish to refer to the concerns raised with me by Mrs Shirley Bull of 4 Belford Street, Broadmeadow, who is one of the persons waiting for cardiac surgery. In her letter dated 8th October she says:

I am so full of anger I don't know where to begin. I have just been released from the John Hunter Hospital . . . I am having severe angina pain.

Mrs Bull has been to the hospital twice and says she is finding the delay too much to handle. She says further:

I am in state of constant tension awaiting heart by-pass. The situation at the John Hunter is impossible - The cardiac surgeon at the moment is on 2 weeks vacation and when he returns he has 3 weeks of heart surgery to catch up. No one would deny he would need a holiday as his schedule must be hectic. He only operates 2 days a week and does 3 people a day.

Of course, he is the only cardiac surgeon at the hospital, though I understand a second surgeon will commence duties in January. Mrs Bull says that her operation has had to be transferred to Royal North Shore Hospital but there is still a two to three week waiting time, unless she deteriorates to an extremely grave condition. She says further in her letter:

The John Hunter was to be a God-send to patients everywhere needing 1st class services and the cardiac region particularly was to be the finest in N.S.W. They certainly have the equipment there but it is of little use to be thoroughly diagnosed if no treatment is forthcoming.

In the recent past several patients have died in the Hunter area while awaiting cardiac surgery. The community is concerned and wants the matter brought to the attention of the Government for improvements to be made. Mrs Bull has raised other matters of concern, particularly relating to the treatment she received when admitted to hospital on Monday, 11th October. In her letter she says:

Upon finishing my letter to you I was readmitted to the John Hunter Friday evening at 10.30 p.m. with [suspected] chest pain. I lay in the emergency till 2.15 a.m. when the registrar on duty was able to see me. He had been on duty since 8.00 a.m.

Of course, throughout the letter my constituent expresses her thanks for the work carried out by the surgeons and staff. However, she is very concerned that like so many other people, she is waiting an  
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unacceptably long period of time in pain and in fear, as people often are in the period awaiting cardiac surgery. The waiting period is too long; it must be reduced. Mrs Bull is calling on her local member and the Government to advocate a much better position for patients awaiting cardiac surgery in the Hunter area. She had been given an operation schedule at Royal North Shore Hospital, but that has now been put back. She was scheduled for surgery on Wednesday, 20th October at Royal North Shore Hospital and she felt that her prayers had been answered. However, the time at which she was to be operated on was deferred again for the third time. [*Time expired.*]

**Mr COLLINS** (Willoughby - Treasurer, and Minister for the Arts) [6.7]: I am familiar with the matters raised by the honourable member for Newcastle. I say at the outset that I understand the anxiety felt by his constituent. Anyone suffering a serious heart complaint and facing impending major heart surgery will obviously be extremely anxious about the waiting period. The Government was delighted to see the completion of the John Hunter Hospital. Indeed, I was extremely pleased to be present at its opening. It should be noted that the John Hunter Hospital is the state-of-the-art teaching hospital in New South Wales, being the newest complete hospital built in recent years. It has the best hospital services available.

Prior to its opening, I received a deputation of Newcastle residents who were concerned about the far greater delays they had previously experienced. Those residents put to me, and I agreed, that there was a need for a dedicated cardiac theatre to be incorporated in the John Hunter Hospital from the outset. That facility did not exist in Newcastle until I made that decision as Minister. A dedicated cardiac theatre at John Hunter was established from the outset. I imagine that from time to time numbers fluctuate, but I do not wish to detract from the case outlined. I will draw the matter to the attention of the Minister for Health, who, no doubt, will respond to the constituent of the honourable member for Newcastle.

**Private members' statements noted.**

[*Mr Acting-Speaker (Mr Rixon) left the chair at 6.9 p.m. The House resumed at 7.30 p.m.*]

**JOINT SELECT COMMITTEE UPON POLICE ADMINISTRATION FINAL REPORT**

**Debate resumed from an earlier hour.**

**Mr HATTON** (South Coast) [7.30]: In regard to Judge Thorley and the State Crime Commission, the committee recommends that the Government consider the establishment of a parliamentary committee to oversee the New South Wales Crime Commission, as exists for the Independent Commission Against Corruption. This is no coincidence because of the coercive powers of the State Crime Commission and the necessity to have a public window into the operation of that committee. It has worked quite well for the ICAC and I believe it will work well for the Crime Commission. I quote from page 30 of the report under the heading "The Appearance of Propriety in Investigations":

During the course of the Committee's examination of the Crime Commission's investigation it came to the Committee's attention that the Commissioner of Police, Mr Lauer was called before the Crime Commission to answer questions as to when he first became aware of drug security problems at Frenchs Forest Police Station. This hearing of the Crime Commission was chaired by Judge Thorley the then Chairman of the NSW Crime Commission. The Chairman was assisted by Superintendent Lysaught an officer of the Commission who was also a member of the NSW Police Service.

Later it said:

The Committee wishes to express its concern that in a highly sensitive investigation, such as that confronting the Crime Commission in this case, one member of the Management Committee can question another member of the Management Committee.

In this specific case the Committee is of the view that the questions to be put to the Commissioner of Police, Mr Lauer, were of such a serious nature that it would have been more appropriate for an independent person to question the Commissioner. The Committee having read the transcript of cross-examination between the then Chairman of the Commission Judge Thorley and Commissioner Lauer believe it imperative, if the situation should arise again when a member of the Management Committee has to give evidence before the Commission, that either the matter should be referred to the ICAC or some other independent person chair the proceedings.

Recommendation No. 2 is in the following terms:

The Committee recommends if a member of the Management Committee of the NSW Crime Commission has to give evidence before the Commission, that either the matter should be referred to the ICAC or some other independent person chair the proceedings.

The situation was that Judge Thorley was the only one to ask questions. To round up what I have said so far, it stretches credulity to accept that in all the committee hearings it is a coincidence that 400 items disappeared from the commissioner's computer without backup disks or hard copies: that Assistant Commissioner Cole's diary was lost; that fax transmissions were lost or discarded; that there was no copy of a fax with a header; that, in the case of Inspector Newberry's evidence, chief of staff to the commissioner, a pink was lost, a copy was lost, the disk record was lost, notes on which it was founded were lost; that the secretary was lost overseas and could not be traced; that a notebook was lost, even though in the form of a diary; and that the diaries in evidence recorded events before and after the reference to the pink, yet there was no signature acknowledging receipt of the pink.

The list goes on: Telecom records show that a fax was sent to the commissioner's office but not to the Minister. Mr Brien, a media consultant who was readily available, could not be contacted by the police, and he was the only one to draw our attention to an occurrence pad that officially notified police that the Minister was not home; he was away on holiday, and was not to be faxed. Statements from Ms Zadel, Inspector Newberry and Sergeant Barry all coincidentally bore the same date, yet they deny

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collaboration. Assistant Commissioner Cole did not tell Commissioner Lauer about Frenchs Forest, yet he was stationed just along the corridor from him. One wonders what else the commissioner does not know. Assistant Commissioner Cole had been preparing the letter to the Ombudsman but had not sent it.

Mark Riley of the *Sydney Morning Herald* made inquiries of the Ombudsman, but the Ombudsman knew nothing about the matter and contacted Mr Cole. Commissioner Lauer, who was the former head of professional responsibility and responsible for internal affairs and internal security, was so distanced from his force that he did not know of the drug-related circumstances of the shooting of a police officer, who had been stabbed in June 1991 and was shot in June 1992. Five situation reports did not get to Mr Lauer. Three audit reports did not get to him. Two separate investigation lines of reporting did not get to him. Drug exhibits disappeared on two occasions and on one occasion were replaced from woodland nearby. Commissioner Lauer said it was only a few grams, when the allegations was about cannabis resin and cocaine.

A customs alert had been issued about one Frenchs Forest officer, who was not questioned before he went away to South America. In fact, he was not questioned until two months after he arrived back. More importantly, that officer was allowed to resign while he was still under investigation. The officer

who was stabbed and shot was under a witness protection program, yet the commissioner said he did not know about the incident. Eleven police officers knew about it seven or eight months before the commissioner knew. There were extensive delays in the investigation of the Frenchs Forest incident. There was a 14-month delay in drug security while \$200 million of drugs was stored at Sydney Central Police Station. The Honeywell specification was designed to ensure maximum security at that establishment, yet the specification had to be rewritten by the Minister because it allowed the officer inside the secure area to turn off the camera. Responsibility for the Honeywell specification was sheeted home to a humble sergeant. The committee was told it had received all the evidence, though quite clearly that was not so.

This is by no means a complete list of this shocking mismanagement, incompetence, cover-up, or whatever one wishes to call it. The fact is that the committee or the public would not have known about Frenchs Forest unless Mark Riley from the *Sydney Morning Herald* had made inquiries of the Office of the Ombudsman, who then made inquiries of Assistant Commissioner Cole. At that stage the police committee had been in session for months. There had been much publicity outside the Police Service and inside the Police Service about the committee. The commissioner had given an undertaking that all the facts had been given to the committee and that drugs were secure, but clearly that was not the case.

I want to indicate that I do not believe that those coincidences of events can be taken to mean opportunistic corruption. I think that defies logic. I make no criticism of the Minister, but if the Minister needs a special branch driver and a car with sirens and lights, that is a matter of great concern. In itself that is a very serious statement about the personal security of the Minister for Police of this State. I believe also that unless we have a bipartisan approach, the Police Association will continue to split this Parliament. It will continue to say with arrogance what will happen and what will not happen. I was appalled to be told tonight by Mr Pickering that he had received a set of running shoes from the Police Association and that they were of his size. That may be a joke to some people, but it is a sick joke to me.

**Mr W. T. J. Murray:** What about the note inside them?

**Mr HATTON:** He did not tell me that. But it is a sick joke when a union is so arrogant that it can say to a former Minister, who has been pilloried, that it is giving him a clear message: get your running shoes on. I do not believe it is a threat but I believe it is something on which this Parliament should stand on its dig. It should take a bipartisan approach and tell that association where to get off. It was like the Australian Transport Officers Federation putting a black ban on me because I revealed corruption in the Department of Motor Transport. I am pleased to say that, on a bipartisan basis, I got the support of this House and told them to rack off.

The parliamentary committee is all about accountability. That is all we seek in this place, surely. What would we have known about this whole saga if we had not had a parliamentary select committee, if Mr Pickering had simply resigned and Mr Lauer had been appointed? What would we have known about all the circumstances and the shocking indictment on the department that came out of that report? What more will we learn if we establish a parliamentary committee? I do not intend, as I said in my minority report, that a parliamentary committee should take over the role of Executive Government. However, it could be a tremendous bipartisan bulwark for the representatives of New South Wales against those elements in the police force who want to abuse their positions, who want to play politics to split this Parliament and who want to use the considerable power that they - particularly the association - are perceived to have in the minds of some people in this place, who want to have their way rather than have a properly accountable public administration in the same way as we would expect any other public administration to be accountable.

The case that is put forward is that you do not need a parliamentary oversight committee because you have the Ombudsman and you have the ICAC. The Ombudsman and the ICAC do not take an overarching view. Most of their actions are triggered by complaints and allegations. They do not take

an administrative and organisational overview of the department, except on receipt of complaint. They certainly do not look at the legislation, the adequacy of that legislation and whether it needs to be amended, as does the ICAC committee. The Police Board has limited powers, but unlike the ministry you would

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have a bipartisan bulwark in a parliamentary committee. I put this to the Minister, the Cabinet and the Parliament after a lot of experience in this place: We desperately need to stand shoulder to shoulder and tackle this matter with vigour for the sake of the vast majority of good, honest officers in the Police Force. It is essential that we have a bipartisan approach.

A parliamentary committee can look at the workings and the adequacy of legislation and it can monitor the mechanisms of accountability - financial, operational, drug security and audit procedures. It is no coincidence that the Chairperson of the Public Accounts Committee, Mr Tink, and the committee pointed out that internal audit procedures and reporting procedures in the police department are quite inadequate under section 11 of the Public Finance and Audit Act. Coincidentally, under section 11 of the Independent Commission Against Corruption Act the reporting procedures on corruption and circumstances that are conducive to corruption did not work, and do not work, in the police department. Mr Temby certainly admitted that he would have to have another look at that.

The parliamentary committee should look at, and continually monitor, the role and performance of the Police Board. The parliamentary committee could be a point of receipt and referral. The parliamentary committee could conduct open and closed hearings. The National Crime Authority has an oversight committee, and an oversight committee has been recommended for the State Crime Commission. The committee unanimously did not reject the idea of a committee overseeing the police force; it just said that it was too early. It is not a matter of John Hatton or the Hon. Elisabeth Kirkby saying that you need a committee. It was seriously considered and that statement is made in the report.

This debate has been about accountability. I do not understand comments that the Minister has made about personal revenge, political headlines, or political pointscore. I do not think that you can score points from that. In my electorate, even when I had a high profile when investigating corruption, I did not consider that it was ever an electoral advantage; in fact, I received criticism as to why I should concentrate on this matter and, as far as some elements in my community were concerned, not concentrate on local problems. But, of course, I was concentrating on both. I did not see it then, and I do not see it now, as an electoral advantage.

I think it was beneath the Minister to talk about dilettantes on a parliamentary committee. That comment could certainly not be made about any parliamentary committee on which I have served. Parliamentarians, in a bipartisan way, work hard on parliamentary committees. The police committee was no exception; an oversight committee on the ICAC is no exception; nor would a committee of oversight on the Police Board be an exception. I do not want to become involved in confrontation with this Minister - that is the last thing I want. I have nothing against this Minister. His referring the matter to the State Drug Crime Commission was the subject of praise from me.

It is so easy, when you are close to the police administration, to be taken for a ride. I do not make any allegations and I do not say that the Minister for Police has been taken for a ride. But I say that sincerely and with the full force of experience. It is so easy for people with whom you work every day to sidle up and say, "Well, you know what Hatton is on about. You know what this is on about. Look, really, do not take any notice of that". It is important to stand aside and look at the administration with a clinical eye; but it is more important, I think, that we have a parliamentary committee of oversight so that we can do that together and so that we can support the Minister. The question is: Why not a parliamentary committee? A parliamentary committee would be of tremendous support for a Minister trying, as I believe this Minister is, to do a difficult job in a difficult environment. I thank the House and the Government for the opportunity to canvass this matter.

**Mr GRIFFITHS** (Georges River - Minister for Police, and Minister for Emergency Services) [7.47], in reply: I thank the honourable member for Liverpool and the honourable member for South Coast for their contributions to the debate. The motion is to note the final - and I emphasise final - report of the Joint Select Committee upon Police Administration. The essence of this debate is whether this House places greater weight upon the majority report or the minority report. The majority of the committee made up its mind 12 months after hearing the evidence of numerous witnesses, after considering thousands of pages of evidence. The committee's work has assisted the Government's reform program quite significantly, and I readily acknowledge that.

Let us examine briefly how desperately police reform was needed, as I readily acknowledge it was. Let us not delude ourselves. When I became Minister I inherited the legacy of, in my opinion, a defective organisational structure, a poor chain of command, defective handling of internal investigations, a fortress mentality - which I, the Senior Executive of the Police Service, readily admit to - and a poor history of record keeping. The Government has embarked upon, in my opinion, a major reform program. That program has been endorsed by the majority of the committee and, indeed, this Parliament. I am continuing, and will aggressively continue, to implement the Government's reform program. I can assure the House that there will be no let-up in my vigour or commitment.

Anyone who knows me knows that I cannot be dominated by anyone. Someone suggested before I came into the House that perhaps I can be dominated by my wife, and I concede that; but I will always maintain my independence and I will not resile from defending the NSW Police Service when I genuinely believe that is appropriate. There have been occasions when I have completely disagreed with the commissioner, and am sure there will occasions in the future. However, these disagreements have always been, and always will be, resolved behind closed doors.

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I was interested to hear my colleague the honourable member for Liverpool reflect on similar occurrences when he was Minister. I believe there will be even more occasions when I disagree with the Police Association. Today is one such occasion. The sending of a pair of sandshoes to the Hon. E. P. Pickering was stupid and disgraceful. That action cannot be defended. I join with the honourable member for South Coast in condemning such an act of stupidity. I repeat what I said earlier. There is no entrenched corruption in the New South Wales Police Service. This was recognised by the Independent Commission Against Corruption Commissioner, Ian Temby. The honourable member for South Coast referred to a statement by Ian Temby, "They are small in numbers". I agree with that comment. The Government and the service, without question, will continue to pursue corruption aggressively. When we find it we will take swift action. As I said the other night, when one goes duck hunting one expects to find ducks. If one does not, one is deluding oneself. Do not let this House, the media or the public complain when we find corruption, but they should complain if we lack the courage to deal with it.

I will deal now with some of the more extreme allegations made today by my predecessor in his address in another place and by the honourable member for South Coast. In regard to the Frenchs Forest matter extensive use was made of allegations by former Constable Bourke. Quite frankly, it amazes me that intelligent people in this place put credence on the words of a totally discredited liar who has consistently refused to tell the truth about any matter. We still do not know who shot Constable Bourke. Even with the use of coercive powers we have not ascertained who shot Constable Bourke or, as the honourable member for South Coast pointed out, who stabbed Constable Bourke 12 months ago. The matter regarding Constable Bourke keeps coming up. I assure all honourable members that all the matters relating to Frenchs Forest have been pursued. We have taken some pretty heavy action, including withdrawing the commission of the commander of the patrol. Charges have been preferred and criminal and departmental action has been taken. I am more interested in the future than in the past. However, I cannot let go allegations that Commissioner Lauer deliberately set out to rid himself of the former Minister. To refute that allegation I quote no other authority than the Hon. E. P. Pickering when

he told the Legislative Council on 22nd September:

Again, nothing in my statement today would suggest in any shape or form that Commissioner Lauer moved to undermine my authority. That is an outrageous suggestion.

Much was made of the fact that no other chief executive officer would be able to treat a Minister in the manner that the commissioner was alleged to have done. I remind the House that the Commissioner of Police is now on an employment contract like any other chief executive officer. I believe we now have an effective command structure, an effective chain of command and a higher level of accountability than has ever been known in the New South Wales Police Service. In my opinion, the events examined by the select committee will never happen again. I agree with the honourable member for Liverpool, who said that the commissioner's integrity is not in question. I was delighted to hear support from the Opposition for the commissioner, and I pledge the Government's support for the commissioner. The honourable member for South Coasts said, "We need a bipartisan approach". I say to the honourable member: We have one; the Opposition and the Government agree about the commissioner. I believe that the honourable member for South Coast does not support that contention, and that troubles me.

The honourable member for South Coast said that this is all about accountability. I agree; that is what I have said. This matter is all about accountability, integrity and management. Those are the key issues. This matter is about evidence, but it is not about fiction. We have to have evidence. No man or woman should be convicted by a court on supposition; we need evidence. It troubles me when a man of integrity such as the honourable member for South Coast makes what I genuinely believe are outrageous and unsubstantiated allegations against my commissioner and the Chairman of the Police Board - both men of incredible integrity and impeccable character. It troubles me when a man of the character of the honourable member for South Coast makes those allegations. I have to know why.

When I visited the honourable member's electorate I discovered that he was a caring, compassionate man who really wants to be honest and forthright about what is happening. That is the man I know and that is the man I have seen. Why does this man make these accusations? I do not know, but I have tried to find the answer. It is most appropriate for me to talk about and to quote from the findings of the Australian Capital Territory Coroner in regard to the honourable member's credibility in the Winchester inquest. I make no judgment on this; I will merely quote verbatim:

I have no doubt that Mr Hatton and others sincerely believe that their theories are correct.

**Mr Hatton:** On a point of order. This is not the time for the Minister to introduce new material. He wishes now to debate the Winchester inquest.

**Mr Griffiths:** On the point of order. The honourable member for South Coast has made accusations against my commissioner and the Police Service which I consider to be outrageous. He has cast aspersions on the character of several people. I am seeking to establish the credibility of the honourable member making these outrageous statements. I believe that is quite in order.

**Mr Hatton:** Further to the point of order. If that is the Minister's purpose he should give a balanced view to this House, to save my making a personal explanation. He should say that no action has been taken, nor was action recommended, by the Coroner.

**Mr Griffiths:** Further to the point of order. I made it very clear that I will make no judgment; that I will just quote what the Coroner said. As the honourable member has said, we need to obtain that balance.

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**Mr ACTING-SPEAKER (Mr Rixon):** Order! The Minister should not introduce new material at this

stage, but if his remarks are brief, he may proceed.

**Mr GRIFFITHS:** The Coroner said:

I have no doubt that Mr Hatton and others sincerely believe that their theories are correct.

The Coroner also said:

At times during this inquest, I gained the clear impression that Mr Hatton held his beliefs and theories on this question so strongly that he appeared unwilling to jeopardise those theories when faced with hard evidence or arguments to the view that was contrary to his own. He seemed to be operating from the perspective that his theories and views on the subject were absolutely correct and that despite evidence forthcoming that might cast some doubt upon his theories, somehow, a wider and deeper inquiry would produce evidence that would verify his theories.

With respect, that is exactly the way the honourable member has acted in regard to this matter. For example, as early as 14th October last year he was calling for a standing committee. As I have said, the honourable member for South Coast has called for a bipartisan approach. We have that with the Government and the Opposition. To plan for the future we must examine the past. That has been done over the past 12 months. The time has come to get on with the job. The interests of the community demand no less. I commend the motion.

**Report noted.**

#### **SELECT COMMITTEE UPON THE SYDNEY MARKET AUTHORITY**

**Motion, by leave, by Mr Martin agreed to:**

That the terms of reference of the Select Committee upon the Sydney Market Authority be amended by omitting paragraph (2) and inserting instead the following paragraph:

(2) That, notwithstanding anything contained in the Standing Orders, the committee consist of nine members, namely:

- (i) Mr Cruickshank, as Chairman, and three other members supporting the Government nominated by the Premier;
- (ii) four members not supporting the Government nominated by the Leader of the Opposition;  
and
- (iii) Mr Windsor.

#### **APPROPRIATION BILL**

##### **PARLIAMENTARY APPROPRIATION BILL**

##### **BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) AMENDMENT BILL**

##### **MOTOR VEHICLES TAXATION (AMENDMENT) BILL**

##### **ROAD IMPROVEMENT (SPECIAL FUNDING) AMENDMENT BILL**

## **Estimates Committees Reports**

**Mr West**, on behalf of the Chairmen, brought up the reports from Estimates Committees Nos. 1 to 21.

### **In Committee**

**Consideration resumed from 14th October.**

#### **Estimates Committee No. 2 - Premier and Minister for Economic Development - Report**

**Report adopted.**

#### **Estimates Committee No. 3 - Treasurer and Arts - Report**

**Report adopted.**

#### **Estimates Committee No. 4 - Agriculture and Fisheries and Mines - Report**

**Mr MARTIN** (Port Stephens) [8.2]: I rise to speak on this component of the Budget because I feel that the Estimates Committee did not give us an opportunity to get to the bottom of many of the issues that were raised. The questions that were asked came out in a clouded way, resulting in more questions being left unanswered than were answered. There was a poor response to questions relating to the Rural Assistance Authority, and the Government was caught on the hop in regard to the Letona cannery issue. The Minister's answers in regard to the banana industry worry the Opposition. The Hon. R. S. L. Jones put some interesting questions to the Minister about support for the banana industry, but the answers were very poor. The Government should give more attention to the banana industry so it can ensure its future by secure transport arrangements, viability of farm sizes, and availability of adequate research workers, and by monitoring foreign interests which are intruding into the industry.

The Opposition was interested in the answers given to questions relating to consultants in NSW Agriculture, particularly in the auditing area, where the Minister said consultants saved money. The Opposition did not accept that and will not accept that, and we want to probe it at a deeper level as time goes by. The Minister was asked to extend to the Danpork application the same level of assistance that he gave the Mungeribar feedlot. The Minister, smartly and politically, ducked the question and left it to his permanent head to answer. The answer was to the effect that Danpork would not get anything that Mungeribar got - that Mungeribar was getting special treatment.

Questions previously asked in the Parliament and notices of motion highlight the inequities in help given to the people who are trying to establish agricultural enterprises in New South Wales. It is hypocritical of governments to help their friends but not help agriculture in New South Wales. The Minister was asked what he was doing about fruit bats or flying foxes. He was stunned; he did not know. The whole thing was a shambles. His predecessor had given \$20,000 for research, which was unfinished, to control the fruit bat problem, particularly affecting the North Coast tropical fruit industries and areas at the back of Picton. The former member for Camden in this place had a keen interest in that matter, and the answer given by the Minister was nothing short of

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atrocious. The answers in regard to fisheries showed a Minister who was not in control and who did not have any depth of knowledge of fisheries. He was trying to raise \$400,000 from the lobster fishery - a fishery that is under great pressure, that cannot work under his model, and is on its knees.

In regard to a simple matter such as salaries, we asked how the increased staff numbers could be justified when less money had been allocated for salaries in the Budget. The Minister ducked that question and left it to his permanent head. The permanent head could only say there would be savings.

This showed that the Budget is incomplete, and the process highlighted more queries than there were answers. We are concerned and worried that this Budget has not given the true picture to the people. [Time expired.]

**Mr SMALL** (Murray) [8.7]: I have never heard so much rubbish in all my life as I have just heard from the honourable member for Port Stephens. The Minister for Agriculture and Fisheries and Minister for Mines did a magnificent job. Before last year the honourable member for Port Stephens had never had an opportunity to speak on these matters or to ask questions in an Estimates Committee. The shadow Minister had every opportunity to ask questions, as did his colleagues who attended the committee. The Minister answered all the questions he was asked, and had to call on his senior staff only on odd occasions. He answered honestly and well, and no complaints should be made about him, such as the rubbish we have heard for the last few minutes.

The Federal Government has caused the greatest decline in agricultural production and has caused the present problems. The previous Minister for Agriculture - the Hon. Ian Armstrong, who was Minister for four years prior to the current Minister - put this State in good shape, particularly with the Rural Assistance Authority, which assists farmers who are desperately in need of help and woolgrowers who can prove they need help. He has been able to work with Simon Crean, as has the current Minister, the Hon. Ian Causley. I congratulate the Minister, as well as all Ministers holding portfolios that were addressed in the Estimates Committees. I feel sorry for the constituents of the honourable member for Port Stephens. He has criticised a Minister who has done a fantastic job in answering questions extremely well.

**Report adopted.**

#### **Estimates Committee No. 5 - Attorney General and Justice - Report**

**Report adopted.**

#### **Estimates Committee No. 6 - Chief Secretary and Administrative Services - Report**

**Report adopted.**

#### **Estimates Committee No. 7 - Community Services and Aboriginal Affairs - Report**

**Report adopted.**

#### **Estimates Committee No. 8 - Consumer Affairs - Report**

**Report adopted.**

#### **Estimates Committee No. 9 - Education and Youth Affairs and Tourism - Report**

**Mr NAGLE** (Auburn) [8.11]: I wish to respond to a claim that is made repeatedly by the Minister for School Education in another place concerning the level of spending on education in this year's budget. The Minister ignores the fact that spending per student has declined in real terms. That is clear from the Budget Papers. The Minister has repeated the misleading statements by the Treasurer, who said:

. . . the increase in education expenditure in 1993-1994 will be nearly twice the rate of inflation.

The education budget will increase by 3.6 per cent, yet inflation is increasing by 3.3 per cent. That is a problem when one has regard to global budgeting. At present in real terms funding has decreased by \$500 for every classroom in a public school. Today in another place the Minister for Education said that she had examined the bank accounts of two schools. One showed a credit of \$50,000 and the other a

credit of \$250,000. That shows the inequality of global budgeting. Moreover, there is no equality in budgeting between schools in Vaucluse and schools in Auburn. A school in Vaucluse can charge students \$500 a year, but schools in Auburn, because of the poverty in the electorate, cannot charge anything. That is exemplified in a three-page article that appeared in the *Sun-Herald* under the heading "School Cash Scandal". The author of the article showed a good appreciation of the problem. Today in another place the Minister viciously, cowardly and vindictively attacked the journalist. It was a gutless attack.

**Mr W. T. J. Murray:** On a point of order. The member should be responding to the report from the estimates committee, not to articles written in a newspaper by his wife over the weekend. He should limit his remarks to what happened in the Estimates Committee.

**Mr Nagle:** On the point of order. My remarks are relevant because the article deals with the Budget.

**The CHAIRMAN:** Order! I uphold the point of order.

**Mr NAGLE:** This honest journalist has expressed her opinion on the evidence. She has identified a major problem, and I suggest that all honourable members read the article.

**The CHAIRMAN:** Order! The honourable member is flouting my ruling. He will confine his remarks to the Budget Estimates.

**Mr NAGLE:** That is because you have not got the guts to hear the truth of the matter.

**The CHAIRMAN:** Order! In the early days of my role as Chairman of Committees I am loath to name a member. However, I assure the member for Auburn that he has come close to being named. I ask him to apologise forthwith.

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**Mr Nagle:** It was not an attack upon you, Mr Chairman.

**The CHAIRMAN:** Order! I require an apology forthwith.

**Mr NAGLE:** I apologise forthwith. Many of the problems with the budget relate to the honesty of the Minister and her failure to tell the Parliament the full truth of the budget figures. If the Minister cannot be trusted to give the right figures, how can the Parliament determine what is happening in education? We have seen an example of the Minister's misrepresentation on other issues. That is of grave concern when one takes into account that inflation -

**Mr W. T. J. Murray:** On a point of order. Earlier I took a point of order that the member was not referring to the Estimates Committee debate. He should not be permitted to refer to what the Minister said in another place today. He is flouting your ruling, Mr Chairman, and I suggest that he be brought back to this debate.

**Mr Nagle:** On the point of order. I was not referring to what was said in another place but was examining the honesty of the budget figures.

**The CHAIRMAN:** Order! The honourable member for Auburn clearly was referring to debate in another place. He made that clear a number of times immediately preceding the point of order taken by the honourable member for Barwon and earlier in the debate. The honourable member must confine his remarks to debate on the report by the Estimates Committee.

**Mr NAGLE:** The Government has failed to build in many areas - *[Time expired.]*

**Mr KINROSS** (Gordon) [8.16]: I put on record that the minutes of the proceedings of the Estimates Committee show that the honourable member for Auburn did not attend the hearings of that committee. One can only say that the honourable member must have been dreaming.

**Mr Nagle:** On a point of order. The honourable member for Gordon is misrepresenting the situation. He knows that members are appointed to the various estimates committees. I served as a member of one estimates committee. This debate is designed to allow members who have an interest in specific matters to express their views about the estimates.

**The CHAIRMAN:** Order! The honourable member for Auburn is correct when he says that he is entitled to contribute to this debate. The honourable member for Gordon is equally entitled to make an observation. No point of order is involved. I remind honourable members that at the Committee stage members may seek the call on a number of occasions.

**Mr KINROSS:** It is amazing that the honourable member for Auburn should make comments about the Estimates Committee, of which I was a member and at which the Minister gave detailed and willing answers to questions that raised concerns of honourable members. The honourable member for Auburn must have been dreaming, as the record shows he did not attend the hearings of that committee.

**Report adopted.**

#### **Estimates Committee No. 10 - Environment - Report**

**Report adopted.**

#### **Estimates Committee No. 11 - Multicultural and Ethnic Affairs - Report**

**Report adopted.**

#### **Estimates Committee No. 12 - Health - Report**

**Mr ANDERSON** (Liverpool) [8.18]: I seek to make a brief comment on this report. I was a member of the Police and Emergency Services Estimates Committee and could not attend the hearings of the Health Estimates Committee. I did not get an opportunity, because of the truncated budget debate, to speak on health issues. Though I acknowledge that the redevelopment of the Liverpool District Hospital is proceeding - and it is most welcome - I make the point that the hospital is having considerable difficulty as a result of the productivity cuts being made throughout the system. In a growth area such as Liverpool, it is impossible for the hospital to upgrade the services it provides in line with the redevelopment that is taking place and still make the necessary productivity cuts. In the context of the estimates I ask the Government and the Minister to examine the problem. I do not expect the Minister to take the productivity gains from other areas. The re-allocation process means that if some areas are overendowed with health facilities by comparison with other regions there is an impact on what is being sought to be achieved by Liverpool District Hospital.

Liverpool hospital has made a number of outstanding professorial appointments to head the particular disciplines. Despite the enormous difficulties being experienced as a result of the redevelopment, the hospital is achieving great things. Though I acknowledge the Government's efforts in that regard, I think the hospital is expecting funding that cannot be delivered through recurrent expenditure. I now refer to the issue of mental health. I do not seek to debate the Burdekin report, but any honourable member who reads the answers I have received in recent weeks with regard to the provision of mental health services in southwestern Sydney will be aware that mental health services in that area are in crisis. That part of Sydney does not have the mental health resources that are available

and taken for granted in other parts of Sydney. Day in and day out real problems are being occasioned because the full range of extended hours and crisis teams enjoyed by other areas are not available to the southwestern area. I ask that the allocation issue be noted.

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**Mr GLACHAN** (Albury) [8.20]: I can understand the concern of the honourable member for Liverpool about health services in his area. However, he would be the first to agree that the Minister for Health is doing all in his power to make available as many resources as possible to the western areas of Sydney. He is making every effort to ensure that distribution of mental health funding is fair and that resources are being supplied to that area in an expeditious fashion. The honourable member for Liverpool would be the first to recognise that. The whole issue of mental health services is in a state of flux.

The Government is battling against enormous difficulties in an endeavour to address the problems of mental health. Only today the Minister said that New South Wales is ahead of the game; it is already instituting all the recommendations of the Burdekin report and doing everything it can in the area of mental health. The Minister has quarantined the mental health budget and is providing resources for mental health as quickly as possible. This is an enormous problem but the Minister is wrestling with it. I am sure all honourable members would agree that the Minister is doing a great job.

**Mr MARTIN** (Port Stephens) [8.22]: I wish to make a brief contribution, primarily because health is a vital issue to everyone in New South Wales. I echo the words of the honourable member for Liverpool and the honourable member for Albury because their comments highlight the need for the Government to address mental health across the State. Honourable members well know that many areas desperately in need of mental health services are missing out on those services. The Burdekin report is an indictment on all parliaments, all parties, and the whole of our community. As legislators we must address this problem.

I wish to refer to an issue that was the subject of discussion in the Parliament earlier today. In question time the Premier alluded to a matter relating to Maitland Hospital. That hospital has missed out in this budget. My Federal colleague recently raised the matter and was told that it is none of his business, despite the Federal Government's injecting considerable funds into health. My Federal colleague has quite rightly raised the matter of Maitland Hospital and it is sad that it has been left off the capital works program this year. Good luck to the honourable member for Albury, the honourable member for Wagga Wagga and other members who represent electorates that have been allocated funds. However, let us look at where the Government, despite making many announcements, has failed to deliver. We should examine the Government's priorities because that is what the estimate debates were all about. We must consider the health of people and stop playing politics and pushing money -

**Mr Cochran:** On a point of order. The debate is specifically about the budget. The Committee does not need to hear philosophical drivel that does not relate to the estimates debate. I ask that the honourable member be drawn back to the scope of the debate.

**The CHAIRMAN:** Order! I accept the point put by the honourable member for Monaro. I will allow the member for Port Stephens some latitude, but I ask him to bear in mind that debate on the estimates is very narrow and that he should confine his comments to the Estimates Committee debate and allocations.

**Mr MARTIN:** Many questions were asked during the Estimates Committee and many questions were unanswered. No mention was made about the loans to Goulburn or to Bowral. Matters should be debated in the Parliament honestly and openly. That has not happened. Maitland Hospital has missed out and this Government stands condemned for that.

**Mr W. T. J. MURRAY** (Barwon) [8.25]: It is rather interesting that a member who was not on the Health Estimates Committee professes to have so much knowledge of what occurred in the proceedings of the committee. As a member of that committee I heard the questions asked by Opposition members. Those questions were answered by the Minister. The honourable member for Port Stephens and the honourable member for Liverpool referred to lack of distribution of funds. The reality is that far more money has been allocated to mental health than was ever allocated under any Labor government. Let us not beat about the bush; money has been allocated to areas of the State where it is most needed.

The honourable member for Port Stephens spoke about the politics of expenditure of funds by the Minister and by the Government. Honourable members who wish to comment on political activity and the expenditure of funds should do their homework before opening their mouths. The Labor Party's record on management of expenditure of funds is so poor that the honourable member for Port Stephens should realise the meaning of political intervention in expenditure. In 1976 Inverell was allocated funds for the construction of a hospital, but as soon as the Labor Party came to government on 1st May, 1976, those funds were transferred to Casino to prop up the honourable member for Casino, who at that time was in all the strife in the world.

The honourable member for Port Stephens should recognise that the Government of which he was a member for four years allowed Walgett District Hospital - in a Labor electorate - to remain in a disastrous condition. The former Labor Government did nothing about it. However, the coalition Government is going to renovate Walgett District Hospital, even though it is in a Labor electorate. So let us not have this rubbish and nonsense from an incompetent member who does not know what he is talking about.

**Mr GLACHAN** (Albury) [8.28]: I am amazed by the comments of the honourable member for Port Stephens about Maitland Hospital. Earlier this morning I was talking to the honourable member for Maitland and he told me that the roof has been taken off the old nurses home and that work has commenced at Maitland Hospital. Perhaps the honourable member for Port Stephens knows more about it than

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the honourable member for Maitland, who was delighted to tell me this morning that work on the project had begun. I do not know who is right or who is wrong, but I would rather believe the honourable member for Maitland. I note that the honourable member for Port Stephens was not a member of the Health Estimates Committee. It is my recollection that the Minister answered every question. Some questions that he could not answer immediately he took on notice. When the Minister left the committee meeting every question had been answered satisfactorily, according to those who asked the questions. I cannot understand the honourable member's statement that the Minister did not provide answers.

**Report adopted.**

#### **Estimates Committee No. 13 - Industrial Relations and Employment and Status of Women - Report**

**Report adopted.**

#### **Estimates Committee No. 14 - Police and Emergency Services - Report**

**Report adopted.**

#### **Estimates Committee No. 15 - Energy and Local Government and Co-operatives - Report**

**Mr ANDERSON** (Liverpool) [8.29]: Again I preface my comments by saying that because of commitments with other committees I was not present at this Estimates Committee and did not get a chance to speak in the budget debate. I raise a matter of considerable significance dealing with a budget item in local government. I am delighted that the Minister is in the Chamber because I want to assist him to discharge his duties in this respect. The item I am particularly referring to is the distribution

of moneys received from the Commonwealth under the tax sharing arrangements. The Parliament and, indeed, people beyond the Parliament are well aware of the equity arguments put forward in recent times by the Premier and others alleging that New South Wales is treated unfairly by comparison with other States in tax sharing on a statewide basis. I acknowledge those comments - fiscal equalisation in those terms or on an equity basis is fine. However, my concern is with the distribution of funds received, limited though they are.

I am delighted that the Minister wrote to me on 6th September, as I believe he did to all honourable members, setting out the distribution of financial assistance grants. I took the trouble to list the first 60 councils, from the highest grant down. Of that 60 I found only 14 councils that received less per capita than Liverpool Council. If you look at the 1991 report issued by the Commonwealth in conjunction with the New South Wales Government on the social justice strategy, which showed that Liverpool had been sorely disadvantaged in western Sydney, and make the comparison between Fairfield and Campbelltown on either side, you see that Liverpool missed out on grants and things that were available. So I checked it. A simple calculation dividing the amount of money by the number of people in the State shows average funding of \$60.25 per head.

I accept that the formulae are different for the Commonwealth Government and others, but \$41.93 is the amount per head for Liverpool. Had the money been allocated on a per capita basis, Liverpool would have received an additional \$1,856,732. If the allocations were calculated by that formula, at least Liverpool would get a fair share. Liverpool, the area with the highest youth unemployment and growth and targeted for future growth, simply does not have the services that other people take for granted; it is identified by Government reports as having that difficulty. I refer to comparisons of Liverpool with other councils. Three examples are Blue Mountains, which gets \$69.77 per head; Wyong, \$55.91; and Hawkesbury, \$53.30. Outside the metropolitan area, Shoalhaven Council receives \$91.56; Wagga Wagga, \$76.86; Eurobodalla, \$112.84; Lachlan, \$417.18; Forbes, \$216.17, and the list goes on.

I accept that it is difficult to make comparisons between rural and metropolitan areas and with areas side by side. What I am simply saying is that for far too long, under governments of all persuasions, Liverpool has been disadvantaged by the grants distribution under this and other grants programs. It carries the same ethnic composition as Fairfield - Liverpool has more than 100 ethnic communities, the same as Fairfield. But people tend to forget that. If the Minister reads his reports, he will find the disadvantages identified. The opportunity is here to address those matters. While people will probably say Liverpool has not done too badly with \$4,250,004, it is not much by comparison with surrounding areas. It is certainly less than what it would be entitled to on a per capita basis. I ask the Government to apply the same principles in the distribution of these grants that it wants applied in the distribution of State grants. I understand that some of the problem is inherited.

**Mr WEST** (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [8.34]: I appreciate that the honourable member for Liverpool is raising concerns on behalf of his constituency. That is what this Estimates Committee debate and process is all about. But he has obviously forgotten that these assistance grants are driven by a formula - a formula devised in this State, which takes account of population but which is also approved by his colleague the Deputy Prime Minister, the Hon. Brian Howe. After the Grants Commission travels throughout Australia, visiting Liverpool and other places, it makes recommendations to me. I then pass on those recommendations to his colleague the Deputy Prime Minister.

If the honourable member for Liverpool is worried that Liverpool is not getting a fair go, what about his Labor mates in Canberra? If Brian Howe were concerned he would be writing to me saying, "I do not think Liverpool is getting a fair go." Brian Howe did not say that; he accepted the recommendations that came from the New South Wales Grants Commission. The honourable member for Liverpool has no cop with this State Government; he has every cop with his Federal mates in Canberra and he ought to acknowledge that.

**Report adopted.**

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**Estimates Committee No. 16 - Land and Water Conservation - Report**

**Mr MARTIN** (Port Stephens) [8.37]: We commenced with the first question and the Minister exhibited shock and said he did not know much about it. I now have information that shows the Minister did know a lot about a matter. I have undertaken to take that up separately with the Minister. I also asked a question about the sale of waterfront and riparian land. The Minister was accompanied by his staff. They said they had 46 other questions on notice and that the question had been answered on 8th September. The question that went on the notice paper on 8th September is still unanswered. The Minister said he would read out the answer he had given on 8th September. The Minister blew it. That is an issue to be addressed with the Minister; but the poor Minister got it wrong. That is the attitude that prevailed throughout the committee hearing. The honourable member for Bathurst asked questions about support for aerial photography and keeping the central mapping system in public ownership. The Minister did not categorically say that would be the case.

**Mr W. T. J. Murray:** That is not true.

**Mr MARTIN:** He did not say categorically it was the case.

**Mr West:** On a point of order. Though it is appropriate for the honourable member for Port Stephens to canvass policy issues, as he and his colleagues obviously tried to do in hearings of the estimates committees, he may consider drawing this Committee's attention to the estimates that he is referring to as part of this particular debate.

**Mr Langton:** On the point of order. It is obvious that in discussion on the estimates committees it is quite relevant for the honourable member for Port Stephens or any other member to canvass matters raised during the deliberations of those committees. That is exactly what the honourable member for Port Stephens is doing.

**Mr West:** Further to the point of order. It is not appropriate for the honourable member to canvass those items that may have been canvassed previously if at that time they also may have been out of order because they were matters of policy and did not relate directly to the estimates that were before the committee at the time.

**Mr Martin:** On the point of order. The question that was asked and the answer given are in *Hansard*. If the Minister had not wanted that to be the case, he would have refused the question. The answer is in *Hansard* and, therefore, is able to be debated.

**The CHAIRMAN:** Order! I am not aware of what is in *Hansard*, nor am I aware whether the Minister challenged the question when it was put originally in the Estimates Committee. I do not uphold the point of order but I ask the honourable member for Port Stephens to confine himself to this Estimates Committee and not refer to policy issues. The object of tonight's exercise is to present the reports of the estimates committees.

**Mr MARTIN:** Further to the words said in that committee, and noted in *Hansard*, people said that morale was great in the Department of Conservation and Land Management. One has only to listen to the telephone today, or to hear it from anywhere in the organisation -

**The CHAIRMAN:** Order! I ask the honourable member for Port Stephens to bear in mind that we are talking about estimates committees and not about policy.

**Mr MARTIN:** I refer to *Hansard* and reference to the privatisation of southern irrigation areas. That matter was raised as a dorothea dixer by this Government. The honourable member for Barwon said that we were not listening. I can assure the House that the answer given was the most appalling answer that has ever been given about privatisation.

**Mr Cochran:** On a point of order. I draw attention to the fact that this debate is specifically about the Estimates and their relationship with this committee. The honourable member is canvassing issues of policy, completely outside the parameters for discussion on the estimates committees. I ask that he be drawn back to the terms of the debate.

**Mr Langton:** On a point of order.

**The CHAIRMAN:** Order! The member's time for speaking has expired. I ask the honourable member to resume his seat.

**Mr COCHRAN** (Monaro) [8.42]: I would like to take a moment to review some of the remarks made by the honourable member for Port Stephens.

**The CHAIRMAN:** Order! I call the honourable member for Kogarah to order.

**Mr COCHRAN:** I refer to questions asked by the honourable member for Port Stephens and other Opposition members. As Chairman of the Estimates Committee I can say that the Minister took every opportunity either to answer the question at the time it was asked or to answer it later. The honourable member for Bathurst raised the matter of aerial photography and the likelihood of that service remaining in Bathurst. I clearly recall the question and the answer given by the Minister, who undertook to provide a further answer at a later time. The honourable member for Bathurst left the committee early and would not have had the opportunity to listen to an answer that might have been given by the Minister at a later time in the Estimates Committee. The honourable member for Port Stephens referred to the morale of CALM being great. Either he is publicly criticising the -

**Mr Langton:** On a point of order.

**The CHAIRMAN:** Order! I call the honourable member for The Entrance to order.

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**Mr Langton:** The honourable member for Monaro is quite clearly discussing matters of policy and not matters -

**The CHAIRMAN:** Order! No point of order is involved.

**Mr COCHRAN:** I was responding to the statement made by the honourable member for Port Stephens, who quite obviously was not listening to the statement made by the Minister in the Estimates Committee. It is more than evident now that the honourable member for Port Stephens does not understand the process of estimates committees. He simply was not organised with sufficient questions and was left in an embarrassing position of having to ask policy questions, given that he had not identified line items to which he could refer. The Minister confidently made a statement, and I support it, that morale in CALM is great. I strongly suggest that the honourable member for Port Stephens visit some CALM offices so that he clearly understands that the new organisation is acting in the best interests of the Government and the people of New South Wales.

**Mr MARTIN** (Port Stephens) [8.45]: Before I was rudely interrupted the last time I spoke on this matter -

**The CHAIRMAN:** Order! I am advised by the Clerk that procedures in the Committee of the Whole House allow for a member to speak for a maximum of five minutes on each question, and for the Minister to speak in reply for no more than 15 minutes. I rule that the honourable member's time expired previously in relation to this Estimates Committee.

**Report adopted.**

#### **Estimates Committee No. 17 - Planning and Housing - Report**

**Mr MARTIN** (Port Stephens) [8.46]: I take advantage of this opportunity because the budget debate was terminated early. In the budget debate and in the Estimates there are many unanswered questions about housing. There is a massive waiting list for housing in New South Wales. In the areas I represent there is a drastic shortage of housing, with waiting lists going back to 1986. It is time this Government addressed the issue. People who visit the offices of members of Parliament have waited patiently for housing but they have had enough. It is high time this Government examined the house building program in New South Wales. The housing situation is appalling. If the matter is not addressed, we will have horrific social problems in this State. If it is not addressed now, it will become a problem that will never be able to be controlled.

**Report adopted.**

#### **Estimates Committee No. 18 - Public Works and Ports - Report**

**Report adopted.**

#### **Estimates Committee No. 19 - Sport, Recreation and Racing - Report**

**Report adopted.**

#### **Estimates Committee No. 20 - Transport and Roads - Report**

**Report adopted.**

#### **Estimates Committee No. 21 - Small Business and Regional Development - Report**

**Report adopted.**

**Estimates Committees' reports agreed to.**

**The CHAIRMAN:** The Committee will now deal with the Parliamentary Appropriation Bill.

#### **Estimates Committee No. 1 - The Legislature - Report**

**Mr ANDERSON** (Liverpool) [8.49]: I want to raise a particular matter of concern on this estimate to do with the Parliamentary Library. If one refers to Budget Paper No. 3 of the last financial year, one will note that in terms of Consolidated Fund recurrent payments the amount is \$2.047 million, with staffing numbers of 40 proposed, compared with 33 for the preceding year. If one refers to Budget Paper No. 3 for this year, one notes that staffing is proposed as 39 as against 34 actual for last year. So they were six under and the total expenditure is \$2,386,000. We all know that the Parliamentary Library has been substantially rearranged for accommodation purposes. I understand a saving of \$200,000 has been achieved from last year's salaries - that is the discrepancy, to a great extent, in those figures.

Last year there was a great fanfare about the establishment of the bills digest service. On several occasions I have had cause in this House to praise the library for the whole range of its services,

particularly, that initiative. The Minister for Energy and Minister for Local Government and Co-operatives will remember his days as a shadow minister, when there were no resources. I am not arguing that; I am simply saying that the Parliamentary Library is invaluable to shadow ministers, which is probably the reason the Government has done what it has. It is invaluable to members, and I cannot praise it too highly. On occasions I have required information from overseas and interstate and the library has been able to provide that information efficiently and effectively.

The Parliamentary Library is superb in the services it delivers. The bills digest service, which I have previously mentioned as being fabulous, was approved. The library was given staff for that service but not the funding. The library is between \$150,000 and \$200,000 short of implementing the bills digest service to improve research capacity - or at least maintain it. I applaud the initiatives being undertaken or investigated for the improvement of services to members. There can be no more important service to the backbencher or to the shadow minister than the ability to use the services of the library. I understand that APLIS - automated parliamentary library information service - is not fully implemented because of a cutback in funding.

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The Parliamentary Library cannot be expected to provide \$500,000 worth of service with only \$300,000 worth of funds, but that is what the Government is really asking it to do. In the totality of the Budget I do not understand - we are talking of between \$150,000 and \$200,000 - why library funding has been cut back when everyone lauded the digest service proposal, acknowledged its worth, and was pleased with the library reference and information section. We are truncating it. The Government is cutting off its nose to spite its face. I do not know who is responsible, but I know that Treasury has really put pressure on the Legislature vote as a whole. There is no logic to that decision.

I use the library regularly, not merely for the information supplied to me and the research work undertaken on my behalf, but for relaxation. The library has been of great assistance to me. For example, I am a great fan of Jon Cleary. I wanted to go back to the writings he commenced during World War II to see his style. One can learn a lot about Australia from them. The problem I am speaking about is the research capacity and the cutback in funding that I understood had been agreed to. I ask the Minister for Energy and Minister for Local Government and Co-operatives to raise this matter with his colleagues because it affects every member who is attempting to carry out his or her parliamentary duties. Again, I praise the library for the services it provides, apparently under very severe difficulties as a result of this cutback.

**Mr MARTIN** (Port Stephens) [8.54]: I have been a member of this Parliament for just over five years and during that time it has changed dramatically. Major upgradings and massive changes in public administration have taken place, including the closure of the Government Printing Office. As one whose father used to print *Hansard* at night during the 1930s, 1940s, 1950s and again in the 1970s, I know the trials that were gone through to produce the *Hansard* manuscript, and in early days to take it to Phillip Street and later to Harris Street, Ultimo. It is now printed in-house. This Parliament should give serious consideration to the equipment being used and the strains it is putting on the printing service to produce *Hansard* in the time it does. Changing technology should be given careful consideration. We should look also at technological changes in regard to recording parliamentary proceedings.

Technological change is creating uncertainty. It is not being clearly explained to those people involved in the industry. Technological changes include computerisation and the ability to transform parliamentary proceedings into the written word through voice recognition. It is important that the Parliament, through its technological experts, make the staff fully aware of changes and the way technology works. The staff are dedicated and keen, but they cannot continue to deliver services if we put them under excessive pressures until they reach breaking point. It does not matter what sector of the Parliament it is. We must be aware of what they do and we must respond to their problems. We are not good managers if we do not do that. It is important that those matters be recorded.

**Mr WEST** (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [8.56]: I will reply first to some comments of the honourable member for Liverpool in respect of the bills digest. I have taken a personal interest in this matter. It is worth recording that the concept of the bills digest arose from an initiative of the honourable member for Bligh. It is not for me to acknowledge her suggestions in this House, but it is one that she has pursued with some vigour. She was constantly expressing concern to me in the early stages of the bills digest that the allocation of funds was there but that they were not producing the goods in terms of output. I made a number of inquiries, in conjunction with the staff of the Parliament and, I understand, most of that related to the recruitment of appropriate staff to produce results.

I am unaware of the concerns raised by the honourable member for Liverpool. It has been suggested that funds have been cut back. Because of the interest I have taken in this matter, I will certainly make appropriate inquiries of officers concerned. The bills digest is a valuable resource to all members of Parliament. It is an initiative that has helped this Parliament move into the modern days. That resource is available not just to Opposition and crossbench members, but to all members of Parliament. I hope that the facts are not as the honourable member for Liverpool has reported.

I am sure that the staff of Hansard would well appreciate the representations made by the honourable member for Port Stephens. I am not sure whether it was faint praise or thanks. He seemed to suggest, on one hand, that it does a marvellous job - and we acknowledge that - but on the other hand, he seemed to suggest that we should be moving into modern technology. Whether that implies that we can do better with fewer staff, I do not know. I would not want to suggest that. I join with him in acknowledging all the staff of the Legislature for the work they do.

We could almost write a book and advise our colleagues in Canberra on how to cope with very difficult circumstances where Houses are finely balanced. In the estimates the vote for the Legislature is applied with great diligence and care. It is important that all honourable members take cognisance of the fact that when they move day after day a motion for the establishment of more committees, they really do not understand the pressure they will be imposing upon the staff of the Parliament in meeting that budget. If we want this Parliament to function not just for its members but for our joint constituency of New South Wales, we all have to acknowledge the budget that is applied and the good services that are offered to us.

**Report adopted.**

**Estimates Committee's report agreed to.**

**Bills reported from Committee without amendment and passed through remaining stages.**

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## **MARINE POLLUTION (PENALTIES) AMENDMENT BILL**

### **Second Reading**

**Debate resumed from 14th September.**

**Mr LANGTON** (Kogarah) [9.3]: I will start on a positive note by advising the House that the Opposition will support the Marine Pollution (Penalties) Amendment Bill. The bill seeks to increase the penalties applicable to those who pollute our waterways. In Australia, but particularly in New South Wales and Sydney, we undoubtedly have the most beautiful waterways in the world. Both the State and Commonwealth governments have had in place for many years legislation which has sought to penalise those who pollute our waterways in any way. I believe that the penalties applicable to those offences of

pollution have been, and should be, at the highest possible level. The bill will raise the maximum fine applicable to those who pollute to \$1 million. In December 1991 we debated the Marine Pollution (Amendment) Bill. All honourable members would be aware that I have never in this House said, "I told you so". However, on 10th December, 1991, in debate on the Marine Pollution (Amendment) Bill, I said:

I wonder whether the penalties for pollution provided are tough enough in view of the penalties applying in other States and the Commonwealth.

The Minister at that time, the present Minister for Transport and Minister for Roads, said:

The honourable member for Kogarah said that in his view the level of penalties for the offence of pollution should be increased. The penalties provided by the legislation were consistent with those provided by Commonwealth legislation. However, earlier this year the Commonwealth penalties were increased substantially. Consideration is being given at the moment to increasing the level of our penalties, to bring them into line with those of the Commonwealth.

Almost two years later the Government has caught up with the Opposition's policies and has brought its maximum penalties into line with the penalties provided by the Commonwealth Government. It is a good move - one which I believe will further deter polluters. It is, of course, totally separate from the penalties which a court may impose to recover the costs of cleaning up pollution. I believe that any penalties that are imposed upon particularly careless polluters cannot be severe enough. I support the bill and congratulate the Government on finally introducing it. I suggest that our courts continue to acknowledge the desire of this Parliament to penalise as severely as possible people who pollute the most beautiful waterways in the world.

**Mr BECK** (Murwillumbah) [9.7]: I support the Marine Pollution (Penalties) Amendment Bill and congratulate the new Deputy Premier, Minister for Public Works and Minister for Ports on introducing this legislation. The Marine Pollution Act deals primarily with vessel-sourced pollution and, to a limited extent, pollution from pipelines ashore. This bill is one more step in the Government's ongoing campaign to protect the marine environment. New South Wales' beaches and inland waterways are comparable to the finest in the world. We, as a Government, have a duty to protect and, where possible, enhance those waterways for future generations. I will make mention of a few areas in my electorate of Murwillumbah - areas such as the Terranora Inlet, the Tweed River, our beautiful North Coast beaches and the proposed Cook Island reserve. All those areas must be protected. We have many seagoing vessels on the eastern coast of Australia. The penalties proposed in the bill will ensure the protection of the beautiful areas, which I have mentioned, in my electorate of Murwillumbah.

The Government, in discharging this responsibility, has been vigilant in this sensitive area. It reacts even when there is a threat of marine pollution. This was demonstrated when a vessel went aground in Eden last year and the Maritime Services Board took preventive measures to deal with a potential oil spill. Although no oil pollution occurred, the costs incurred in putting preventive measures in place were recovered from the owners of that vessel. As there was no oil pollution, no penalty was imposed. More recently - in July this year - the Maritime Services Board demonstrated its capacity to respond at short notice when there was an oil spill from a pipeline in Gore Cove. The board's timely response and assistance from the pipeline's owner contained the pollution.

This bill will provide for increased penalties for offences, a matter referred to by the honourable member for Kogarah. I am pleased that the honourable member for Kogarah and the Opposition support these amendments. The maximum penalty for pollution has been dramatically increased, but under our marine pollution legislation that penalty is consistent with the penalty provided in New South Wales environmental legislation and the Commonwealth's marine pollution legislation. I support this legislation and look forward to it passing through all stages in this House.

**Mr McMANUS** (Bulli) [9.10]: I join the shadow minister for transport in supporting this important

piece of legislation. It is pleasing that the Government has taken the time to understand the necessity for these penalties. We all know the importance of the environment, particularly the marine environment, and it is with a degree of pleasure that I support the Government in the introduction of this legislation to increase penalties for those who pollute our marine environment, particularly on the east coast of Australia. Most honourable members realise the importance of the ecology. I have frequently spoken about the protection of our marine life, particularly invertebrates on our seashores. It is important that people realise that if they pollute our oceans and beaches they must suffer severe penalties imposed by governments of either persuasion in this State.

This bill will increase penalties by 100 per cent to 500 per cent. It is important to realise that in dealing with the environment and marine pollution we cannot stop at the large polluters, such as oil tankers

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and carriers. Recreational boaters, those who are out for fun on weekends, often pollute our waterways and beaches. They must realise that on some occasions they can cause as much damage as those who cause major oil pollution on beaches and waterways. They can do this by throwing rubbish into the ocean, or by allowing petrol to leak from small motors into the waterways, both of which have a major effect on the ecology of marine life in our waterways and on our beaches. It is important to ensure that people who are fishing, boating or simply enjoying themselves with their families realise their responsibility to ensure that they do not have a detrimental effect on the ecology.

There are major problems in the Illawarra region with the removal of invertebrates from beaches. We have no idea of the disaster that has occurred in and under rock shelves. If it were not for the vigilance of this legislation, it is possible that such pollution could permanently destroy the ecology of our beaches and the invertebrates on rock shelves. That is something no government and no member of Parliament would want to see. I am pleased to support the Minister and the Government in this legislation. I am sure that in the short term that they will be in government, they will quickly increase these penalties if necessary. Undoubtedly, the Labor Party - who I am sure will be in government very shortly - will be very mindful of the ecology and the environment.

**Mr GLACHAN** (Albury) [9.14]: The Government places a very high priority on this legislation and is determined to show that it will protect the seaboard environment. The increase in penalties from \$250,000 to \$1 million will give a clear signal to the community in general and to mariners in particular that the Government is serious about protecting the animals and birds that inhabit our coastal environment, and that the Government places a high priority on the protection of the marine environment. There are a number of reasons why we should be concerned about its future. There have been some dreadful examples in recent times - possibly in other parts of the world - of what can happen when pollution occurs on a grand scale and oil leaks into the sea in great quantities. The results are horrific.

It must be admitted that genuine mistakes are made and that genuine accidents occur, but some shipowners are irresponsible and allow their ships to travel the world in an unsafe condition. Many of these ships visit our shores and marine surveyors have had to take a serious view of their safety. Some ships arrive with lifeboats that cannot be launched, and with firefighting equipment that does not work. If the owners of those ships are as careless about the lives of the crew who service their ships, they cannot be expected to be concerned about pollution of the waterways. We talk a lot about oil pollution, but there are other aspects of concern.

Many vessels take on polluted sea-water ballast and discharge it when they arrive in our ports. That is very dangerous and is something that we must act to prevent. I have had discussions with the Minister about it, and I urge him to keep it in mind. It must be taken into consideration when discussing pollution. We must not get carried away with oil pollution; there are many other forms of pollution. Not so long ago ships carrying general cargo would pollute the sea by throwing overboard dunnage and timber that had been used to pack cargo. That timber could be polluted and could cause pollution in the waterways and on our shores when washed ashore. As a maritime nation and as an island nation we must be conscious

of these matters.

I am delighted that the New South Wales Government and other Australian governments take these matters seriously. I recently attended the Twenty-second Australian and Pacific Regional Conference of the Commonwealth Parliamentary Association in Sydney, at which marine pollution was discussed. The matter was raised by a delegate from the Queensland Parliament, and was taken very seriously by the Pacific nations, all of which are island nations. They are concerned about pollution of the sea. I am also pleased to note that the Maritime Services Board has crews standing by at all times ready to deal with oil and other forms of pollution. They use up-to-date equipment, and are well equipped, well trained and well organised to deal with emergencies. I congratulate the Minister and the Maritime Services Board on that aspect of their work. I commend this legislation and congratulate the Minister on introducing it.

**Mr ARMSTRONG** (Lachlan - Deputy Premier, Minister for Public Works, and Minister for Ports) [9.20], in reply: As I mentioned in my second reading speech, the bill reflects the increased community concern for the protection of our marine environment. That concern was acknowledged in the second reading debate by the honourable member for Murwillumbah, the honourable member for Albury - I thank them for their positive contributions - and also by the honourable member for Kogarah and the honourable member for Bulli, who spoke on behalf of the Opposition and gave their full support to this important legislation. The bill is not expected to prevent marine pollution. No legislation can prevent accidents. The bill seeks to achieve dual purposes: first, to act as a deterrent to would-be polluters; and second, to ensure that if pollution occurs, the polluter can be dealt with appropriately in accordance with international attitudes towards marine pollution.

For the record I should mention that when the review of the national plan was completed earlier this year the conclusion was reached that, other than in favourable circumstances, no technology was available in the world at that time that could prevent weather-driven oil from coming ashore on a coastline or guarantee prevention of environmental damage. In many cases the most environmentally friendly solution may be to leave it alone and let nature take its course. Recent statistics supplied by the International Tanker Owners Pollution Federation Limited confirm that, on average, between 1970 and 1979 there were about 25 oil spills of more than 700 tonnes each year.

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However, between 1980 and 1989 the number had fallen to about nine a year. Initiatives such as this bill by responsible governments must take some credit for the continuing downward trend in oil spills, which at the end of the day will ensure the protection of the marine environment.

The honourable member for Kogarah suggested that the penalties should have been increased earlier. I respond by saying that, although the Act was assented to in December 1987, it was proclaimed only in May 1990, and thus has been in operation for about three years. The Government refrains from amending legislation unless there are overriding concerns about its efficacy. The Marine Pollution Act has worked well during the past three years and although, as I said in my second reading speech, the maximum penalty is \$250,000, the courts have imposed penalties of less than \$100,000 in all the prosecutions so far taken under the Act. Consequently, there was no pressing need to amend the Act just three years after its proclamation.

The honourable member for Bulli noted that recreational vessels also were responsible for polluting New South Wales waters. The pollution from recreational and small commercial vessels is negligible and often is wrongly estimated. That was confirmed in a study undertaken jointly by the Plastics Industry Association of Australia and the Victorian Institute of Marine Sciences. The report, entitled "Sources of Coastal and Shoreline Litter in Three Australian Cities", surveyed the litter in the ports of Sydney, Brisbane and Melbourne. The report concluded that most littering of city beaches, river banks and shorelines was caused by the public, rather than by recreational or commercial vessels. Major pollution also comes from stormwater. In that regard I inform honourable members that a forum on stormwater pollution was held recently in Sydney. It was attended by State and local government officials, industry, environmental and community groups and was chaired by Sir Laurence Street, who will be making

recommendations to the Government.

The bottom line is that the proposed legislation is welcomed by both sides of the Parliament. It is essential that the judiciary be apprised of the severity with which the Parliament - the lawmaker of the State - views pollution. It is necessary also to send the clear signal to boat owners who operate in and out of our ports and along our coastline that we will not tolerate any acts of pollution. We require and expect complete discipline from marine industries that operate off our shores. As has been said in this debate, New South Wales has an enviable record of looking after the environment, especially in the past five years. The marine reserve at Coffs Harbour is an example of the Government's initiative in recognising the importance of the environment and of its sincerity in dealing with this issue.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **MOTOR VEHICLES TAXATION (FURTHER AMENDMENT) BILL**

### **Second Reading**

**Debate resumed from 14th October.**

**Mr LANGTON** (Kogarah) [9.25]: The Opposition supports the Motor Vehicles Taxation (Further Amendment) Bill, which contains - for a change for this Government and this Minister - a couple of intelligent and worthwhile amendments that will have a positive effect on two important sectors of the community: primary producers and motor dealers. The first provision relates to a change in the definition of primary producers' vehicles. As I am sure all honourable members will be aware - and perhaps even the Minister is aware - a primary producer's vehicle attracts a concessionary registration fee, so long as it is used to carry primary produce from land owned by the registered owner of the vehicle, or to clear land owned by that registered owner. That provision has been in place for many years and obviously has been supported by members from both sides of the Parliament.

As the Minister acknowledged in his second reading speech, a problem has arisen in that primary producers, especially in hard times such as Australia has experienced in the past couple of years, often are required to help a mate. Some primary producers have assisted friends by carting their primary produce to market or clearing land for them, for no fee or reward. The definition that entitled primary producers to a concessionary registration fee meant that those primary producers were technically in breach of the law, in that they were not carrying produce from their own land or clearing their own land. The bill seeks to amend the definition of primary producers' vehicles so that the taxation payable as part of the registration fees for those vehicles will not be affected if the vehicles are used to cart produce from another person's property or to clear another person's land, provided that no fee or reward is paid.

The second principal amendment in the bill relates to motor traders. If a motor dealer takes an unregistered sedan, small trailer or station wagon to be registered the dealer is permitted to register it for private use purposes. Under the present legislation larger vehicles - for example, a four-wheel drive or a family bus type of vehicle - must be registered for business purposes. I am sure all honourable members will be aware that it is more often than not the case these days that those larger vehicles are used for private purposes. While they are in the ownership of the motor dealer they are used only for test drives by prospective purchasers. Therefore, it is reasonable that the legislation be amended to enable motor traders to register vehicles - the family-bus and four-wheel drive type vehicles - for private purposes as long as they do not weigh more than 2.5 tonnes. This worthwhile legislation will assist primary producers and motor dealers in these difficult economic times. The Opposition supports the legislation and congratulates the Government on introducing it.

**Mr MERTON** (Baulkham Hills) [9.30]: I support this important legislation, which has two main aims, one relating to primary producers and the other relating to licensed motor dealers. By nature the amendments are entirely different but, nevertheless, they are important because they deal with people who have particular needs. In relation to primary producers, the Government is seeking to regularise a problem that has arisen over many years whereby a farmer could be prosecuted for using his or her motor vehicle in assisting, even free of charge, a neighbour to cart a harvest to a silo or railhead, or to help in clearing a neighbour's land. The present Act is quite emphatic. It states that a vehicle for which a farmer receives a registration concession can be used only for carting produce that the primary producer has produced, or for clearing that producer's land. In other words, a primary producer cannot use a concession vehicle to help a neighbour.

The rural recession - indeed the recession full stop - inflicted upon the people of Australia by the Federal masters of honourable members opposite has resulted from a policy that is seeking to bring the Australian people to their knees. However, Australians are people of great resource, character and determination. They will simply not be brought to their knees, despite the actions of the Federal Government. My comments concerning the Federal Government are significant, and this legislation is equally as important.

The Minister for Transport and Minister for Roads, the Hon. Bruce Baird, is a caring and responsible Minister and I commend him for introducing the legislation. It will mean that the great Australian ethos of mateship can be continued legitimately and that farmers who cart neighbours' goods can receive the concession for registration. This illegal practice has been going on for years; it has been a tradition in the bush to hoe in and assist a neighbour. By introducing this legislation the Minister will amend the law to legitimise what has technically been an illegal activity.

The second aim of the bill relates to licensed motor dealers. They are a different kettle of fish from primary producers but, nevertheless, they carry out functions in the community and meet different types of needs. At present, car dealers pay the private rate of weight tax on motor cars, station wagons and small trailers which they acquire for resale. The business rate of tax is paid on utilities, four-wheel drive vans and other vehicles of 2.5 tonnes or more which motor dealers acquire for resale. This measure will mean that car dealers will pay private rates of weight tax for all vehicles with a tare weight of 2.5 tonnes or less. These vehicles are becoming increasingly popular with the general motoring public. In fact, it has been suggested that there are more Land Rovers, Range Rovers and four-wheel drive Toyotas in the streets of Double Bay than in the main street of Moree. People buy these vehicles for safety and, indeed, prestige. The people driving four-wheel drive vehicles in the main street of Double Bay - and I assume there is a main street in Double Bay as I do not frequent that suburb very often -

**Mr McManus:** You are a westie from way back.

**Mr MERTON:** A westie from way back, as my good friend the honourable member for Bulli says with great pride. Previously, used car dealers, when effecting the transfer of registration of vehicles, could not transfer them straight from the original vendor to the new purchaser. In the interim they had to register the vehicles in their own names. When the transfer was effected, the vehicle was registered at a private rate of tax if it was 2.5 tonnes or less. My information would indicate that most four-wheel vehicles would weigh more than that. The business rate of tax incurs considerable expense. Quite often the vehicle has been previously registered for private use by the former owner but the dealer has to pay the business rate of tax.

It is logical and equitable to charge the dealer the lower rate because the vehicle is not being used while in the dealer's possession. In fixing the ultimate sale price, the dealer will take into account his outgoings and the purchase price, interest on the floor plan and registration fees he may have paid on the transfer. I commend the Minister for this worthwhile legislation. It will assist the real Australian farmers out in the bush, and the cosmopolitan and rural car dealers battling against a recession imposed by the

Federal masters of honourable members opposite. This legislation is typical of this caring Government.

**Mr McMANUS** (Bulli) [9.38]: On behalf of the Opposition and in support of the shadow minister I, too, support the Minister in introducing this bill. Obviously, it involves two major issues. First, it deals with the primary producers of this State. Regardless of what the previous speaker has said, the New South Wales Labor Party realises the importance of primary producers. We applaud the fact that in this time of recession and economic difficulty the Government of the day is moving to ensure that concessions are given to people who are in need and are desperately fighting to maintain, on some occasions, their viability as primary producers.

Primary producers are an important group of people who are genuinely concerned for each other. The farming community is a close-knit community and deserves every bit of help it can get. But why has it taken the Government five years to introduce legislation of this nature? The honourable member for Baulkham Hills claimed that the Federal Government created the problem. Has the Federal Government caused the economic problems in Germany, America, France and Britain? Primary producers of the world are in complete disarray and need help. Why has it taken this Government five years to make a decision that the farmers - its purported supporters - are to get some help? Will the legislation be made retrospective? The Government will not do that to help the farmers. However, I say once again that I am pleased the Government has finally acknowledged the need for concessions to be given to primary producers.

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The honourable member for Baulkham Hills is right when he says that vehicle traders have a major concern. Four-wheel drive vehicles are needed by farmers and primary producers. Because of status, four-wheel drive and other similar vehicles are now recreational vehicles within the State and the country. I find it quite interesting in this debate that the honourable member for Coffs Harbour, who is like a little tin god, snipes at every member of Parliament who has a say. He makes ridiculous comments. Really, it is time that he started to grow up. He does not understand that there are people on this side of the House that have a great deal to do with primary producers.

I come from a primary producing family and I know more about primary producers than he does. His knowledge of primary producers could be written on a postage stamp. The honourable member for Coffs Harbour speaks rubbish - he comes from a suburban area and knows very little about primary producers. Bananas are about all he knows. The honourable member for Coffs Harbour should not indicate to me or this House that he knows something about primary producers. There are on this side of the House members who are fully cognisant of and sympathetic to primary producers.

The honourable member should not rely too much on the "we are the born to rule" theme and assert that he and no one else knows about the problem because he happens to come from a farm or knows someone on a farm. The honourable member for Coffs Harbour does not even know about railways. He cannot control his own tourist industry but has the gall and absolute hide to knock people who are trying to assist an inane Government do its job. The vehicle builders of this State also have an entitlement to these concessions. Despite all this melee and stupidity of the Government, the Opposition supports the legislation. The only criticism is the time it has taken the Minister to get his act together. The Opposition will continue to support primary industry and will continue to support the Government when it has rational, sensible legislation before this House.

**Mr HUMPHERSON** (Davidson) [9.43]: Observers of this Parliament and, indeed, those who have recently left the public gallery, would be surprised to learn the possible new definition of bipartisan. Until recent weeks members of the Government believed that the term bipartisan, at least as indicated by the Leader of the Opposition prior to the Olympic bid in Monte Carlo, meant working together, acknowledging what we held in common and not seeking to make cheap political points. But we saw the end to that lie two weeks ago. Yet again this evening the honourable member for Bulli stated that there is bipartisan

support for rationalisation of the Motor Vehicles Taxation Act. However, once he started making comments he clearly showed that there is not bipartisan support.

Clearly members of the Opposition are a rhetorical bunch of hypocrites who indicate initial support but, when it comes to the crunch, really do not offer their support. The honourable member for Bulli said that in the five years since this Government came to office there has not been a willingness to reform and change. We know that is untrue. When the Australian Labor Party was in government -

**Mr Fraser:** He has left the House.

**Mr HUMPHERSON:** I did note that the honourable member for Bulli had left the House. He clearly does not wish to listen to the other side of the argument.

**Mr Fraser:** He has gone down to the library to try to find out what a primary producer is.

**Mr HUMPHERSON:** Perhaps, as the honourable member for Coffs Harbour says, the honourable member for Bulli is going to do research on primary producers to get a better understanding of the issue. I am sure members on this side of the House, particularly those from the North Coast and rural areas, would be more than happy to inform him. In the years before 1988 when Labor was in office it did little in the way of reforming legislation and ensuring that the laws of this State reflected common sense and common practice.

The proposed amendment to the Motor Vehicles Taxation Act contains two changes which will rationalise concessions on motor vehicle taxation in respect of primary producers and licensed motor dealers. My focus is on the second group. The Government in the past five years has focused on ensuring that redundant laws and regulations are removed and that, as far as possible, amendments are made so that the laws reflect common practice and do not provide significant impediments to small business and primary producers in their day-to-day tasks.

**Mr Fraser:** They had 10 years and did nothing.

**Mr HUMPHERSON:** As the honourable member for Coffs Harbour says, they had 10 years in which they had absolutely no reform. In the five years that we have been in government we have achieved substantial reforms in all areas through all portfolios. All Ministers have played a significant and important role in achieving that outcome. The good management and good government of the coalition have provided many benefits for the people of the State. Those benefits not only relate to the financial management and improvements of the deficit and resultant triple-A credit rating, but have also been a means to an end to ensure that the services delivered to the people by the Government are provided at the lowest cost and in the most efficient way, minimising taxes and ensuring that the people receive the best they possibly can from the Government.

The honourable member for Bulli denied the role the Federal Government has played in regard to the impositions placed on primary producers and licensed motor dealers. That has been no more silently put than the recent Federal Budget. Increases in charges and petrol prices will be passed on, making the jobs of motor dealers a lot more difficult. Indeed, some of the extra costs that will be passed on to the primary producers will make jobs difficult for the people on

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the land - the life blood of this State. The purposes of the proposal in relation to licences of motor dealers is to extend the private rate of weight tax to a range of other light vehicles that are held for resale by the licensed motor dealers. Car dealers will pay private rates for weight tax for all vehicles of 2½ tonnes or less.

Light vehicles, which are defined as including utilities, vans, four-wheel drives and other vehicles with a tare weight of less than 2½ tonnes, are becoming increasingly popular. Not only in the metropolitan

area but also in the country areas more and more of these vehicles are becoming popular with the general motoring public. Therefore, the likelihood of those vehicles being sold has increased over recent years. It is only since the introduction of a more sophisticated computer system for which vehicle registrations can be applied that the business rate of tax has been rigidly imposed on dealers requiring certain light vehicles for resale purposes.

This business rate of tax is imposed, irrespective of whether the dealer registers a new or second-hand light vehicle, or holds or acquires one that was registered for private use. 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 run. It is therefore illogical, inequitable and unreasonable to charge the dealer the business or higher rate of tax.

This reform under the Motor Vehicles Taxation Act will improve the lot of licensed motor dealers throughout New South Wales. Certainly there will be less income for the Government as a result of this change, but it is important to remove some of the inequities that have existed for many years. When the Labor Party was in office it had the opportunity to do something about this, but did absolutely nothing to help motor vehicle dealers. It did absolutely nothing to help primary producers, yet now that this Government is seeking to make the necessary changes, the Opposition, in a hypocritical sense, supports it. I wonder why the Labor Party did nothing about this issue when it was in office. That comment applies not only to this issue but to many others.

This change reflects the good management that this Government brings to New South Wales and is reflected in many other areas in the State. The Opposition cannot hold a candle to what this Government has achieved so far as reducing red tape is concerned, removing redundant legislation and so on. We are providing good Government for the people of this State. I am happy to join with my colleagues in support of this bill. I congratulate the Minister, the Hon. Bruce Baird, on the terrific job he is doing in his portfolio. There have been many achievements in road and rail transport. I ask all honourable members to support this bill.

**Mr BECK** (Murwillumbah) [9.51]: I support the Motor Vehicles Taxation (Further Amendment) Bill. I congratulate the Minister on introducing this legislation, which seeks to amend the Motor Vehicles Taxation Act of 1988 to extend tax concessions under that Act to allow tax concessions for primary producers' vehicles and vehicles registered with motor traders. I wish to refer to primary producer vehicles. At present the Act is unnecessarily restrictive in that a farmer can be prosecuted for assisting, free of charge, his or her neighbour by carting the neighbour's harvest to a silo or to a railhead. The Act states that a primary producer can use his or her vehicle on which the farmer gets a primary producer concession only in circumstances of carting primary produce that the primary producer has produced. If the primary producer offends that provision, he or she can be prosecuted and can risk losing primary producer concessions.

The amendment seeks to enable any primary producer to use his or her vehicle, on which the farmer receives a 55 per cent concession, to cart primary produce. Tonight in this House I note that speakers from both sides support the legislation. I note the presence in the Chamber of the honourable member for Coffs Harbour. Of course, he is a primary producer. Earlier tonight there was criticism of the honourable member by an Opposition member. However, I would like to refute the statement that was made. I note that the honourable member is wearing elastic-sided boots.

**Mr Jeffery:** Where is his Akubra?

**Mr BECK:** If he were allowed to wear a hat in the House, I am sure he would wear an Akubra. He is a primary producer. These concessions will apply not only to those who carry wheat and cattle but also to those who assist neighbours in carting, for example, bananas. The banana industry is a very

important industry not only to Coffs Harbour but to the whole of the North Coast. I note that the new Deputy Government Whip, the honourable member for Oxley, is very concerned about oyster production. Oysters are a primary product to which these concessions would extend, as oyster growers are primary producers.

It is important that this legislation be passed. It will allow farmers more flexibility in their carting arrangements. To ensure that the provisions are not abused, the following enforcement procedures are envisaged. Enforcement officers will need to check the nature of the goods that are carried by reference to the loading documentation and so on. If doubt exists, they must ascertain if the vehicle is registered with a primary producer concession. If any of these provisions are breached, enforcement officers must take appropriate action to record a breach against the operator or the person driving the vehicle. Enforcement officers will also need to rely on local knowledge of transport operators.

The provisions will not in any way reduce the obligations imposed on people who apply for primary producer concessions. I have listened tonight to

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Opposition members who support this legislation. Of course, the honourable member for Baulkham Hills and the honourable member for Davidson also spoke in support of the bill. At the outset I said that this bill is an important piece of legislation. I congratulate the Minister on introducing it, as I congratulate him also on all the legislation he has introduced over the years. I know that all legislation and amendments introduced by him are carefully considered by his very competent staff who handle the detail for him. I support the bill and recommend that it pass through all stages.

**Mr McBRIDE** (The Entrance) [9.56]: I also thank the Minister for his diligence and his attention to detail. It is the same attention to detail and the same diligence that was responsible for Sydney's Olympic bid win. I believe the Minister deserves to be congratulated on that. What we see in this bill is the same attention to detail and diligence being applied to the Minister's portfolio. I am sure that all Opposition members would wish other Ministers to apply themselves equally to their portfolio responsibilities. It is this sort of microeconomic reform, this fine-tuning, that is expected of this Government by the people of New South Wales. The community lacks confidence in the Government because it does not see the same attention to detail and the same fine-tuning in other areas of government.

This bill refers to primary producers and to motor traders - two small groups within the community. Primary producers are one of the more important elements of the New South Wales economy. This bill seeks to provide some assistance, not by means of a major overhaul, but in some small way to help primary producers. It is that sort of detail that the people of this State want from their Government. Motor traders are a much maligned group in our community, but an essential part of the community. They provide a service, yet often we hear only the negative aspects of that trade. The Government acknowledges how tough it is for small business in all areas. This bill provides a positive sign for those in that industry. The people of New South Wales want the same sort of diligence and attention to detail applied to other portfolios. I congratulate the Minister upon introducing this bill. I congratulate him also on his efforts in ensuring the success of the Sydney Olympic bid.

**Mr SMALL** (Murray) [9.59]: The introduction of the Motor Vehicles Taxation (Further Amendment) Bill will benefit the primary producers of New South Wales. As my family and I are primary producers - my son manages the property holdings - we, like many other people, work with our neighbours. These arrangements have been far more frequent in the past 10 to 12 years because of the rural downturn and economic difficulties. People on neighbouring properties, particularly where there is no employment share their workload, working with each other. The bill will greatly help neighbours who provide assistance as a gesture of good will without any exchange of money.

In the Riverina in particular one neighbour will harvest a crop and another farmer will cart the grain. That co-operative approach is on a good will basis. For example, at the time of the rice harvest about three years ago, to ensure that I was acting legally, I contacted the Roads and Traffic Authority to find out

whether, to cart a crop of rice - although there was no exchange of money - which would take approximately a week, I had to pay an extra \$204 or one-twelfth of the extra cost of primary production, with two trucks totalling \$408 for a week. The legislation will remove that charge for a primary producer, who normally receives a concession of about 55 per cent.

I convened a meeting of transport operators and primary producers and I invited representatives of the Roads and Traffic Authority. We discussed how one neighbour could cart another neighbour's crop. It is not defined, because it is done on a good will basis without the exchange of money. The former Deputy Premier and Minister for Roads, some of whose staff are in the Chamber, was very much involved. I pay tribute to Wal Murray for recognising this problem. Though the former Deputy Premier has stepped aside from his ministry, he is still in this Parliament and has done a magnificent job. The portfolios of transport and roads have returned to the honourable Bruce Baird, who held those portfolios previously. He has now brought the issue before the House, thus making it a sharing of the two ministries.

I am pleased that this amended legislation has been introduced. It will remove an applicable cost factor for those who do not break the law. It will make it legal for a neighbour or a primary producer assisting a neighbour, who is also a primary producer, to physically cart the neighbour's produce to a silo, market or whatever. I pay tribute to the former Minister and the present Minister for the job they have done in this area. It may be difficult in areas where the driver of a primary production truck or the owner driving it is pulled up by a Roads and Traffic Authority officer. The officer will be able to inspect the ticket and, although it may not be in the driver's name, it will be obvious that the driver is carting someone else's produce.

In those circumstances it would probably be necessary for the driver of that truck to have a letter from the owner of the grain, as another primary producer, acknowledging that the grain is being carted at no cost. RTA officers could then satisfy themselves that the vehicle is carting grain on primary production registration rates. However, if they do not do that, questions would be asked. I pay tribute to the people who have been involved in bringing this issue before the former Minister and the current Minister. They have been able to seek, in good will, from this Government an amendment to the Motor Vehicles Taxation Act. I am pleased also that the Opposition has supported the Government. It is wonderful to have unanimous agreement on such a small matter, but it is a big matter in good will and good spirit for people who are trying to assist in what are very difficult economic times.

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**Mr BAIRD** (Northcott - Minister for Transport, and Minister for Roads) [10.6], in reply: I should like to thank all honourable members for their contributions to the debate, especially the order in which they spoke: the honourable member for Kogarah, the honourable member for Baulkham Hills, the honourable member for Bulli, the honourable member for Davidson, the honourable member for Murwillumbah, the honourable member for The Entrance, and the honourable member for Murray. All of them contributed significantly. I think it is a tribute to the coming of age of the Parliament that we can recognise the worthy points of legislation. Obviously, this legislation has been well debated within a Government committee so that it receives the support of rural members in a time of recession when primary producers are looking for all the assistance they can get.

The legislation provides the opportunity for neighbours to provide transport to their fellow primary producers, friends and relatives, if required. Things are obviously tough for many primary producers in the country, and this legislation will make it a lot easier. Requirements and penalties are set out for those who abuse these privileges, but I think those who plan to use or abuse the facilities in a way for which the legislation was not designed will find they are penalised and there will be no financial advantage in so doing. I do not expect that will happen to any great degree, but the legislation will provide some welcome relief. In relation to the part of the bill dealing with motor dealers, the opportunity to not require motor dealers to pay commercial weight tax for light vehicles will make quite a lot of

difference to utilities, vans, four-wheel-drives and other vehicles with a tare weight of 2.5 tonnes or less.

We should do all we can to assist those motor dealers who also are finding it tough and this legislation will be well received by them. We have had discussions with them to find out their concerns and the legislation reflects their recommendations. They welcome it. I should like to congratulate the officers within the RTA on the work they have done on these proposals. The legislation is welcomed in the city, by rural producers and also in the city and country areas by the motor dealers because of past stringent requirements. I congratulate the members on their contributions in bringing us to this stage of the legislation.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

**House adjourned at 10.11 p.m.**

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