

LEGISLATIVE ASSEMBLY

Thursday, 11th November, 1993

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

Mr Speaker offered the Prayer.

CREDIT (MAXIMUM ANNUAL PERCENTAGE RATE) AMENDMENT BILL

Withdrawal

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

Bill ordered to be withdrawn.

PACIFIC HIGHWAY (CHEERO POINT) RE-OPENING BILL

Withdrawal

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

Bill ordered to be withdrawn.

CONSUMER CLAIMS TRIBUNALS (FEES) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt) [9.5]: I move:

That this bill be now read a second time.

The purpose of this bill is to restore access to the consumer claims tribunals for consumers seeking redress for or resolutions of matters involving small amounts of money; to establish a fee structure that is relevant to the value of the claim; and to introduce uniform fees for consumer claims tribunals and for building disputes. The bill also will expand benefits to a wider range of retired persons. It seeks to amend the Consumer Claims Tribunal Act 1987; set a new scale of fees for lodging consumer claims, including building claims, under the Act; provide that the amount of the fee will depend on the amount, including the value of the work, goods or services, involved in the consumer claim. The bill will also set a scale of fees under the Act as follows: for matters up to \$2,000 the fee will be \$10; for matters between \$2,000 and \$4,000 the fee will be \$20; for claims between \$4,000 and \$6,000 the fee will be \$30; for claims between \$6,000 and \$10,000 the fee will be \$40 - \$10,000 being the increased jurisdictional limit introduced by the Minister last year. Further, the concessional fee will be \$2 for claims of less than \$6,000 and \$5 for claims of between \$6,000 and

\$10,000.

The history of this matters goes back to last year when the then Minister for Consumer Affairs, the Hon. Kerry A. Chikarovski, gazetted a regulation which, on the positive side, increased the jurisdictional limit of consumer claims tribunals from \$6,000 to \$10,000. However, on the negative side, the gazettal increased the lodgment fee by 300 per cent, from \$10 to \$40. On 29th October, 1992, I moved a disallowance motion to that part of the regulation which increased the lodgment fee. I argued that the increase in fees would deter small claims and that to deter small claims would be inconsistent with the principles of consumer claims tribunals. The Government's argument was that the increase was the first in some years and that \$125,000 would be raised in revenue. This is recorded in *Hansard*. Unfortunately, the independent members accepted the Government's argument and the disallowance motion was defeated.

Since then events have justified a fresh look at the matter. As a result, we propose the bill as an appropriate method of getting consumer claims tribunals back in business. The first effect of the Government's fee increase came to light when the then Minister, on 23rd February, 1993, answered a question upon notice asked on 17th November, 1992. I refer to the answer in *Hansard*. The question to the Minister was: "How many claims have been lodged with consumer claims tribunals during 1992 to the end of October? What is the number lodged each month during this period? It should be noted that the new fee structure outlined in the *Government Gazette* last year became effective on 1st August, 1992.

The Minister's answer to the first part of that question was that 4,989 claims were lodged with consumer claims tribunals during the first ten months of that year. The answer to the second part of the question, as to the number of claims lodged each month, was: 489 in January 1992; February, 511; March, 596; April, 501; May, 564; June, 493; and July, 712. Those claims were lodged under the old fee structure that was changed by the Government. On 1st August, 1992, the new fee structure came into effect at the same time as the new jurisdictional limit was increased from \$6,000 to \$10,000.

Despite the jurisdictional limit of the tribunal being expanded, the number of claims lodged was drastically reduced, from 712 in July 1992 to 368 in August, 395 in September and 360 in October. Since then claims have continued to decrease, especially those involving small amounts. The work at Stocklands House, where the consumer claims tribunals are situated, has been dramatically reduced because of this lack of activity, despite the expansion of the jurisdictional limit to \$10,000 from the former limit of \$6,000.

I shall deal now with Labor's solution to the problem. The bill will set a sliding scale of fees consistent with what is happening in other States. If a consumer is unable to settle a dispute with a trader

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about a \$60 pair of shoes or an \$80 repair bill from a car repair centre, he or she will have to pay \$40 to lodge an application to a consumer claims tribunal. But, under the provisions of the bill, all claims up to \$2,000 can be lodged for a maximum fee of \$10, the limit that was set before the Government increased the fee scale. The fee will increase in line with the value of the claim.

The main benefit will be that small claimants will not be scared to take action before consumer claims tribunals. Another important component of the bill seeks to remove the discrimination against people who lodge a claim involving a builder. At present if a consumer wants to lodge a claim against a motor mechanic for faulty work costing \$1,000 the consumer must lodge an application fee of \$40. However, if a claim is lodged against a builder for the same amount, the fee is \$100, despite the mechanism for resolution being basically the same. This bill will remove that discrimination against building construction consumers, by having a single fee structure for all disputes.

Another benefit of the bill is the concessions included in it. Last year's gazette notice increased the lodgment fee to be paid by pensioners from \$2 to \$5. The bill will retain the \$5 fee, but only in respect of claims involving the new jurisdictional limit of \$10,000 and will restore the original \$2 fee for claims below \$6,000. Further, the definition of those entitled to a concession has been broadened. I draw the attention of honourable members to page three of the bill and the provision under the heading "Eligible Pensioner".

Paragraph (c) includes a person "who is the holder of a Seniors Card issued by the Government of New South Wales".

Though the Government promotes the Seniors Card, it gives little by way of concessions to card holders. This provision in the bill will include Seniors Card holders in State legislation for the first time. The Opposition believes that the bill will restore equity to the system for lodging a claim to consumer claims tribunals and will encourage consumers to bring matters to a consumer claims tribunal when the normal resolution processes break down. I ask all honourable members, especially Government and Independent members, to consider the matter in conjunction with the disallowance debate that occurred on 29th October last year. The bill will provide a way for consumer claims tribunals to do what they were originally intended to do, keep minor matters outside the court system.

It is of concern that the Government has continually eroded the authority of consumer claims tribunals over the past years, not only by increasing the fees but by failing to broaden the jurisdiction of the tribunals to take in areas of dispute. The Legal Profession Reform Bill, which is before the House, will continue the Government's program of diminishing the authority of the consumer claims tribunal by removing from its jurisdiction disputes about solicitors' fees and so on. With those comments I ask honourable members to support the bill. I will be circulating the bill to all interested groups and calling for submissions from consumer organisations. I commend the bill.

Debate adjourned on motion by Mr Jeffery.

HOMEFUND COMMISSIONER (AMENDMENT) BILL

Suspension of Standing and Sessional Orders

Mrs GRUSOVIN (Heffron) [9.17]: I move:

That so much of the standing and sessional orders be suspended as would preclude consideration forthwith of Order of the Day No. 21 of General Business (for Bills).

I speak for the second time on a motion of urgency for a bill designed specifically to help the disadvantaged HomeFund families of the State whom this supposedly caring Government simply wishes to discard like yesterday's newspaper. Not so long ago the Government trumpeted the HomeFund scheme as its love-child; now it seeks only to relegate that child to an orphanage. In February 1991 the then Minister for Housing, Joe Schipp, was proud to advise the House that:

. . . the HomeFund scheme is on target. The loans are achieving success and the system is now considered to be the leading government loan system not only throughout Australia but throughout the world. We will continue to develop that scheme. The Government has remodelled it, refined it and given it a great deal more impetus.

Those statements should be compared with what the HomeFund Commissioner, the former Mr Justice Rogers, Q.C., had to say about the scheme last week:

Instead of the scheme being reviewed, the accelerator was pressed to the floor as hard as it could be and, in the two affected years, something like \$2.3 billion was advanced to borrowers . . . the \$2.3 billion lent in HomeFund loans in 1990-92 was lent without full and sufficient inquiry into precautions to be taken as a result of the impact of the changed economic circumstances affecting the HomeFund scheme.

It is high time the Government lived up to its responsibilities to the tens of thousands of families -

Mr West: On a point of order. I understand what the honourable member is endeavouring to do, but

this motion only permits the honourable member to try to convince the House that the bill should be accelerated. It does not allow the honourable member to go through a full second reading speech or to give a reply. If the motion is successful, she will have a chance to deal with this material at that time. The speech being delivered by the honourable member is irrelevant to the question before the House.

Mr SPEAKER: Order! The question before the House is why this bill should take precedence over other matters. The member for Heffron should address that question.

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Mrs GRUSOVIN: The amendment bill that I have placed before this House will give absolute discretion to the HomeFund Commissioner to make determinations and, most importantly, grant relief outside the control of the Government.

Mr SPEAKER: Order! The honourable member is speaking as though to the motion. She should be explaining why this matter is more important than others on the business paper.

Mr West: What is more important than Letona? That is what the honourable member should be telling the House.

Mrs GRUSOVIN: The Letona matter will come on. I am not attempting to conduct any sort of filibuster. At the present moment many HomeFund borrowers are at great disadvantage and in great distress. Hurdles have been presented to these borrowers in their attempts to seek redress in the matter of their mortgages. This amendment bill is most important because it will allow those borrowers to have removed from their path a hurdle that is preventing their matters being properly dealt with. *[Time expired.]*

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [9.20]: The Government opposes the acceleration of this bill, and does so for a particular reason. Last week a bill was accelerated on the motion of the House after a lengthy debate. I attempted to have that debate adjourned because the Government wanted other matters to be considered. It has now become quite obvious that the Government had its own bill in the pipeline. The Minister for Consumer Affairs, Minister Assisting the Minister for Roads and Minister Assisting the Minister for Transport has now introduced a bill to cover just this matter. This attempt by the Opposition is a flagrant misuse of its powers. One week ago the Opposition did not want the bill to be adjourned, but, all of a sudden, wants the bill brought back and every other matter postponed.

This House should conduct its affairs with consistency. I have said all along that I do not want private members' days to be abused with filibusters. If there was a filibuster last Thursday, it was done because the Opposition decided that an adjournment - the proper procedure - was not acceptable. The Opposition brought that on its own head. The reason the Government is opposing this bill being accelerated today is that the Government now has a bill which it believes more properly addresses concerns about what the HomeFund Commissioner needs to do to look after those who all agree need assistance. In that regard there might be a difference between what the Government and the honourable member for Heffron believe. However, the Government believes that its process is the right way to deal with the matter, rather than have filibusters, as in the past. It is a shame that proper procedures cannot be adhered to so that adjournments can be taken when sought.

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

The House divided.

Ayes, 43

Ms Allan

Dr Macdonald

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

Noes, 41

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

Pairs

Mr Carr	Mr Cochran
Mr Gibson	Mr Fahey
Mr McManus	Mr Hartcher
Mr Newman	Mr Hazzard
Mr Rumble	Mr Petch
Mr Shedden	Mr Small

Question so resolved in the affirmative.

Motion for suspension of standing and sessional orders agreed to.

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Second Reading

Ms MACHIN (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [9.32]: We have been debating this matter for some time. A fortnight ago when this amending bill was debated I concurred with the comments of the Leader of the House that we should not be pushing the debate forward on this bill. I suggested to the Opposition that the Government's bill be debated first and that an undertaking be given that next week the Opposition bill could be debated if necessary. I am sorry that the Opposition does not wish to take advantage of that opportunity. The Government does not believe that the bill now before the House is necessary. It is clear that I could not speak about those reasons earlier because the Government was preparing its own amendments. That has been a fairly complex process. The amendments have been in train for at least a month, and the Government has liaised with the various agencies involved in the HomeFund issue in order to strengthen the Act for the commissioner. The Government's amendments would enable the commissioner to make decisions on behalf of borrowers, to make them quickly and to make them stick otherwise there could be little point in going through this whole process.

The Opposition's bill does nothing to address the problem. Provisions could be inserted in legislation to give additional powers to the HomeFund advisory panel, but that would not help a borrower where the commissioner has made a determination and the parties will not agree to be bound by that determination. If parties are able to walk away from a decision, the borrower would be unable to receive any assistance. This bill of the honourable member for Heffron does not address that problem, which emerged as a fairly fundamental flaw in the original scheme. The original scheme was set up with the best intent. It was envisaged that it would be an ombudsman-style scheme: the commissioner could hear complaints, resolve them and make a determination on the grounds of a legal wrong. That was a fundamental plank of the original legislation. That intent still applies. At the time certain indications of goodwill were expressed by the parties who were likely to be involved in the determination. Those parties said they would volunteer to be bound. That is not now likely to be the case. Therefore there was a necessity for changes, and I believe the Government's amendments are more useful.

I should restate the options available to HomeFund borrowers who are in difficulties. The Minister for Planning and Minister for Housing in another place has said on a number of occasions recently that the numbers of borrowers are still decreasing. Many borrowers are managing to exit the scheme. The Minister intends to have a restructured proposal in the next few weeks, if that can be finally stitched up. The measure will provide relief to a large number of borrowers who will be able to receive assistance for their existing loans, or will assist them in refinancing through another loan more suitable to their purposes. At present, the options available to borrowers are threefold. A legal claim by a borrower under the HomeFund Commissioner Act is determined by the commissioner and, depending on the circumstances or hardship occasioned by the borrower, the commissioner has a number of options available to rectify any damage occasioned to a borrower, including altering the mortgage or monetary compensation.

If a borrower is suffering hardship unrelated to a legal claim but, for example, related to the recession - the borrower may have lost his or her job or the economic circumstances may have changed - that borrower can apply to the Home Purchase Assistance Authority for relief that is available. If an application is rejected - and this is where the panel comes into play - the applicant can be referred to the panel. The panel can make a recommendation that the case be reviewed or such other recommendation it considers necessary. Also, the matter can be sent back to the Home Purchase Assistance Authority for alteration and further

consideration. The third option relates to mortgage variation claims. At present, the Commissioner for Consumer Affairs has the power to intercede, as discussed earlier by government members, through the Credit (Home Finance Contracts) Act to try to negotiate relief for the borrower. It is important to note that this relief should be available to borrowers with a genuine long-term prospect of remaining in their home.

It is cruel to provide temporary relief if, at the end of the day, a borrower's circumstance still does not enable that borrower to remain in the home. Unfortunately, that has happened to many people, not only HomeFund borrowers. It is not the fault of the State Government; the blame should rest with the Federal Government because of the prevailing difficult economic climate. The relief proposed by the Government covers a large group of people. I ask the honourable member for Heffron in her reply to inform me of any borrowers who are falling through the cracks, unable to receive assistance through the various options, namely, the HomeFund Commissioner, the Home Purchase Assistance Authority or the Credit (Home Finance Contracts) Act.

The Government opposes the proposals put forward by the honourable member for Heffron. They do not address the flaws that have emerged in the original Act. In many cases they are duplicating services already in place. To recap, the amendment will vest in the panels those powers exercised by the Commissioner for Consumer Affairs under the Credit (Home Finance Contracts) Act. It does not change the powers; it merely transfers the powers from the commissioner across to the panel; and that is an unnecessary duplication. The panel consists of community representatives who in the main have volunteered to do this work. They are not being paid a huge sum for their services and time. A lot of time and effort will be involved and panel members take their work seriously. If they are given those powers, they will have to be resourced. Currently, those

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provisions are resourced through Consumer Affairs. I presume it will be the HomeFund Commissioner's office that will have to resource those extra activities. A process would be set up and nothing new would be introduced. If a new dimension were to be added to the process - or if borrowers were to be further advantaged - we would have a look at it. However, it is not as though those provisions are not already available to borrowers.

The bill will empower the HomeFund Advisory Panel to arrange government hardship assistance - and that is essentially taking over the functions of the Home Purchase Assistance Authority and visiting upon it a community panel of three people. That would involve the expenditure of large amounts of public money - and very significant decisions, but no mechanisms are proposed in the Opposition bill to ensure the panel's accountability and an appropriate means of overseeing hardship assistance. Such assistance has the capacity to be expensive having regard to the numerous claims that will probably come forward. I repeat that the bill will provide extra work for the panel, which will have to be resourced. Another small department would have to be set up to carry out the functions of other departments. That is getting away from the real intent for the establishment of the panel, which is to advise the commissioner and review decisions of the HPAA.

The third provision is to amend the definition of legal remedy. Two specific circumstances are referred to in the bill: one relates to whether the origination or management of the HomeFund mortgage did not conform with the FANMAC Guidelines; and the second relates to whether the parties to an ancillary contract knew or could have ascertained at the time when the loan was granted that the borrower could not pay or could not pay without substantial hardship. The first provision is not particularly clearly drafted. It seems to state that if there were a deviation from the guidelines, the borrower is entitled to automatic legal remedy even though he or she may not have suffered because of any legal wrong. Under the provisions of this bill borrowers could say that their loan did not conform, or that it varied in some way from the guidelines, but they have not suffered any damage. I do not know whether everyone would be honest enough to admit that but I think a lot probably would. They may have refinanced or sold and moved to a better position. They may have benefited as a result of the HomeFund scheme - as a lot of people did. We should not forget that.

Yet the honourable member for Heffron says that they should still be entitled to a legal remedy. That

does not seem fair to me. The aim of the original legislation was to target those people who were done wrong and suffered as a result of that. It is a twofold provision and that is unfair. The second circumstance relates to the capacity to repay a loan at the time it was entered into. If there were some error in the origination of the loan, some misleading of the borrower, that already constitutes a legal wrong. It would be clear to all that the HomeFund Commissioner is quite tuned in to those circumstances, judging by his public discussions in the past couple of weeks. The commissioner already has the capacity to say that such a circumstance would constitute a legal wrong and on that basis make a determination and grant whatever remedy he thinks most appropriate to the borrower. Again the Government does not think that this provision is necessary.

The final provision is an extension of time for legal action. The Government has also picked up on this for some relief in the HomeFund Commissioner Act; so that the limitation periods under three Acts that would be involved do not apply and borrowers can commence action and not be impeded. The Government does not consider this to be a necessary provision. The Government is tackling the issue in a slightly different way. On balance and in summary, the Government is trying to provide a speedy resolution to the anticipated many thousands of formal complaints that will finally be lodged with the commissioner. The commissioner is carrying out a thorough and comprehensive process to ascertain the law in an open-minded way. The commissioner will then apply that law to the cases of borrowers who have submitted complaints to him.

The Government has always attempted to provide a non-legalistic way for borrowers to deal with their problems and a speedy way of resolving individual problems. Potentially thousands of borrowers will register an interest in complaining. If the Government follows the path suggested by the bill now before the House, the processes will be slowed down, particularly as they affect the panel which was not set up for this type of function. I understand the frustration of the honourable member for Heffron. She feels the resolution of this matter has taken quite some time. We all share that frustration, to a degree. The logistics involved in dealing with individual cases - which may number many thousands - is not something that could be achieved in a couple of months, even employing a raft of lawyers or referring matters to the Commercial Tribunal. The commissioner's intent is to set the framework, make his determinations in regard to the state of the law and get down to the real business of resolving the complaints of borrowers.

The Government's proposed amendments, which will be debated next week presumably, will ensure that the commissioner can do his job in a speedy way and that borrowers receive justice - and that the determinations stick. There is no point in making a determination if the parties will not be bound and decisions cannot be enforced. The Government is ensuring that that will happen. The Government's bill will make for a better bill in the final instance. The amendments proposed by the honourable member for Heffron are a side play. They do not address the main flaws that have emerged in the present legislation and they will not add anything, for they do not bring in any new remedy. No remedy is being proposed that is not already available through two or three existing government agencies. The bill of the

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Opposition is not being fair to the panel and will not achieve justice for borrowers. At the end of the day it will not provide a speedier result in regard to determinations and any recompense that is fairly and rightly owed to those borrowers who have suffered. For those reasons the Government opposes the bill.

Mrs GRUSOVIN (Heffron) [9.46], in reply: In May I received a disturbing piece of correspondence from the HomeFund Commissioner relating to what he perceived to be the functions of his office as a result of this Government's legislation setting up the position of HomeFund Commissioner. As a result, my concern was, and continues to be, that many thousands of HomeFund families continue to be in severe financial and emotional distress. Many of them have been, and are, close to the edge of despair over the problems they have encountered and are continuing to cope with under their HomeFund loans. I vividly recall discussions that were held at the time of this legislation with the then Minister for Consumer Affairs, the Hon. Kerry Chikarovski, prior to the passage of the HomeFund Commissioner Bill through the House. Discussions took place in order to secure bipartisan support for that HomeFund Commissioner Bill. The statement of the then Minister in this House on 27th April, 1993 was:

The proposed body (the HomeFund Commissioner) will provide a one stop access point for HomeFund borrowers who are facing financial difficulties, as well as those who have legitimate legal or contractual complaints. This means that all HomeFund borrowers, past and present, will be able to take their cases to the commissioner who will assess the problem and, in appropriate cases, order relief measures . . . In determining those relief measures the commissioner will be assisted by a panel of community representatives . . .

The proposals the Government has put forward will ensure that HomeFund borrowers not only get immediate relief but also, most importantly, enjoy their legal and contractual rights.

Those undertakings which I have quoted were given by the Minister to the non-aligned Independents, the Redfern Legal Centre, the New South Wales Financial Councils Association and the HomeFund Help Line at separate meetings leading up to the bipartisan parliamentary and community support for that HomeFund Commissioner Bill. Those undertakings have not been honoured despite many representations - in fact representations to the Premier among others. The HomeFund Commissioner Bill which went through this House at the end of April has really left us with a situation that to date somewhere between 8,500 and 10,000 families have advised their desire to lodge a complaint with the HomeFund Commissioner.

To this date only two families have received determination of their claims. We are concerned about the flawed methodology of the complaints guide, which started out as a questionnaire, and that the moratorium on legal action against HomeFund borrowers is being lifted. We have a ludicrous situation where the HomeFund Commissioner is communicating to borrowers that while other matters regarding their particular claims may be given consideration, the moratorium on the eviction proceedings will be lifted - people will face daily the imminent loss of their homes and enormous distress will be caused to many families.

The HomeFund Commissioner has acted responsibly in undertaking his recent actions, that is, by undertaking a process of discussion, calling for expressions of advice from a wide range of groups and experts, and asking for submissions on matters of complex law. The HomeFund Commissioner acknowledges that the task is certainly not easy. At present we are in the midst of public discussions on those submissions that have been provided to the commissioner. The present legislation has three major problems. There is no ability to order relief for families who are suffering financial hardship because of the inflexibility of the design of the HomeFund low start mortgages. I am speaking about the 6 per cent increases, negative equity and escalating loan balances, particularly in cases where there has been a medium-term loss of income.

There is no definition of a legal remedy in order to qualify for relief. The interpretation of other legislation to determine a legal wrong fails to address the massive bungling of the HomeFund scheme, particularly in the promotion and selling of it. Case law on the duty of care required by credit providers is in its infancy and is being coloured by the uncertain legal position of other parties, such as real estate agents and solicitors. The amendments under this bill are really only a codification of the common law in clause 124 of the proposed Uniform Credit Act, presently referred to as the Queensland credit code. The Minister has intimated that the Government is bringing forward its amending legislation and that the Opposition should have desisted in proceeding with this bill. One has to ask, if the Opposition had not attempted to bring into this House some weeks ago the HomeFund Commissioner (Amendment) Bill, whether the Government would have brought in its suggested legislation.

Ms Machin: It has been in train for over a month.

Mrs GRUSOVIN: It has taken a long time. We are now at the end of 1993.

Ms Machin: It is complex.

Mrs GRUSOVIN: It is very complex. There is a very big difference between the bill proposed by the Government and the amendment bill tabled on 28th October. The Opposition's bill seeks to widen the

powers of the HomeFund Commissioner and get disadvantaged HomeFund borrowers past the starting line. The Opposition's bill is not providing any handouts for HomeFund borrowers, but it certainly is saying that the HomeFund Commissioner has to be able to consider matters relating to thousands of HomeFund families that are presently frustrated because of the question of legal remedy. HomeFund borrowers have had many hurdles put in their paths in these past years. The Government's bill seeks to narrow the discretionary powers of the commissioner and build in more escape hatches for the Government

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than are in the average submarine and, of course, at the same time maintain as many hurdles as possible for these HomeFund families to negotiate.

I appreciate the concern of the Government about containing financial exposure on this issue. Nevertheless, the Government opted for the HomeFund Commissioner approach in lieu of having HomeFund cases dealt with by the Commercial Tribunal. Earlier this year the introduction of legislation allowed HomeFund borrowers access to the justice system by way of the Commercial Tribunal. Though we knew the Supreme Court was an avenue, it was a financial impossibility for strapped HomeFund families to gain access to the Supreme Court. When the Opposition attempted to obtain relief by way of a mechanism where an independent tribunal could determine their individual cases, only then did the Government opt to bring in its HomeFund Commissioner Bill. It is fundamentally wrong for the Government to seek to change the rules of the game during the course of the hearings merely because the signals it is receiving from the commissioner may not be what it wishes to hear. I am distressed - and it has been admitted today - that the Government attempted to filibuster the Opposition's legislation last week.

Ms Machin: We wanted to adjourn it.

Mrs GRUSOVIN: The adjournment was being used as a mechanism of delay. Prior to seeking the adjournment the Government sought to deny the urgency on this legislation two weeks ago. Having lost that vote, it then sought to have the matter adjourned. It became quite clear that, having again lost that vote, the Government proceeded to filibuster. While I do not have the Minister's precise comments with me, I clearly recall -

Mr Jeffery: It was an excellent speech.

Mrs GRUSOVIN: It was a long speech, but much better than some of the contributions of other Government members who did not have a clue what they were speaking about. They were suddenly brought in to take up arms on a matter they knew little about. There was great kerfuffling and shuffling of papers on the other side. There are some better informed members, particularly those who are members of the committee of inquiry. After some lacklustre contributions by those who knew nothing about the complexities of this problem, the Minister spoke at great length and indicated just prior to 1 o'clock that the matter was not finished and that a few hours' debate still remained.

Ms Machin: Just joking, to keep you on your toes.

Mrs GRUSOVIN: Just joking! Ministers must be taken seriously in these matters. I left the House quite convinced that we would probably face a further filibuster. It is time the Government lived up to its responsibilities to the thousands of HomeFund families that were enticed to buy into what turned out to be very unaffordable HomeFund loans. Honourable members well know that I have stated to this House for many years - and the Government has been denying this for many years - that we have a problem with the HomeFund program. Not one peep has been heard from the Commissioner for Consumer Affairs on behalf of consumers of this State. I presume he was carrying out orders and to this day remains hidden beneath his shell. In the end the truth will out. In the meantime the families, the people we are all charged to protect, need action. The Opposition intends to move amendments to this legislation in the upper House that will strengthen even more the proposed aid to removing hurdles for HomeFund borrowers. For all of those reasons, I commend the legislation.

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

The House divided.

Ayes, 43

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

Noes, 41

Mr Armstrong	Mr W. T. J. Murray
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Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Causley	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mrs Cohen	Mr Rixon
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Downy	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Griffiths	Mr Turner
Mr Humpherson	Mr West
Dr Kernohan	Mr Windsor
Mr Kinross	Mr Yabsley
Mr Longley	Mr Zammit
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr Morris	Mr Kerr

Pairs

Mr Carr	Mr Cochran
Mr Gibson	Mr Fahey
Mr McManus	Mr Hartcher
Mr Newman	Mr Hazzard
Mr Rumble	Mr Petch
Mr Shedden	Mr Small
Mr Ziolkowski	Mr Smiles

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CROWN LANDS (PREVENTION OF SALE) BILL

Second Reading

Debate called on, and adjourned on motion by Mr Whelan.

LETONA CO-OPERATIVE (ASSISTANCE) BILL

Second Reading

Debate resumed from 28th October.

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [10.13]: I should like to reply to the second reading speech of the honourable member for Drummoyne and to refer to the position adopted by the Australian Labor Party on Letona. The Government has not taken a hard-hearted position about the Letona episode. From the start the Government and I, as Minister, have acted responsibly and sympathetically to the problems highlighted at Letona. On a couple of occasions I have made statements in this House. I do not wish to reiterate them all, but I shall refer to some.

The problem with Letona is not new. It goes back many, many years, before 1980. There is no doubt that the directors and shareholders of Letona and, for that matter, the staff and workers of Letona, should have known then that there had to be some very basic restructuring of the co-operative if it was to be maintained as a viable entity. Just after the 1980s Letona was in crisis. It had millions of dollars of debt. At the time the Federal Government bailed it out with \$3 million or \$4 million it said that the cannery must be restructured if it was to be a long-term economic entity. Absolutely nothing was done. It is important to note that the money was taken from the Federal Government, debts were paid, but nothing was done about the basic structure of the cannery.

At that time a manager was put in at the insistence of the Federal Government to try to get Letona out of its economic problems. Again directors took no notice of the advice given. After that manager left a general manager was appointed who brought forward a rescue plan for Letona, and that plan is still valid today. However, once again the directors did nothing about it. It seems to me that the directors of the co-operative deliberately set out to get themselves into a position, knowing full well that they would eventually try politics to get the taxpayers of New South Wales to bail out this failed entity. It has been bailed out on a number of occasions.

The co-operative approached this Government 12 months ago to say it was having trading difficulties and needed a letter of support, a letter of comfort, in relation to the overdraft with the State Bank of New South Wales. The Government gave a letter of comfort for \$5 million because it was given an assurance at that time that good management practices would be put in place. Again the directors failed. Only a matter of weeks ago the board of directors again approached me, as the Minister, to say they had some short-term problems with contracts coming up for the tomato growers. They said that the contracts had to be signed but, because of the directors' fiduciary duties, they could not do so without an additional letter of comfort from the Government of \$2 million. I was dubious, as I think the Premier was, that again the Government was being asked to provide a letter of comfort.

However, the Government was assured that the business was on a sound footing, that it was only a matter of giving some support in relation to the debt with the State Bank, and that the co-operative would trade out of its difficulties. It was no more than three or four weeks later that the directors came back and said they were in trouble. Quite frankly, I believe it was straight deception for them to give me an assurance that they needed only a letter of comfort, and in good faith the Government gave an extra letter of comfort of \$2 million of taxpayers' money. A few weeks later the co-operative was in all sorts of strife again because it did not inform me fully about the business figures of the co-operative.

There is no doubt that the Leeton cannery is important to the town of Leeton. No one will dispute that: it is important. But there were plenty of warning signs. In 1990 when the Shepparton Preserving Company got into trouble and hit the wall, Letona should have realised the problems then because it was a cannery in exactly the same position as SPC. I should say that no government money was involved in bailing out SPC. SPC considered its position, and hard decisions were made on both sides, but that is now a viable trading entity. It is very strong in the cannery trading field. Letona sat back and did nothing. It is all very well to ask for another chance, but on three or four occasions it has asked for another chance. It is easy with taxpayers' money to give another chance, but the co-operative failed all the way. Some people believe that the State Bank is the State Government, but members opposite should know that the State Bank has been corporatised. The Government has no power over the State Bank. It is a corporate entity that trades in its own right.

There is no doubt in my mind that the bank was probably given the wrong figures about Letona's trading record. Everyone involved with the co-operative - the directors and the shareholders - has

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some responsibility. The shareholders should have attended the annual meetings and asked questions. They should know what is going on with their co-operative. They should ask questions because it is their future. Yet in 1990, when the co-operative made a small profit of \$400,000, they were happy to vote it back to themselves. Now they say, in desperation, "Oh, if we could only shorten the cannery line". The line the fruit travels on from the start of the factory to the cans is of the order of a kilometre.

Mr J. H. Murray: It is one of the lines.

Mr CAUSLEY: Well, this is one of the lines. The honourable member for Drummoyne sits here and spouts words. He knows nothing about the cannery.

Mr J. H. Murray: Have you been to Letona? Have you looked at the cannery?

Mr CAUSLEY: Yes, I have been to Letona. I know Letona. I am talking about a long line. They said to me - and if the honourable member would listen he might learn something - "If we could only shorten the line we could save a lot of the costs". Of course they could. Does the honourable member know how much it would have cost to shorten the line and save 30 per cent in costs? It would have cost \$500,000 - slightly more than they voted back to themselves in 1990. The co-operative could have done that in 1990 but those involved prefer to sit back and use people such as the honourable member for Drummoyne, use people who want to play politics, to take money out of the pockets of the taxpayers of New South Wales. That is totally

irresponsible.

I note with interest that the only members of the Opposition present in the Chamber are the honourable member for Bathurst and the honourable member for Drummoyne. I wonder where the Leader of the Opposition is? He is fond of walking into the boardrooms of this State and saying, "I am a financially responsible leader". Yet he has allowed this motion to come forward from the Australian Labor Party. How financially responsible is he? I have had discussions with the receiver. He has told me clearly that the only chance Letona has to get out of its present trouble is for the State Government to leave in - which it has lost anyway, I would say - the \$7.5 million it contributed in guarantees. Letona then has to find another \$5 million from what the receiver calls governments. I have heard the Mayor of Leeton and the honourable member for Drummoyne talk about the Federal Government, and I will come back to that.

Letona has to find \$5 million, but the Opposition is not telling anyone - and this is how dishonest it is and these are the false hopes it is building up - that, even after that contribution, the receiver has to find an equity partner, a company, with another \$12 million if Letona is to be a viable cannery. I understand from the receiver that his chances of finding an equity partner are slim indeed. This bill is giving false hope. The honourable member should read the bill. It is nonsense. The bill says, "We recommend to the Government this" and, "We recommend to the Government that". The Opposition cannot move a money bill, and it knows it. It is "recommending". The Opposition might just as well say, "We note", because that has the same substance. It means nothing. The bill cannot and will not be implemented, and I will explain why.

As I have said, an equity partner has to be found. The bill proposes that the Government should prop up the Letona cannery, install a manager and allow the co-operative to trade. It is an absolutely open-ended bill. It could cost the taxpayers of New South Wales tens of millions of dollars - the receiver has suggested \$24 million - to make the cannery a viable unit. The Opposition says, "Why not give them another \$5 million? If the Government gives them another \$5 million, they can continue to trade". The debts total almost \$5 million. If the Government throws in \$5 million of taxpayers' money, that would only pay the debts; it would do nothing to help the cannery or improve efficiency.

Let me return to the myth of the Federal Government. The honourable member for Drummoyne is well known in this House for not telling all the facts. He obviously did not read the speech Senator Nick Sherry gave last week at the Canned Fruit Growers Association meeting. Senator Nick Sherry - a member of the Federal Government - laid it clearly on the line that the Federal Government was not interested and that it would not give Letona any funds, yet the Opposition in this House is giving people a false hope and telling them there is a chance. The Opposition has said, "We will talk to the Federal Government". The Federal Government has told the New South Wales Government that it is not interested. It has already thrown \$3 million or \$4 million at the cannery and has been caught the same way that this Government has been caught.

[Interruption]

Get the truth out. I know that is difficult for the honourable member because he always twists the truth around. The Government has looked closely at the business plan. I have said to this House before and I will say again that the Government gives Letona credit for trying to work out a business plan to save the co-operative. Those involved - and that includes the work force - tried very hard and have certainly come up with some concessions, but it is a little late when debts of \$34.6 million are hanging over their heads. I should also refer to the assets. Reverend the Hon. F. J. Nile, in another place, unfortunately injured himself last night attempting to get back to the debate on Letona. I hope he is doing well, because I know he hurt himself rather badly. He was told that Letona had assets of \$30 million. Letona has no assets worth \$30 million. The receiver has estimated that the co-operative has stocks worth possibly \$20 million, but that seems to me to be a huge inventory. There may be stocks of \$20 million but their worth depends on what can be achieved in the market-place. The worth of the land and equipment is anyone's guess. I do not know where the \$30 million is to come from.

The business plan contains a figure of \$585,000 that will be a holiday on superannuation. I would like that checked because I do not know how one can use a superannuation fund as cash flow in a budget. It seems a fairly rubbery figure to me. The problem with the business plan is that on accounting figures the income column adds up with the deficit column but it is often illusory because it is difficult to say whether the expectations will be achieved. The problem has been let go too far. Decisions that should have been made years ago were not made. Now this irresponsible Opposition -

Mr J. H. Murray: Is trying to save jobs.

Mr CAUSLEY: I am pleased the honourable member for Port Stephens is in the House. The Opposition is suggesting that \$5 million will save Letona. The honourable member would know that another of my responsibilities is fisheries. I wish I had \$5 million in fisheries; I could save the entire industry. Why not throw \$5 million at that industry?

Mr J. H. Murray: You are the Government.

Mr CAUSLEY: Oh, we are the Government. As I said, the economic illiterates opposite say, "You are the Government. Throw money at it". That is usually the Labor Party's trick. The honourable member for Port Stephens has given me an opportunity to remind the public of New South Wales of some of the exploits of his colleagues in Western Australia, South Australia and Victoria and the economic management of those areas. In a matter of 10 years the Federal Government has allowed the national debt to increase from \$53 billion to \$163 billion. That is not financial responsibility. The Labor Party's solution to the problem is to throw taxpayers' money at it and not do anything about the basic structure. That does not work. One has to get the structure right, and that is the problem that Letona has. There is no doubt that the peach and pear sections at Letona are of concern. The tomato growers have already been offered contracts from other operators.

Batlow is not a problem and is operating quite well. I understand the receiver has said that the Batlow cannery can operate on its own and that he will continue to support Batlow. The Government has been concerned about the peach and pear sections of Letona cannery and about the growers, because they are owed about \$2 million by the cannery. I have a package in place. I have been working with the Premier, with the assistance of the honourable member for Murrumbidgee, on a package of carry-on finance for growers who are in a desperate situation. Obviously they owe money to the town's small business people. They have to fertilise this year's crop, which will be picked around December, and if their fruit trees are not protected there is no chance of a cannery in the future. That is one of the most important issues.

The Government cannot offer carry-on finance to growers when the future of the cannery is unknown. While ever these irresponsible people opposite use their numbers in this House to introduce irresponsible bills, the Government cannot offer a financial package to the growers. If by some chance Letona is bought out and the debts of the growers are paid, how can the Government offer them a package of carry-on finance? The Letona problem has to be resolved before we do that. The Opposition, through this bill, is causing more agony. It is giving false hope that things may improve in the future. Clearly, the bill is totally irresponsible and it should be rejected by this House and by the people. The public should know that once again the irresponsible Labor Party, the champagne socialists, talk about supporting the workers, but when they get hold of the workers' funds they do not mind spending them. They are, economically, totally irresponsible. Letona cannot continue to trade with \$5 million. That money would merely pay its present debts

Another important matter is that this bill recommends that the State Bank withdraw the receiver and appoint a manager. The Parliament will set a dangerous precedent the day it interferes in the affairs of business in New South Wales. That shows how far the Labor Party is prepared to go. It is prepared to become involved in decisions that are legitimately the decisions of business. The State Bank has made it clear that it is not interested in another co-operative. If the honourable member for Drummoyne thinks that he can throw \$5 million to Letona to carry on, he should think again. It is not the responsibility of the State

Government; it is the responsibility of the State Bank, which is owed \$26 million. The State Bank put the receiver in, but no one has asked the bank for its opinion. We just get these games being played by the honourable member for Drummoyne and the economic troglodyte, the Leader of the Opposition. No one has asked the prime people, the people who are most involved. The State Bank has made it clear that it is not interested in a co-operative. There is no doubt in my mind that the honourable member for Drummoyne is playing games and is not trying to help anyone, least of all the cannery at Leeton

I reiterate that there will be a loss of jobs, but the business plan recommended that half the jobs should go. That decision should have been taken 10 years ago. The cannery is not viable. At present a carton of Letona canned fruit costs \$4 or \$5 more than SPC canned fruit. How can the cannery possibly trade if it is costing that amount of money? At present there is the talk about overseas contracts. How could the cannery possibly have an overseas contract if the cost of its cans is \$5 more than SPC cans? Blind Freddie would tell you to buy them from SPC.

Mr J. H. Murray: SPC buy from Batlow cannery.

Mr CAUSLEY: SPC are not fools; they are not going to pay \$4 or \$5 more for a product that they can produce more cheaply themselves.

Mr J. H. Murray: Batlow is producing the product more cheaply.

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Mr CAUSLEY: It is not.

Mr J. H. Murray: It is. SPC is closing down the line.

Mr CAUSLEY: This is last year's stock. That is a spurious argument and is typical of the honourable member for Drummoyne. That is an extraordinary statement. Let me talk about Leeton. The honourable member for Drummoyne is so removed from Leeton he would not know anything about it. There are other opportunities in the area. I have been dealing closely with an expansion of the Rockdale feedlot. So far as the workers are concerned - obviously not the producers - jobs at the Rockdale feedlot will be increased from 100 to 300, an additional 200 jobs. We are also dealing with another large feedlot at Tabbita near Griffith, which is another 300 jobs. It is not an area where jobs are disappearing. It is a growing area. Job opportunities at feedlots are opening up in a big way in that particular area. Though there will be a loss of jobs in Letona, there are other opportunities for the workers in the district. I have not given up on the possibility that another cannery will open in the area.

A couple of years ago when Edgells closed its operations at Cowra it seemed from the reaction that that was the end of the world. For years Cowra had depended on that cannery and it closed. Everyone said that would be the finish of Cowra. There are now two efficient canneries at Cowra. If the operations are efficient, if there are opportunities in the market-place, obviously someone will come in and fill the gap. But there is no opportunity to fill a gap where there is an inefficient monster such as Letona. Something must be done about that. We must be rational about this. The Government has got a package for the growers. We recognise they have nowhere else to go. Their interests must be protected, because we believe in the long term there will be a cannery in the area, so the growers' trees have to remain viable. We want to protect their interests this year because they do not have a crop. By doing that we will also help the town, because obviously the growers have debts in the town and they will be able to pay some of their small business debts. That is the area we have to move in.

It has been claimed that if the cannery were given \$5 million it could trade on, but the receiver has said that that cannot happen. All sorts of stories are floating around - I do not know where they are coming from - stating that the cannery could trade on. The information I have is that it cannot happen. The State Bank has said that it is not interested in a co-operative. If the Parliament starts to interfere in business decisions in this

State most of the business houses will lose confidence in New South Wales, and what will that do for our economy? It is a totally irresponsible bill. It is a disgrace that the Australian Labor Party has even brought it to the House. The Leader of the Opposition is skulking in his office because he is not prepared to put his name to it. He will not come into the House to support it.

Mr J. H. Murray: Put it up now.

Mr CAUSLEY: You get him into the House to speak. He will not support it. He thinks he can play it both ways. He claims that he is a responsible financial manager, yet when it comes to the point he wants to throw money away. This proposal would cost the State tens of millions of dollars. The Government cannot accept that irresponsible proposal. The Government must maintain the State's credit rating which it has been battling and bleeding to hold. A downgrading of our credit rating would cost taxpayers another \$100 million a year in interest. The credit rating of businesses would fall commensurate with the credit rating of the Government, so it would cost them also.

If the Government were irresponsible enough not to stick to budget and to throw money around as if it were going out of fashion, New South Wales would have its credit rating downgraded, as was the case with Labor governments in Victoria and South Australia, and even the Commonwealth Government, for that matter. We have no option but to reject the bill. The Government has looked at the plight of Letona very closely. A package is in place, and as soon as we can get clearance we will be able to help the growers. But in the long term there is no help for the failed Letona cannery, which business decisions have condemned over a number of years. That should speak for itself.

Mr CRUICKSHANK (Murrumbidgee) [10.43]: I commend the Minister for his defence of the Government's role and its attitude towards the Letona cannery. It was not really a defence; it was an explanation of the facts. The Letona cannery is being used as a political football by aspiring politicians in a cruel, misleading and cynical way. People are using the issue for their own miserable ends irrespective of how much other people will suffer. The inference being put about is that the Government has closed the cannery. That is not true. A couple of years ago Premier Greiner went to the Letona cannery and the people there explained the problems they were having. They had been seeking another partner for quite some time.

Mr Greiner said, "If there is anything we can do to help, please let us know". Somebody said that he prefaced that statement by saying, "We have got no money". I do not know whether the money was the criterion at the time. The aim was to get an equity partner for the Letona cannery. Mr Greiner offered the cannery all the help that was wanted. People there were told, "Just inform the local member what you want and he will bring it to me". Never once was I approached. People from the cannery avoided me like poison. They did not want me to get involved, because I would start asking questions about what they were doing. They rang me up and abused me. They told me to keep my nose out of the cannery. They said, "Don't get involved. You don't know anything about it". This was said by members of the board, whose subsequent performance, actions and tactics with the Government, the shareholders and the growers I loathe and despise as being totally incompetent. They were political appointees. Berner was appointed by Jack Hallam to run the cannery. He was supposedly a businessman.

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Mr Schultz: Out of the meat industry and no good in that.

Mr CRUICKSHANK: Is that right? A history of it then?

Mr J. H. Murray: What is wrong with coming out of the meat industry, Alby?

Mr CRUICKSHANK: He failed there. He failed the people of Leeton. He failed the growers. He and his board failed the workers of the cannery. What a miserable lot they are. Poul Berner stood up in the RSL

club in Leeton and said, "We have failed. We can no longer stay in the market-place. It does not want us. We are too small. We are too inefficient. Every case of fruit that we produce here could be produced in Shepparton \$4 a case cheaper. That is a straight out loss of \$8 million a year. We cannot compete". Mr Speaker, I cannot tell you how I feel. I was deceived but I was not the one making the great financial losses. People were owed up to \$150,000 by the cannery.

I cannot express just how much I loathe the performance of the cannery and what it has done to the people of Leeton. Unfortunately, the same people have now conned others into carrying a banner for them to encourage false hopes. They lied to the Government and to the growers. The growers knew things were going wrong. Only months before the doors were closed the growers went to the cannery asking whether everything was all right in the cannery. They were assured that everything in the cannery was apples, just the berries, no problems at all. That is what the cannery told the Minister. They were lies. No one can tell me that the Letona cannery could not see the wall coming. Shepparton saw the bust up coming. It knew it had to do something about it and it did something about it, but that bunch of slackers did absolutely nothing to avoid the disaster that was coming. They then had the effrontery to announce that publicly in Leeton before a packed RSL hall and then promptly marched out of town and washed their hands of responsibility in the matter.

I feel there is a serious gap in the law regarding responsibility. I feel that shareholders should get a benefit. To give an idea of the type of management prevailing at the Letona cannery, back in 1983 the apricot growers did not get paid. When they asked the cannery for money they were told, "We will pay you 14c in the dollar. We do not have any money at the moment but we could give you that much". When they asked what the alternative was they were told that they would be paid in full in 1998. It is now 1993. This company was supposed to be run by responsible people. The growers accepted that payment. They were not prepared to wait until 1998 because they knew they would never get the money. That is an example of the board's incompetence in running the Letona cannery. That board acted despicably against those employed by the cannery and against the growers who supported, and who to this day support, the cannery and its concept.

Mr SPEAKER: Order! The time being 10.50 a.m., pursuant to resolution of the House debate is interrupted for a motion to commemorate the seventy-fifth anniversary of Armistice Day.

ARMISTICE DAY SEVENTY-FIFTH ANNIVERSARY

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [10.51]: I move:

That this House commemorates the seventy-fifth anniversary of Armistice Day and that members and officers of this House stand in silence for two minutes in remembrance of those who made the supreme sacrifice.

The Anzac legend, forged in the furnace of Gallipoli, is enshrined in Australia's history. The courage, endurance and mateship that drove those diggers three-quarters of a century ago is now part of our national spirit. Today marks the seventy-fifth anniversary of the end of the first world war. This year the occasion will be marked by an event of national significance. Following a funeral ceremony with full military honours, the nation will entomb the remains of the unknown Australian soldier. This will take place at a simple tomb at the centre of the Hall of Memory at the Australian War Memorial. His remains have been recovered from a Commonwealth War Graves cemetery in France.

The War Memorial was opened in 1941 to commemorate the tremendous sacrifices made by Australians at war. However, until now the War Memorial has lacked a symbolic point of significance - a place which tangibly reflects the spirit of sacrifice embodied in its museum and displayed on the roll of honour. The Tomb of the Unknown Soldier will now provide a solemn and inspirational focus for the large number of visitors to the War Memorial each year. The tomb will become a place of reflection, where visitors can grieve, place a flower in tribute and acknowledge the many who gave their lives on battlefields far from their homes. This

tomb brings the memory of those battlefields, cemeteries and memorials closer to home.

No Australian community has been untouched by war. Monuments take pride of place in most towns and cities to this day. Most Australian families maintain a sense of loss attached to wars fought long ago or in more recent times. November 11, 1993, was selected as the most appropriate time for the dedication of the Tomb of the Unknown Soldier. Significantly, it will be the last major anniversary of the first world war at which surviving Australian veterans can be present. Fittingly, the return of the Unknown Australian Soldier will focus the attention of the nation on the universal spirit of sacrifice that is represented by the War Memorial.

One of the central objectives of the various Remembrance Day ceremonies around the country is to provide an opportunity for all Australians to participate in a meaningful way. This calls for a co-ordinated spirit of communication and a willingness on the part of the individual to embrace the message of remembrance. Traditionally, Remembrance Day is also marked by people throughout the nation observing two minutes' silence at the eleventh hour. This tribute was originated by an Australian journalist, Edward George Honey, who realised that in the

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rejoicing of peace time celebrations those who had given their lives for other people's freedom should not be forgotten. In an article for the *London Evening News* in May 1919, Honey wrote:

Can we not spare some fragments of those hours of peace rejoicing for a silent tribute to the might dead? . . . in the home, in the street; anywhere indeed where men and women chance to be.

Those who gave their lives for this country in all wars have left a lasting legacy of selfless sacrifice. Remembrance Day evokes memories of battles fought with the barest of resources and in the bravest of circumstances - battles fought for our freedom, which today we take for granted. That freedom is priceless, and can never be truly appreciated by those who have never had it taken away. It is through the efforts and the courage of the men and women who have served this country in all wars that we are a nation today, and it is for that reason we shall remember them.

Mr CARR (Maroubra - Leader of the Opposition) [10.55]: This House was sitting when the news of the armistice was flashed to Sydney 75 years ago. *Hansard* records:

SPECIAL ADJOURNMENT

Motion (by Mr. Holman) agreed to:

That this House at its rising this day do adjourn until Thursday next.

Hon. members sang the "Marseillaise."

Three cheers were given by hon. members.

Hon. members sang "The Star-spangled Banner."

Three cheers were given by hon. members.

Hon. members sang "Advance Australia Fair."

Three cheers were given by hon. members.

Hon. members sang "Rule Britannia."

Three cheers were given by hon. members.

Hon. members sang the Doxology.

Hon. members gave three cheers for "the boys at the front," and three cheers for "Australia."

I imagine, Mr Speaker, you would be reluctant to invite us to repeat the performance. But we certainly support the motion today with the same unanimity, if not the choral harmony, displayed by our predecessors in this place 75 years ago. The conventional wisdom links the war to the Australian character and nationhood. I accept the link but reverse its meaning. The old Anzac Day rhetoric, especially between the world wars, asserted that the Australian character, the Australian sense of national identity, and those values of independence, irreverence and improvisation which we like to hold as peculiarly Australian, were first forged at Gallipoli and in the trenches of France. I hold the opposite to be true - not that the Australian character and identity were forged by war, but that the Australian character and identity, already formed by 1914, made the Australian soldier. I quote the highest authority - General Sir John Monash, their greatest commander and a very great Australian - who wrote:

The democratic institutions under which he was reared, the advanced system of education by which he was trained, the instinct for sport and adventure which is his national heritage, his pride in his young country, and the opportunity which came to him of creating a great national tradition, were all factors which made him what he was.

Monash continued his description of the Australian soldier:

In him there was a curious blend of a capacity for independent judgement with a readiness to submit to self-effacement in a common cause. He had a personal dignity all his own. He had the political sense highly developed, and was always a keen critic of the way in which his battalion or battery was run . . .

He was always mentally alert to adopt new ideas and often to invent them . . .

Psychologically he was easy to lead but difficult to drive. His imagination was readily fired. His bravery was founded upon his sense of duty to his unit and comradeship to his fellows.

Lest it be suggested that this spirit of Australian mateship was essentially part of the old bush ethos, Monash asserted bluntly:

You could not tell whether a man was bred in the city or bush nor could you discriminate between one State and another.

This was not the idealised portrait of the Australian soldier by a propagandist. It was the no-nonsense assessment of a great civilian-soldier who had commanded many thousands of them in the field. The point I make is that these recognisable Australian values, Australian characteristics, Australian qualities were not the product of war but, as Monash saw clearly, the pre-existing product of Australian democratic institutions, Australian values of equality and, in its broadest sense, the Australian environment - in short, the great, constant, formative influences in our national life and character, every bit as relevant and as strong in peace in 1993 as ever they were in the crucible of 1914-1918. This is the true link between the Australians of today and the Australians we remember and honour this day. If in these times of change and uncertainty we seize this truth, then Remembrance Day can mean for all Australians, of all backgrounds, not only an occasion to mourn the loss and waste of wars past, but also a source of continuing confidence and renewal now and in the future. We support the motion.

Mr SPEAKER: Order! The resolution will be adopted by the observance of two minutes' silence.

Members and officers of the House stood in their places.

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of honourable members to two distinguished visitors in the Speaker's gallery, Mr J. A. Rabie, Minister for Population Development for South Africa, and the South African Ambassador, Mr N. Steyn.

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LETONA CO-OPERATIVE (ASSISTANCE) BILL

Second Reading

Debate resumed from an earlier hour.

Mr CRUICKSHANK (Murrumbidgee) [11.2]: The Leader of the Opposition has been fully briefed but will not speak in this debate. The State Bank was asked by the board of the Letona cannery to appoint a receiver because the cannery could no longer trade, and that is the current position. The receiver has been negotiating to find an equity partner. Negotiations to find an equity partner have been taking place since the beginning of the decade. The receiver received 53 expressions of interest. He grabbed each one with both hands and said, "Let's get down and talk business". In 53 cases the receiver said, "Tell me what you can do for me in regard to paying for the cannery. Put up a plan and pay me when you have the money; pay me when you make a profit; pay me at some later stage for the cannery, but in the meantime will you please take the cannery over. Tell us the deal you want to take over the cannery".

This proposition was put 53 times, and 53 times those people with expressions of interest walked away from the Letona cannery. It is very sad that this is the situation. The biggest player of the lot finally said, "Give me the cannery. However, I want \$15 million from the Government and then I will talk business". That was the final offer put to the receiver. There is ample scope to restart the cannery in the Leeton area. I have made approaches to the co-operative movement. Although I have not a great deal of faith in long-term co-operatives, I am certainly willing to try to get some money from the co-operative movement, which it does have, to set up a feasibility assessment of the situation - right back from the growers - to find out the number of trees they have and the number that they have been induced to plant by the board. The growers were induced to plant trees. They spent a lot of money and now their homes are at risk.

Mr Fraser: What return did they get?

Mr CRUICKSHANK: Nothing. It is a disgrace. They have been left high and dry by the previous management. A plan has to be put together dealing with the potential of all those trees, both existing and newly planted, the ability of the Leeton area to service the cannery itself, the workers, marketing - which is not easy - and the diversification that must take place at the cannery. Why the Letona cannery was never in the business of marketing fruit juice I will never know, and neither will anyone else. A plan has to be put together that is not merely a wish list. The plan must include management, which is a matter no one talks about. In one case a potential partner said, "My biggest problem is finding personnel to run this plant. Where can I find the personnel. I already employ the type of people to run this place, but I cannot afford to take them away from their present positions to run the Letona cannery. Where can I find other personnel?". He stated that he could not find the type of people who could run the Letona cannery. So there is a shortage of personnel so far as management is concerned. No one would touch the previous management personnel with a barge pole. Where is new management personnel to be found? When it became known that I have been to the co-operative society in an attempt to find out whether they will provide money for a feasibility study people have thought - for political or whatever reason - "Oh no. What he is trying to do is get money to build a cannery, not in Leeton but over in Griffith". What drivell, what absolute rubbish!

Mr Fraser: Led by the Labor Party.

Mr CRUICKSHANK: You can say that again. The nub of the problem is that people are trying to make this matter a political issue. That is the cruellest thing in this whole business. It affects the people of Leeton.

Mr J. H. Murray: Read the letter from the city of Griffith Council.

Mr CRUICKSHANK: Yes, that is a really gutsy letter. It says, "We support, we support, we support". Of course we support it, everyone supports it. It is extremely difficult to find people to run the cannery and to provide the necessary funds to enable the cannery to continue to operate. We have taken big strides to try to find money for the growers, because they have not been paid. I am quite confident that they will get money to keep them going, in the form of grants and perhaps long-term loans. This is despite the fact that Federal Labor Government would not allow the use of rural assistance funds to pay these people. They do not come under that category. No category is provided for them. People are going broke but the Federal Labor Government has said, "You cannot touch the money we have given you to help the Letona growers". It is despicable that the Federal Government would not allow that money to be used for a very real and legitimate purpose. The Letona cannery has had a sad development from the start. It has been going on for years. Everyone in Leeton has a favourite story about how bad things were or are or about what someone did at the Letona cannery.

Mr Causley: Who had a car or who was playing cards.

Mr CRUICKSHANK: There are many unanswered questions about the way the Letona cannery was run. However, that is not the matter of moment. The matter of moment is what will happen in the future. My personal opinion is that the cannery must be restarted under totally different auspices. I became sidetracked so far as the co-operative is concerned. We will get that money, and conduct a feasibility study. For the first time we will then have a complete picture of the cannery and the available potential for sale in the community. *[Time expired.]*

Mr SCHULTZ (Burrinjuck) [11.10]: Much has been said by the honourable member for Murrumbidgee and the Minister for Agriculture and Fisheries about the way in which the sad case of the
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Letona cannery has been handled. The bill before the House is like the political agenda of the Australian Labor Party. The Opposition has cynically purported to be concerned about people. In fact, it is not concerned about people; it is concerned about politics. The bill is yet another of the cruel hoaxes perpetrated by the Australian Labor Party in this State. I happen to know some of the name players on the management team of the cannery. I am not surprised that the cannery has gone down this track. As recently as three or four months ago a director of the cannery visited me in my office at Cootamundra. He told me that he was concerned about possible misinformation that the directors were receiving about the way the company was performing. According to verbal comments from the directors, in the initial stages they were looking for a small profit. Then the loss blew out to \$1 million, \$3 million, \$5 million and so on. That in itself told me an enormous amount about the way the Letona operation has been managed in the past.

Is it any wonder that governments, State and Federal, have decided that they will not pump good money after bad so far as the co-operative is concerned. The problem is compounded because part of the Letona operation is the Mountain Maid cannery at Batlow, which employs 61 people on a permanent basis, year in and year out. That cannery works 10 months of the year on full production and employs in the vicinity of 200 casual workers annually in the peak production period. That cannery has proved time and again that it has a flexible group of employees. The Batlow cannery has now been enhanced by a young, keen professional manager. That Batlow part of the operation is profitable. As recently as two weeks ago, during discussions between myself, representatives of the Food Preservers Union, the Letona management and the receiver, the Mountain Maid cannery expressed confidence that given the opportunity - and bearing in mind the processes it uses in relation to asparagus, peas, corn, apples and the by-products of apples and pears particularly - it would make a profit of \$1.5 million to \$2 million. That is the sad part about this issue.

Another fact that has not emerged in the public arena is that in the 1992-93 financial year the managers

at Letona leached \$1.7 million in administrative costs out of the Mountain Maid cannery. The real administrative costs for the Mountain Maid cannery operation at Batlow are \$300,000. That is all it can account for. Where did the other \$1.4 million go? It went into the mismanaged empire that made up the bulk of the Letona operation at Leeton. That is one of the reasons it is immoral for governments to become involved in bailing out a company that has demonstrated time and again that it cannot efficiently and professionally operate a production line. I do not see too many parliamentary colleagues of the honourable member for Drummoyne in the Chamber to support him on this issue. He made a speech about poor ladies at Batlow writing to him and telling him about the problem. He did not tell the House that the woman he was talking about, Sue Swan, does not live in Batlow; she lives in Tumut. She is an Australian Labor Party hack. She is a member of the ALP at Tumut and knows absolutely nothing about the industry's debt. She talks about every topical issue in the area. It does not matter whether it is timber, eggs or whatever, she is on the bandwagon. She has no concern for the people of Batlow.

The honourable member for Drummoyne and the Leader of the Opposition have indulged in a great deal of public hype about what the Federal Government will do in relation to what the State Government is not doing. I should like to read from an address by Senator Nick Sherry, Parliamentary Secretary to the Minister for Primary Industries and Energy, at the annual conference of the Australian Canning Fruitgrowers Association, which was held in Shepparton last Monday, 8th November. When referring to Letona in that speech he said:

Both the Commonwealth and New South Wales Governments have provided considerable sums of money to Letona over many years and, in spite of these loans and grants, the company is in the hands of a receiver.

He continued:

As recently as February 1993 the Commonwealth provided \$312,000 to Letona under an Employment Incentive Scheme contract and, in addition, the co-operative owes the Commonwealth about \$2.5 million on an interest free loan of \$5.5 million provided in 1984.

He continued further, when referring to the Commonwealth assistance program:

However, if the Letona operation is to have a future, the first step has to come from the private sector in the way of new equity capital.

Let me repeat that:

... if the Letona operation is to have a future, the first step has to come from the private sector in the way of new equity capital. Access to Commonwealth programs is available to the Receiver/Manager, or any other group involved, to help restore viable horticultural processing facilities in Leeton and Batlow.

He continued:

A number of fruit and vegetable processing plants have closed, or have been substantially restructured, in recent years. For example, the Edgell-Birdseye plants at Cowra and Bairnsdale - and of course your own SPC Ltd plant here in Shepparton.

In those situations the Commonwealth Government did not provide special assistance to particular plants but rather provided support for restructuring through existing programs, including for example, the International Trade Enhancement Scheme loan provided to SPC.

It is not often that I agree with the Federal Government - the socialists entrenched in Canberra, the nation's capital. However, I agree that the Minister for Primary Industries and Energy has got it absolutely right. He is saying to the New South Wales Government, "We will not bail them out and neither should you". That is a

responsible attitude by a Federal Minister of the Crown. It is an indication of the way in which the New South Wales Opposition is financially irresponsible in its views on how
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companies should be run and assisted. I reflect back to the early to mid-1980s when the former member for the Burrinjuck electorate was asked by a meat company for some assistance from his Government to prevent a plant at Cootamundra closing down. That plant employed 280 people. What happened? No assistance was forthcoming; the Government could not help them. That was the right decision; I had no problems with that. The point I am making is that considerable financial and economic pain was visited on 280 people at Cootamundra at that time.

Here is the same party, the ALP in New South Wales, playing politics and flipping the coin to the opposite side. That is what is immoral about this bill. That is what people are concerned about. The Opposition has made recommendations but only vague reference to the plight of the people of Batlow. The people of Batlow - a village, a small country town with fewer than 2,000 people - because of their excellent working relationships and ability to be flexible have placed themselves in a position where they have operated, in good faith, a profitable business, one of the arms of the Letona cannery group. A very negative picture has been painted and those of us who have come from private enterprise know that when private enterprise is waiting in the wings to buy a particular facility or company, it will sit back while uncertainty exists as to whether governments are going to throw some money at the company, because there is the incentive to buy a business at a bargain basement price.

Private enterprise does not take into consideration the fact that the Batlow operation is currently operating. The receiver has allowed the company to operate, to process peas until December and corn until March-April next year. As late as yesterday, the manager of the Batlow Mountain Maid factory came to see me, accompanied by Food Preservers Union delegates. He told me that they are concerned, and that they want to keep trading because the Japanese have asked whether they are going to be contracted out for a large volume of apple products. That concerns me. My contention is that the Mountain Maid side of the Letona operation should be pumped up. It should not be talked about negatively. If it is pumped up and permitted to trade, that will demonstrate to any potential buyer in the private sector that it consists of a very committed group of people; is a successful part of the Letona operation: is capable of making a profit; and would be complementary to any other business in the same line.

As an example, asparagus is grown in the Batlow-Tumut-Gundagai area. The only areas of note where asparagus has been grown in the past are Cowra and Koo Wee Rup in Victoria. Peas and corn and the best apples in the world are also grown in the area. All that raw material - raw agricultural and horticultural product - is available to be processed to complement the production of any other cannery in the country that is operating in a profitable and competitive way in the private sector. I am gravely concerned about the way the Opposition is promoting the line that governments should be interfering in the workings of private enterprise. I am concerned because, in the electorate of Burrinjuck, which I represent, there are three or four firms that - as a result of various problems related to the present economic situation that exists, and in some instances bad management practices in terms of forward planning - are in deep financial strife.

They are in no less a precarious situation than the Letona group. What does the Opposition propose? Does it propose that governments should compliment people who get into that type of financial strife by throwing money at them from the taxpayers' resources? It is monstrous in the extreme to even contemplate a thought in that direction. That is not what free enterprise and professional business management is about. It is about managing resources in a way that does not involve having 200 employees sitting on their butts for three months of the year, doing nothing productive and being paid for doing nothing. That is the type of management we are talking about, particularly in regard to the Leeton side of the Letona cannery operation.
[Time expired.]

Mr SCHIPP (Wagga Wagga) [11.25]: The three people I believe should be closest to this and have the greatest feel for it are the two members who have recently spoken - the honourable member for Murrumbidgee and the honourable member for Burrinjuck - and the Minister for Agriculture and Fisheries and

Minister for Mines. Obviously, they have been primarily responsible for trying to find some avenue to address this very serious question. The public perspective - and my own, sitting as a neighbouring member - is that the politics being played in respect of this issue have been sickening to the nth degree. It is no wonder that the community at large questions what the political forces in this State are getting up to in regard to addressing very serious issues. I would have thought that if ever a bipartisan approach was called for it would be in respect of this particular situation. However, that has not been allowed to happen, from the local level right through to the political level.

I believe that the bill falls into the category of a political stunt. I would have a different opinion if, for example, someone from the opposite side of the House or somewhere else could assure me that a matching amount of money is to be offered from the Federal coffers. I was told this morning that Mr Keltj of the ACTU has said, "Yes, we have the money and we will make sure that the Federal Government puts the money up". Mr Crean has said, "It will not be a Government decision but we have a fund over there with millions of dollars in it and the money will be forwarded". If the Opposition is prepared to amend its bill to the extent that the \$5 million from the New South Wales Government coffers can and will be matched, or is subject to matching from the Commonwealth, I believe it would give some currency to this particular measure.

I had some discussions yesterday with the receiver. I get confused about the signals or the interpretation that people put on what is said by

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people in his position and other positions - that it is an all or nothing approach; that you cannot bandaid this particular facility and expect it to work. The requirement of \$13 million is necessary but it is probably not the end of the line. There is still a risk factor involved. On my interpretation - there were other members present, and perhaps some of them will speak in this debate and give their views about what was being said - there is a probability that this place could be restituted to the point where it would be attractive to an equity partner.

Honourable members have heard about the 53 expressions of interest that have all fallen over. The receiver said he has no one with any definite plans to enter into this operation as it stands at the moment. On my reading, he said there was some hope that he could get it running. He mentioned the personnel matter and said he believed that management for these particular operations is hard to find. As has been said in this debate this morning, it has been widely circulated that management failures have been the root cause of the problems that have existed. Honourable members have heard the history of this matter, have seen the finger pointing, and have heard the words of scorn that have been spoken. I believe we should address this issue to see whether there is a future for the cannery. Does New South Wales need to retain the only cannery that exists in the State? Will another cannery rise out of the ashes, as some people hope, if this one goes over?

I do not believe we can draw a direct parallel with Cowra because annual crops are involved there and one year out makes a big difference to the economy. Here we are dealing with perennial crops that are just coming into full production. There are differences in that regard. One cannot make comparisons with abattoirs, because the producers of meat on the hoof can take their product to another abattoir not too far distant. By a failure to hold the place together we are removing a facility that cannot be replicated, other than to transport the product out of the State. That seems to be fraught with all sorts of doubts as well.

Some people have said that SPC does not want the fruit. Others say they will take this season's fruit. There is total confusion. A cat and mouse game is being played at a political level - we will show you ours if you show us yours. Apparently people are waiting in the wings to see what everyone else does. No one really knows exactly where the matter will finish up. Do we want to save the industry? What would happen, for example, if it was mooted that an industry was to be set up in this area and it would create 100 or so jobs? We would be falling all over ourselves to jump on the bandwagon and say, "Aren't we great? We have injected millions of dollars into a new industry that will create jobs". It would be trumpeted to the world at large. I was halfway to being assured yesterday that the cannery could be resurrected, but that is now in doubt. For example, I do not believe that a case can be mounted for treating Batlow separately from Leeton. Those operations can operate in a discrete way. Yesterday I was told that there is hope for the Batlow

operation, because it can process until next April. I hope it will continue to operate.

A joint approach between New South Wales and Canberra should have been taken initially. It would have obviated all the finger pointing about management failures, et cetera. I had some involvement 10 or 12 years ago when a receiver or management expert was appointed to the cannery. I thought he must have got it right because the cannery continued to operate. However, now I hear of problems that were not addressed. So-called business expert managers were put in and the growers were pushed out. I believe the failed tomato crop last year had a major impact on the cannery's problems. If the Government has a \$7.3 million guarantee in the cannery, where was Treasury? I have been told that Treasury allocated the money to New South Wales Agriculture and it should have been monitoring the progress of the plant. Someone should have said, "We have got \$7.3 million to protect". Where was the Registry of Co-operatives? Why did it not monitor the operation? I was advised that the registry was understaffed and did not have the available personnel.

Where was the State Bank? Why did it not liaise with the State Government? I fully understand, as the Minister for Agriculture and Fisheries said, that the bank is a statutory corporation that cannot be directed by government, but surely the avenue of communication was available. Why was the co-operative not saying, "Hey, there is a problem down here. We have got this growing mountain of debt"? Why were the growers not attending meetings, putting up their hands and saying, "Are we running this place efficiently? Why are we paying dividends out of a lost year"? I could go on and on apportioning blame. The bottom line is what will this bill do? Is the money available? Some people say there is plenty of money in the pot, but it is a matter of whether it can be used for this purpose. Someone said that industry assistance or rural assistance money is lying around somewhere, that it has not been tapped.

Mr Causley: You cannot get into it.

Mr SCHIPP: If that is so, surely to heavens an agreement could be reached. The growers must be assisted somehow or there will be a few slit wrists around the place. They have reached the point of desperation. It has been said that the workers will receive social security, or they will find jobs at Rockdale feedlot or somewhere else, but the growers will be stuck with a crop that cannot be sold. One can imagine their emotional hysteria. There is nothing worse than a tree pull. I do not know if honourable members have read about tree pulls or been involved with people who have had to pull young trees out of the ground. That is heartbreak territory. I was pleased when the Minister said that a financial package is being put together for the growers. At least that is a starting point, and I suppose this bill may have had some bearing on that. I do not know.

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I would place much more weight on the Opposition's bill if it contained an absolute guarantee that the money was available from Canberra. That will be a testing point. If the bill is passed, we would soon find out whether it was a joke, a cynical exercise. The Opposition has gone forward without any guarantees whatever. The guarantee problem could be overcome if the honourable member for Drummoyne, on behalf of the Opposition, amended clause 5(2) to read, "The assistance recommended by this section is subject to matching financial assistance being provided by the Commonwealth". We would be somewhere near to target then. I understand that the Opposition's case is that it is to be matched or it does not go anywhere. In other words, no half-baked measures; it is all or nothing. If that is the case, the wording in clause 5(2) is inaccurate, and it should be amended.

Mr J. H. Murray: If you move such an amendment in Committee we will support it.

Mr SCHIPP: I would move that the Federal Government put up a matching amount. I believe that the bill should be contingent upon that amendment being moved. More information is required before we can process this further. The receiver is adamant that the operation should be attached to a larger private sector operation. My interpretation of what was said yesterday is that with an injection of the full amount there is a

chance of spending the \$3 million in upgrading the operational line, and reducing staff requirements. There has to be a fulfilment of the agreement that I understand has been reached with the unions that if this bill is passed and money is available, staff rationalisation will go ahead smoothly, without court actions and the sorts of things that could further erode the financial base of the cannery. If that happens, the efficiencies to be gained from the introduction of new lines will be achieved quickly. If it does not happen, our actions today are futile. The current operation is inefficient.

Honourable members have heard of the feather-bedding and the blind eye approach. It is almost analogous to what happened in the marijuana growing episode at Griffith: everyone in town knew what was going on but no one said anything because there was a bit of loot floating around and they were getting a share of the action. From what I have heard, everyone knew that the cannery was a feather-bedding operation and was not being run as a business but, to a large extent, as a social security-type operation. That has been one of the problems. I can sympathise with the honourable member for Murrumbidgee. If the Premier had said, "If you have any problems you go to your local member, tell him all about it and we will see what we can do", and the local member had not heard a word of complaint, I would be as irate as the honourable member for Murrumbidgee. Every member of this place would be irate if they had been locked out of that sort of approach.

I guess that every time there is a problem that is publicised governments come rushing to the fore and away it goes. Now times are different. There is more of a business focus on these particular issues. I hope Batlow survives in its present form. I have my doubts about Leeton because I think it is almost too late to do anything. I believe that a lot of the overseas orders have already been cancelled because the co-operative could not guarantee fulfilment. I hope the bottom line is that Commonwealth money will become available or at least that this bill will be contingent upon it becoming available. I shall make up my mind how I will vote when the time arrives.

Mr WINDSOR (Tamworth) [11.40]: I speak to this legislation with a degree of displeasure. A lot of people are concerned about the future of Letona, the future of the growers and the future of the people who work in Leeton. If there is a common denominator in this debate, it is that most of us are at a loss to find a reasoned and financially viable solution to Letona's problems. I have met with a number of the players in this debate, including the Mayor of Leeton, Mr Peter Woods, and the receiver, Mr Miller. Yesterday I met with a contingent of people from Batlow, including management and staff. I have also spoken with the honourable member for Drummoyne, who has presented this bill to the House, the Minister for Agriculture and Fisheries and Minister for Mines, the office of the Federal Minister for agriculture in relation to the granting of possible financial assistance by the Federal Government, and many other players, including the members who have spoken to the legislation.

I have a degree of sympathy with what the bill is trying to achieve. I have spoken to Reverend the Hon. F. J. Nile in another place about his intentions in relation to the similar bill before the other place. However, I am not convinced that he fully comprehends the situation or that the simplicity of this bill can rectify the problem. I have been very vocal in this Chamber about regional development and employment in regional areas. It is most important that we contemplate as many aspects as possible to create employment in rural areas. Obviously, Letona has been a provider of jobs in that area.

Given those things, the contact I have had with many others and the concern that I have for the individuals involved, I cannot support this bill. It does not mean anything in real terms for the survival of jobs, the livelihood of growers and the cannery. That does not mean that a viable industry cannot be set up in Leeton at some stage in the future which would employ a similar number of people. But this legislation is not the vehicle to do that at this stage. I will outline my reasons for that decision over the next few minutes.

I support the call of the honourable member for Wagga Wagga for bipartisan support to try to solve this problem. When I say bipartisan I do not mean only in this House; I include the Federal sphere. One thing that has been common in the arguments between the players in this debate is the range of rumours about Federal and State government assistance, what could and could not be done, whether it affects appropriation,

whether it is legal in a parliamentary sense for a bill to appropriate money, and whether a recommendation in a bill means anything. My advice is that essentially the bill means nothing.

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If that advice is correct, if we passed this legislation we would not only delay the inevitable but we would make a viable rescue package of some sort unobtainable. Most important, we would delay the uncertainty the growers have in relation to the decision-making process, what they will be able to do over the next 12 months and whether they will have cash from the last 12 months. As the honourable member for Wagga Wagga and others mentioned, there is a great social dilemma in relation to that problem. The essence of the argument essentially is not related to this bill or the bill put forward by Reverend the Hon. F. J. Nile; the essence is that the Government must address the grower-related problem as expeditiously as possible. A number of speakers this morning have mentioned that a package is at hand that could relate to grants or some form of loan assistance. In this sort of situation - which has been brought about by a number of circumstances, not the least of which is a very inefficient management - the growers get the utmost consideration financially from the Government.

I urge the Minister for Agriculture and Fisheries and Minister for Mines not to look at a loan package but to look at a grant package so that the growers can finance the debts they have incurred over the past 12 months and go into the next 12 months with a degree of certainty, even though there may be a degree of uncertainty about the facility through which they market their product. Given the financial restraints of the growers, I urge the Government to look further than tying these people up with loans, even if those loans are at a very low rate of interest. I think the facilities are adequate, particularly if some reasoned debate on rural assistance could be instituted between the Federal Government and the State Government so that funding could be given directly to the growers to assist them out of their financial problems.

Letona faces a range of problems. I have met with the receiver-manager, who I have known for a number of years and for whom I have the highest regard. He was the receiver brought in some years ago to operate the Oilseeds Marketing Board and the Grain Sorghum Marketing Board. In a sense I am guided by his feelings in relation to some of the arguments that have been put. It seems to me that the Letona management is one of the most inefficient business propositions ever to set foot on earth. The growers have been misused and abused in relation to their financial indebtedness. Irrespective of whether the money was available, I do not believe that Letona would necessarily have a viable business at the end of the day if the current structure continued.

We must remember that the receiver represents the State Bank, which is very much tied to the Letona cannery structure. That in no way relates to the future of the growers. I think the Government has an obligation to the growers - and I am sure it recognises the flow-on effect of abandoning them, which I am sure it will not do. As I mentioned earlier, if the Government intended to take that path, I and others would try to ensure that the growers were helped in every way possible. Other than poor management and bad planning by the board and management of the co-operative, a high percentage of costs has been tied up in marketing and distribution. I am told that up to 38 per cent of total costs has been devoted to marketing and distribution. That indicates to me that the operation should be tied in with a larger operation to achieve economies of scale and reduce costs. Yesterday I had conversations with a contingent from Batlow. On the figures given to me, in the past financial year Batlow has been milked by the board of about \$1.8 million in administration costs. The new manager, who has been there for only a few months, is an excellent operator. To the best of his knowledge the administration costs of operating the cannery at Batlow should be around \$300,000.

If it is true that an amount has been transferred to the Letona cannery, it seems that the Batlow operation could be profitable - not standing alone but if another buyer were attracted to it. The options do not necessarily include leaving the Letona canneries as they are. The canneries could be divided and Batlow could be assisted with a range of measures in accordance with the feasibility plan mentioned by the honourable member for Murrumbidgee. It might be possible to maintain the Batlow operation in some form, and in future it may well be separate from the Leeton operation. I do not believe the bill will achieve anything

in that direction other than the maintenance of uncertainty. As I said, I spoke to the office of the Federal agriculture Minister yesterday. I was told that the Minister would be away until next Monday. [*Extension of time agreed to.*]

It was rumoured that the Federal Government would provide assistance if the State Government provided money. The mathematics of the bill indicate that there is a proviso about the Federal Government coming up with \$5 million. Late last week I telephoned the Mayor of Leeton to find out just how firm the rumour of an offer from the Federal Government was. He thought it was a reasonably firm commitment. I was told by the Minister's office that if the operation was taken over by another entity no assistance would be granted to Letona other than in the form of business operations and export incentives. That is virtually saying that if a buyer is found and a new operation is commenced, the Federal Government will assist with a number of programs but would not commit itself to providing a sum to make up portion of the \$13 million that is needed. I am assured by the receiver-manager that \$13 million is required. There is no surety from the Federal Government that that will happen; quite the opposite. I was told that it would not support the co-operative. That undermines the appropriateness of the bill.

In a sense that is disappointing. It could have had an impact on the way I voted on the bill. The real problem could have been solved had a number of players forgotten about the politics of the debate and concentrated on the issue at hand - trying to maintain a viable cannery in southern New South Wales. It has been suggested by some who are privy to the economics and management of the business that if it was allowed to run for another 12 months a degree of

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viability could be shown and another buyer could emerge. I believe I would be acting against the interests of my constituents and the taxpayers generally if I took the risk of spending taxpayers' money by supporting the legislation. Therefore, I will not support the bill. I spent a few hours examining the business plan circulated in the House to try to save Letona. It was not a business plan in the true sense. It was not a document to which any prospective buyer would attach a lot of value in assessing the viability of the business. Essentially, it attempted to keep the business operating for another 12 months while attempts were made to put other operations in place.

I support the statement by the honourable member for Murrumbidgee that a public feasibility study of the viability of a canning operation in the southern part of the State should be undertaken. If such a study showed the viability of such an operation, it might well involve not only the growers, who are highly proficient in producing the various fruits and vegetables used by the cannery; it could also have an impact on the community of Leeton if it was thought that Leeton was the best place to have such an establishment. Given all the circumstances, there is now an opportunity for reform, but unfortunately it will be necessary to allow the present operation to fail so that, hopefully, another can grow from its ashes. If that is a possibility, all the players must come together. It needs assistance from the Federal and State governments. We must look at the operation in sharp focus to assess its viability in the southern part of the State.

The honourable member for Drummoyne stated in his second reading speech that the cannery and many of the growing operations were set up some years ago in a closer settlement regime. I applaud the foresight of such an arrangement. It has developed an enormous amount of agricultural land and placed many people in areas in which they may not otherwise have been placed. I draw to the attention of the House the decision of the honourable member for Port Stephens to introduce legislation in relation to the prevention of sale of Crown lands. This has been highly distressing to me and to many of the fruitgrowers in the Leeton area. I urge the honourable member for Drummoyne to speak to the honourable member for Port Stephens about the impact the legislation would have on the very producers and fruitgrowers we are trying to assist today.

If the measure is allowed to continue in the form reflected in the bill, it could have a massive impact on the viability of that community and on the determination and ability of landholders to sell or re-lease their land or even alter land use patterns on their land. I urge the honourable member for Drummoyne to examine that ramification closely. I will not be supporting the proposed legislation, for it is dangerous and sets a precedent that should not be set. Above all, the bill demonstrates the problem that has to be faced by many grower

based operations. They must be more vigilant in the setting up and management of such boards. Governments should not be in the business of rewarding bad management. [*Time expired.*]

Mr J. H. MURRAY (Drummoyne) [12.0], in reply: The Government is all about supporting regional development and assisting industry in the bush, in particular through the co-operative movement. In recent times bills supporting such developments have been introduced by the honourable member for Dubbo. However, when it comes to the crunch, the Government walks away from its rhetoric. The bill before the House is all about looking after and providing some little assistance to people in regional rural New South Wales, where there is on all sides commitment, good will and willingness to compromise. The Opposition is in the business of compromising to help the people of Leeton and Batlow. The Opposition will compromise if that will assist the Leeton and Batlow communities. The bill provides an opportunity to negotiate an outcome acceptable to those communities, the Government and the debtors.

Comments by the Minister for Agriculture and Fisheries could be summed up by the phrase, "It is all too hard". The Minister should know that to be in government he should have some backbone. What is also needed from him is leadership. The Opposition does not want the Minister to walk away from his commitments that are already in place in the Budget and in his leader's election policy statements. The Minister, in his rhetoric, suggested that the Government will look after these people in times of need, but when they sought assistance the Government walked away from them. The Minister is saying, in essence, that it is all too hard. Yet the receiver, James Miller - an honourable man who has experience and knowledge of organisations and their propensity to succeed - said that if the Government can find \$7.5 million he will be able, given all conditions in a normal phase, to save Letona.

The Minister will not listen to James Miller, a man who has restructured major industries in New South Wales. James Miller has a good track record. He says something can be done. Yet the Minister is unwilling to listen to him or to provide leadership to allow him to undertake that action. The Minister says, "We cannot do it", and chooses to cry poor mouth and claim that no money is available. I wish to spend a few minutes of my contribution rebutting the argument taken up by other Government members. I refer to table 12, special deposits account, statement of receipts and payments in the period ended 30th June, 1993. The Government, the Treasurer and the Parliament voted \$27.766 million to the State Development Industries Assistance Fund.

Mr Causley: On a point of order. The honourable member for Drummoyne seems unaware that that fund cannot be used for agriculture.

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

Mr J. H. MURRAY: Industry assistance is available for the cannery. That money has been voted by this Parliament and is usable. Out of that first sum of about \$27.7 million voted to the Rural Assistance Authority, the bill seeks \$5 million. Last year about

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\$13 million was in the Rural Assistance Authority account. That allocation was not spent last year and was taken back because it was not spent. That account now has \$40.156 million, yet the bill is seeking \$2.5 million.

Mr Causley: It is committed.

Mr J. H. MURRAY: It is a matter of priorities. The Minister says it is committed. That is the point the Opposition is making. One minute the Minister says the Government cannot give money for assistance, but the next minute he says he can. That is the crux of this debate. If Letona were located in the Premier's marginal electorate of Southern Highlands, there would be no problem whatsoever in getting that money. The Minister is aware also that the Treasurer's contingency fund has \$100 million in it and that money is deposited in it every year. The Minister is in Cabinet and is supposed to know something about government. I am sorry I have given the Minister information that he is not aware of. Money is in that contingency fund

and would be available if the Minister had the will and displayed leadership.

However, the Minister is negative. If he can find a reason not to assist those in Batlow and Leeton, he will find it. The Minister also raised the issue of equity. He spoke of it as a problem, and suggested that the Labor Party has muddied the waters, which he suggested would create a problem. I vividly recall the Minister answering a dorothy dixer in the Parliament a couple of weeks ago, when he said that these people were knocking on his door and coming to see him the next day, that they all want to buy the business. A liar has to have a good memory. The Minister has been caught out by his answer to a dorothy dixer that many people want to buy equity and then telling this House today that no one is interested, the money is not available, and if the bill goes through no one will be interested. In that sort of game a good memory is essential.

There are people who are interested. If this business gets going, if the bill is passed and if the Government has the will, the cannery will be saved. More important, an export industry will be saved and the people of this State will not be forking out money. What the Minister has not said is that money will be forgone by Pacific Power in electricity charges, as will income by the Government in the \$7.5 million alluded to by the Minister. The Minister is willing to throw that out the door. He is willing to forgo payroll tax that would come to the Government. This is a two-sided equation but the Minister is looking at only one side of it. The Minister should apply logic to his contribution to the debate. The Minister wants people to believe that Letona should be compared with SPC. I will tell the Minister how good Letona is and how good SPC is. Does the Minister realise that over the past three years SPC has been buying between 400 and 800 tonnes of asparagus from Letona? SPC has closed its asparagus line; it does not use that line because Letona is more efficient.

Mr Causley: Batlow do that.

Mr J. H. MURRAY: Well, Batlow is Letona. The Minister is now suggesting that Batlow is not Letona. There are two canneries, and Batlow is Letona.

Mr Causley: They lost money.

Mr J. H. MURRAY: This bill is about Letona. The Minister is telling me that all the profits from Batlow go into the one trust fund.

Mr Causley: True.

Mr J. H. MURRAY: That is what we are talking about. I am telling the Minister that his assumption that Letona cannot compete is erroneous. Of their total product 50 per cent is exported overseas. That is how inefficient Letona is. As the honourable member for Wagga Wagga said, Letona had a difficulty with its tomato crop and that caused Letona to fall over. I acknowledge there are other difficulties in terms of the labour contracts and those matters are being put into place.

Mr Schipp: What about management?

Mr J. H. MURRAY: Yes, what about management. This bill goes through on the basic assumption that changes will have to be made. I have not spoken to one person - whether from the unions, the growers or the management - who has not agreed to change. They have all agreed on that. The honourable member can give us a history lesson about what happened in 1948 and so on. Fair enough. But I am saying that 1993 to 1994 is what we should be looking at. All have put their shoulder to the wheel and said they will do something about it. The speech of the honourable member for Murrumbidgee was the most negative I have ever heard from a member in this House. He did nothing but direct personal attacks on his constituents. He gave no facts. He spent his time personally attacking people who live in his electorate. If the honourable member wants to carry on like that, fair enough, but I will not dignify his speech by making a reply to it.

The honourable member for Wagga Wagga made a very perceptive and thoughtful contribution. He said

he is standing a little on the sidelines. The honourable member is not as close as some, but he is fairly close and he gave a fair perception or overview which I thought was quite good, and called for bipartisan support. I inform the honourable member for Wagga Wagga that I and the Labor Party have sought bipartisan support. I have spoken to every player in the game and I have spoken to all the Independents in this House. As the honourable member knows, I have spoken to Government members. I have even attempted to speak to the

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honourable member for Murrumbidgee. But he has a closed mind. He has blinkered vision. It is difficult to talk with him.

I agree with the honourable member for Wagga Wagga that there should be bipartisanship and we should be working for one main aim. But that is very difficult if one of the major parties wants to walk away from the issue. The Minister stands up and says that I am loose with the truth, and no one can believe anything that I say. I explain to the House, Minister, that you are not too authentic when you get up and make your statements. In many cases your statements are open to very little validation. I understand that the honourable member for Wagga Wagga is interested in the offer of support from the Federal Government. I assure the House that Bill Kelty is very much aware of the contents of this bill.

Mr Causley: He only knows what you have told him.

Mr J. H. MURRAY: How about listening, Minister. The Minister only listens to half a statement before he interjects. Mr Kelty has been to the area and has been briefed. More importantly, Mr Kelty has a Federal Government task force which will be reporting to the Cabinet and to the Prime Minister. Mr Kelty has taken evidence about the need for Letona and is very much aware of it. I cannot put words into the mouth of the Federal Government members but I feel reasonably confident that there will be a matching of money. The honourable member for Wagga Wagga has indicated he wishes to make an amendment, and I indicate that the Opposition will support it.

The bottom line is that money is available, but this Government is failing in its options. The honourable member for Burrinjuck is a late arrival on the scene. I have been receiving press clippings from that area. They started to come in on 6th November. That was the first occasion we heard from the honourable member for Burrinjuck. All of a sudden he is the great saviour of Batlow and Letona. Where was he when all the people from Batlow left their town and came to Sydney? He was not to be seen at all. Then the honourable member has the audacity to come into the House and talk with forked tongue. The *Gundagai Independent* of Monday, 8th November states:

MP for Burrinjuck, Alby Schultz, claims that a buyer could have already been found for Batlow-Mountain Maid division of Letona but for "political grandstanding".

He said there were buyers from the private sector who were waiting to see if there would be government interference.

He says local ALP officials and representatives from the Batlow and Leeton workforces who are protesting, are hurting the chances of finding a private buyer.

The hide of workers trying to protect their jobs! The hide of management actually coming to this Parliament and briefing members of Parliament about what is going on down there! They are interfering! If the honourable member for Burrinjuck were in a meatworks and his job was threatened, he would not be sitting down there with a knife day after day hoping someone else did something for him. He would be the first out and about, organising, trying to get something done. That is what the people of Batlow are doing. Yet in the honourable member's press release he is suggesting that those people are impeding the process.

The Government is all about, "We cannot find money, we are not in the business of helping people, where is the money coming from". Those double standards just do not cut ice. I remind the House that when John Fahey wanted to win an election in The Hills and there was a cry for help from Baulkham Hills

Council, the Government found \$34 million to help. What about Eastern Creek? The Eastern Creek debt has increased from \$2 million, with the Government finding \$130 million for the Eastern Creek motorcycle track. But when it comes to employing people and keeping an industry going, the Government cannot find money. Double standards again from the Minister.

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

Mr J. H. MURRAY: There were \$50 million in RTA funds made available to provide help for the road builder to construct another link - the missing link - in the M5 into Leeton. The Government can find money to help a private constructor build a road and make a profit. The Government paid \$36 million from Treasury to help the developer George Herscu. The Opposition is asking for \$5 million to save a vital industry, an icon in Australia and one which is a major exporter. The Government found \$80 million to help the private egg producers to help deregulate that industry. But it cannot find any money to assist Letona. The Government found \$250 million to help the private coal producers over a period of five years, but cannot find \$5 million to help Letona.

More importantly, if you are John Fairfax and you are struggling to pay \$98 million in stamp duties, just go to the New South Wales Treasury and they will find it for you. New South Wales Treasury will say, "You do not have to pay that \$98 million". That is the double standard. That is what the Government is all about. If this cannery were in the electorate of the Premier, there would be no problem finding \$5 million. There is no difficulty finding the money, because the money is there in Treasury. If there is a will there is a way.

The Minister and Government members talked about the terrible socialists. They claim that the Labor Party is not interested in anyone. It is the old claim of reds under the beds. Though I have visited Griffith in the past three months and have spoken to the mayor and others there, I am not 100 per cent certain but I do not perceive that the members of Griffith Council are a socialist lot. I do not believe it is a socialist council; I tend to think it is a conservative council. Yet it is at loggerheads with the

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Government. It supports the Labor Party and others in relation to this issue. The council faxed this message to the Premier:

Dear Sir,

LETONA CANNERY

Griffith City Council supports the continued operation of the Letona Cannery, to service the vegetable and horticultural activities of the Riverina Region.

Council urges the New South Wales Government to do likewise and to ensure that all opportunities are exploited and developed so that a restructured Letona may continue to develop.

Mr Causley: How much money did the council offer? None.

Mr J. H. MURRAY: I am telling the House that not only the Labor Party is pushing this issue. So are the people in the area who understand the need to keep the cannery open. I noticed that in the debate National Party members were very quiet. That is a strange reaction by them when their Liberal economic rationalist colleagues from the city are arguing against economic assistance for Letona. They have different sets of figures and different ideas to present to this House to suit the occasion. If Letona falls over, a direct injection of approximately \$30 million into the regional economy will be lost. The bill seeks \$5 million, and \$30 million will be lost. Allowing for the forward multiplier impact and backward linkages to the local economy, the negative impact of closure will be at least \$150 million on a multiplier system, with consequent major losses to Government revenue at all levels - income tax, sales tax, rate revenue, and fees and charges for water, gas and electricity.

Confidence in the local economy will be adversely affected, and the impact of that will flow through to other industries, not only in Leeton and Batlow but in the surrounding areas of Narrandera and Griffith. Letona will simply become the victim of a predator or predators, with major losses to creditors and to the State Government. The Government knows the cannery will fall over by \$7.5 million. A shutdown plant with consequent disservicing of established customers will put the present value of Letona at a much lower figure than will be the case if the bill is passed and the cannery is sold as a profitable enterprise. Given the enormous potential of the Australian food processing industry, particularly in export markets, closure of the plant will send a powerful negative message and will be a sad admission of failure by the Government.

The bill provides a perfect platform for the take-off phase for Letona. The cannery has been restructured and the plans are in place. It needs only an additional injection of capital. The bill seeks \$5 million, and \$2.5 million will be needed to pay the growers so they will be able to produce next year's crop. It is obvious that the community, the debtors and the work force have joined as one to resolve the difficulties, giving credence to the Opposition's action. Where is the Government? I ask the House to consider the bill and to provide a positive result to the people of Leeton, Batlow and the surrounding areas.

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

The House divided.

Ayes, 42

Ms Allan	Dr Macdonald
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Mr A. S. Aquilina	Mr Mills
Mr J. J. Aquilina	Ms Moore
Mr Bowman	Mr Moss
Mr Clough	Mr J. H. Murray
Mr Crittenden	Mr Nagle
Mr Doyle	Mr Neilly
Mr Face	Ms Nori
Mr Gaudry	Mr Price
Mrs Grusovin	Dr Refshauge
Mr Harrison	Mr Rogan
Mr Hatton	Mr Scully
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Thompson
Mr Irwin	Mr Whelan
Mr Knight	Mr Yeadon
Mr Knowles	
Mr Langton	<i>Tellers,</i>
Mrs Lo Po'	Mr Beckroge
Mr McBride	Mr Davoren

Noes, 39

Mr Armstrong	Mr W. T. J. Murray
Mr Baird	Mr O'Doherty
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Causley	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson

Mrs Cohen	Mr Rixon
Mr Collins	Mr Schultz
Mr Cruickshank	Mr Smith
Mr Downy	Mr Souris
Mr Fraser	Mr Tink
Mr Glachan	Mr Turner
Mr Griffiths	Mr West
Mr Humpherson	Mr Windsor
Dr Kernohan	Mr Yabsley
Mr Kinross	Mr Zammit
Mr Longley	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr Morris	Mr Kerr

Pairs

Mr Carr	Mr Cochran
Mr Gibson	Mr Fahey
Mr McManus	Mr Hartcher
Mr Newman	Mr Hazzard
Mr E. T. Page	Ms Machin
Mr Rumble	Mr Petch
Mr Shedden	Mr Small
Mr Ziolkowski	Mr Smiles

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

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In Committee

Clause 5

Mr SCHIPP (Wagga Wagga) [12.31]: I move:

Page 2, Clause 5, lines 21-25. Omit all words on those lines, insert instead:

5. To assist in the implementation of the Business Plan, Parliament recommends that the State provide financial assistance to Letona by means of a grant in the sum of \$5,000,000 contingent upon matching financial assistance being provided by the Commonwealth.

I am well aware that the amendment I have moved involves a high risk strategy, in as much as I am putting faith in what has been said by the honourable member for Drummoyne about the real possibility of Commonwealth moneys being made available. Another contingency must be put on that: unless there is a guarantee, understanding or undertaking by Monday of next week, all bets are virtually off. I understand from the receiver that this is a critical time with the first fruit picking coming in about four weeks, and that he has no time available, no reserves at all in that regard, and he must know where he is heading so far as financial assistance is concerned.

If something is not done between now and Monday - in other words within a few days - one would have

to say the exercise that is taking place will be defeated. As I said earlier, the receiver has said it is all or nothing. There is no halfway involved, because he cannot run a half-baked operation; he cannot have mere band-aids. Therefore, that guarantee must be accepted together with the other contingency that the business plan and the agreement by unions, workers and the community all fit together. There is risk involved. Repeating what I said earlier, I believe the receiver when he says it is worth the risk; that twelve months from now it could be all over or it could be running - on the balance of probabilities, it could be running.

It is not a totally rational business decision that is being made in this Parliament today. I believe that, because it merely recommends. The bill does not bind the Government, and I will return my support to the Government if the Commonwealth moneys are not provided forthwith. In addition, there must be an indication that moneys can be provided from the Rural Assistance Fund to the growers. The Minister mentioned there was difficulty in that regard. I want to explain why I did not vote on the last motion. I abstained as a protest because I believe this issue has been too politicised throughout the negotiations. The honourable member for Drummoyne almost lost me when he turned on a political tirade during his reply. I went very close to rebutting what I had said earlier because, having dressed down the Minister for Agriculture and Fisheries and Minister for Mines, the honourable member for Burrinjuck and the honourable member for Murrumbidgee on their political contributions, he again traversed the whole area of politics.

It is sad and, as I said, it signals to the public at large that an issue of such importance cannot be handled by a coming together at State, Federal and local level; that those involved cannot sit around a table and thrash the matter out; and if the situation is hopeless, walk away and admit it is hopeless; or if there is a compromise to be found, find it. I agree that a lot of money is wasted through the resources of government, but the sum involved does not seem to me to be a large amount of money, as risk prone as the situation is. I understand that fully but without some movement in this direction I believe the township of Leeton will be devastated. I have had a fair bit to do with Leeton, particularly in my early life, around the tennis courts. I know a lot of people there, and the fact is that the township is very much based on the co-operative. I do not believe that there will be a sudden rising up of new industry and new canneries out of the ashes. I was pleased to have the assurance of the honourable member for Drummoyne that the Opposition will support the amendment.

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [12.38]: I want to comment on the amendment moved by the honourable member for Wagga Wagga. I believe it is important that there be clarification. The honourable member for Drummoyne dragged out all sorts of figures about where the money might be coming from, and he clouded the issue, which is typical of the whole debate. It is a cruel hoax. We are voting on a bill which merely says "recommend, recommend, recommend". What does that really mean? The Government does not have to act; it is, "recommend, note, recommend, note". Why has the honourable member dragged all these people into this Parliament and given them some hope? As I say, it is a cruel hoax.

[Interruption]

The honourable member should not speak too loudly, we might start to talk about shares or the boot, or something like that. Honourable members should think carefully about the amendment moved by the honourable member for Wagga Wagga. I do not know how many times I have to repeat these figures. I have been dealing with Letona for weeks trying to find ways to support it, and I am amazed by what these so-called experts say can be done. I notice the Independents, the Pontius Pilots, are washing their hands of responsibility. I should like to think that the honourable member for South Coast had some responsibility, but I doubt it. We are talking about a responsible fiscal decision, the future of New South Wales, budgets, throwing money around and whether this is a responsible amendment. It will involve \$5 million of taxpayers' money. The Government cannot throw away another \$5 million of taxpayers' money. The honourable member for Drummoyne spoke about money from the Rural Assistance Fund. That money cannot be used. We wrote to the Federal Government for assistance but it said no. The honourable member drags out all these figures that he thinks might be available. They are not available and he knows it. He is just trying to cloud the issue. He knows what he says is not true.

Though I understand what the honourable member for Wagga Wagga is saying, we cannot drag this matter on any longer. To remain in business, growers must fertilise and spray this year's crops. I

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have told honourable members of the package I have to help those growers, but I cannot implement it while honourable members trivialise the lives of the growers and allege that there is some hope that the Government will pay all money that is owed. I cannot give assistance to those growers while the Opposition is holding them out to dry. They need assistance now. We cannot wait for the Federal Government to say that perhaps it will provide funds. Senator Sherry, speaking on behalf of the Minister for Primary Industries and Energy, said no. We have been talking to him ad infinitum. People ask why a bipartisan approach has not been taken. Of course we have been talking to the Federal Government, but it has said no, and I have to take that as meaning no. There is no use holding out this hope.

The State Bank, which has had the receiver in for weeks, is asking who is going to pay the bank for its losses which are increasing every day. Yet members are playing around here as if they are experts in the business world. It is about time we let the business world sort it out. Leeton will not be destroyed. I have already said that. People are lining up trying to get contracts on the tomatoes. Batlow cannery is safe. It is quite true that Batlow has a buyer. It is the Leeton cannery that is the problem. The Government is trying to overcome the problems of the Leeton cannery. If I can obtain grant money for those growers, at least they will be able to get on with their business, pay some of their debts in town and safeguard a future cannery at Leeton. That will not happen if we play political games, and that is all that is being done at present. I am appalled that this bill, which says nothing, has been introduced. It is a political game. I am appalled to think that people would stoop to play political games with people's lives. The Government cannot support an extra \$5 million dollars, because on all the advice we have been given the Federal Government is not interested. People are ignoring the equity partner. Where will it come from?

I take offence at the honourable member saying that I misled the House when I said that delicate negotiations were to take place the next morning with SPC. They did take place. SPC looked very closely at this business to see what it could do, but it walked away. The honourable member for Drummoyne should listen intently to what goes on. SPC had a close look at the cannery and said no. The honourable member for Murrumbidgee is dead right. The receiver has been working overtime, talking to everyone far and wide, intrastate, interstate and overseas. At this stage they have all walked away. Unfortunately, the cannery has been destroyed by the people the Opposition is trying to prop up. It is all very well to say that there is a work contract. Why was that contract not in place 10 years ago when it might have done some good? It will not do any good now. It is all very well for the people who used to sit behind the packing cases playing cards to cry tears now. Why were they not concerned before? They knew the cannery was being bled to death and they did absolutely nothing. Now they want to come back to the taxpayers and say throw some money at it. From all the advice I have, it will not work. The Government opposes the amendment.

Mr W. T. J. MURRAY (Barwon) [12.45]: The amendment to inject \$5 million as a propping-up process for growers in the Leeton area is an interesting exercise. It is worth while going back in time and looking at similar circumstances that applied in other industries in this State - industries that have co-operatives and various marketing boards in this State - and see what happened to them. The first one that comes to my mind is that of the sorghum growers of New South Wales. Some years ago the industry got into serious trouble when the Grain Sorghum Marketing Board was unable to meet its commitments as a result of having entered into contracts to export grain sorghum from New South Wales. As a result of the failure of growers to deliver to the Grain Sorghum Marketing Board, the board was left with a substantial shortfall. At the time the Labor Party was in office in this State. The Grain Sorghum Marketing Board went to the Labor Government of the day and asked it to provide funds to pay the debts so as to resolve the problems that the grain sorghum industry confronted. The government of the day, with the support of the then Opposition, strongly rejected the proposal to bail out a group of growers who had made commercial decisions in regard to their future. The government of the day declined to provide the funds for the grain sorghum industry. The industry then borrowed the money and by a series of levies on growers, which are still in existence, the grain sorghum industry paid back its debts, and that board now operates on charges against the growers.

Mr J. H. Murray: With the help of James Miller.

Mr W. T. J. MURRAY: But not with the help of the Labor Party. The Labor Party decided, quite properly, not to inject government funds into that operation, as the honourable member is well aware. The circumstances at that time are no different from the one that exists today. The growers are in difficulty. What is the bottom line? Because rain has not fallen in sufficient quantity to top up catchment dams of my electorate in the northwest, which produces 80 per cent of Australia's cotton, some \$800 million worth of exports will be lost to the nation this year.

Are the cottongrowers who go to the wall as a result of the weather - and there will be quite a few of them - going to go down the chute? People will say that they can get their \$60,000 from the Rural Assistance Board, which may well be the case. It will help pay the accountancy and debt fees, but nothing else. Will the government of the day be expected to bail out those cottongrowers? Will the government of the day have to provide funds to ensure that those cottongrowers are able to continue in that industry until such time as it rains? Will the government of the day be able to determine when that rain is going to come? It would be a never-ending contribution because nobody knows when the weather is going to change.

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The situation at Letona is comparable to that in the grain sorghum industry and the cotton industry. Will this \$5 million that is suggested we put forward solve the problems in the short term, the medium term or the long term? A number of trees in their fourth year are coming to maturity; the fifth year provides an even better production cycle. Are we going to say to these producers, "We will provide you with the funds this year to carry you through your fourth year". But when the fifth year comes along, with greater production, are we going to say, "Sorry fellows, you are on your own"?

Members opposite are leading a group of people up the garden path and, quite frankly, I do not think those people will thank them in the long run. Every time we prop someone up under such circumstances we create a greater problem. In fact, I will go so far as to say that if we could repeat the debates of 1981 in this House, in retrospect members opposite would not do what happened then. They are making the same mistake now. Just how far can this proposition be taken. The wool industry currently has about 4 million bales in store. It has been sold, the growers have been paid and there is a government debt. A lot of growers' money is in those wool stores, as is a lot of government money. Let us look at the relationship between propping up that industry and propping up the industry we are currently looking at. The wool industry could come to this Parliament and say, "The Government of New South Wales should make a direct contribution to the wool industry because it was the decisions of government that created the problems of the wool industry. It was the decision of government to cease the operation of the wool industry support scheme and to change the price of wool".

Commonwealth money was given to Letona cannery. What will the Commonwealth contribute now? We have heard from time immemorial that the Federal Government will come in and back the States if they make a move. How many times have the States said, "Yes, we will do it", and they get one contribution from the Commonwealth and are then left high and dry - if they actually do get the first contribution. We will be creating an open-ended operation if we adopt this proposal. We do not know where the end is going to be; we do not know what the spin-offs in other industries will be. Are we going to selectively support one industry in this State for what can only be described as politically motivated actions?

How many members who represent Central Coast electorates have mentioned the problems with respect to oranges over the years? The orange industry has gone up and down like a yo-yo. That industry has pleaded not so much for support in the past but for controls to be applied to the importation of juice into this country from South America. Are Central Coast Labor Party members going to support future subsidisation, by way of import duty barriers or straight-out subsidisation, of the citrus industry on the Central Coast because of having supported this proposal for the Leeton citrus industry. It is an interesting question. I suggest that the people on the Central Coast of New South Wales would be hypocritical if they failed to do so - and it will

happen next time the orange industry on the Central Coast gets into strife. They will make a proposition to this Parliament similar to the proposition before us today.

It is so easy to put forward propositions that sound good, yet can be disastrous in the long term. I refer, for example, to the abattoir industry. There is one major abattoir in Dubbo, which is technically one of the best in the world. It is the only abattoir in New South Wales that meets those requirements. Every other abattoir - with perhaps the exception of Charles Davidson at Gosford - is in strife. There are Japanese operations at Midco. There is also the development of abattoirs associated with feedlots.

Mr J. H. Murray: On a point of order. I draw your attention to the relevance of the honourable member's statement. The clause proposed is very narrow; it has nothing to do with the issues the honourable member is alluding to. It is quite obvious that it is a cynical exercise to talk this out so that the bill is not voted on today. It is a cynical exercise to waste the time of the House and to put this bill off for another week. The honourable member should be asked to return to the clause.

Mr W. T. J. Murray: On the point of order. I apologise for not sitting down when you were speaking, but it is difficult for me to get up and down - and it would only take much more time if I did. I thank the honourable member for Drummoyne for taking up a little more time by making a point of order. Every matter I have raised in this debate relates specifically to a contribution by the government of the State of New South Wales to propping up an industry. It is correct to say that this amendment is narrow; it relates to a contribution of \$5 million to prop up a primary industry in this State. Every point I have made so far relates to that amendment.

The TEMPORARY CHAIRMAN (Mr Rixon): Order! I note that the honourable member for Barwon is attempting to ensure that he speaks within the ambit of the debate. While he does that I will allow him to continue.

Mr W. T. J. MURRAY: The abattoir industry was another industry that the Labor Party allowed to go to the wall rather than make direct contributions to it. In my electorate the Gwydir Valley County Council was wound up. In selling up, the constituent councils had to meet contributions towards the winding up of the local abattoir because it was no longer a financially viable operation for the State Government.

The TEMPORARY CHAIRMAN: Order! It being one o'clock, pursuant to sessional orders, I shall leave the chair and report progress.

Progress reported and leave granted to sit again.

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COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr HATTON (South Coast) [1.1]: When the Committee on the Independent Commission Against Corruption had a public session with Mr Temby I noted a couple of things of interest. First, I expressed my concern that the Operations Review Committee was too closely tied to the ICAC. I questioned whether Mr Temby should be a member of the Operations Review Committee and whether the Operations Review Committee should and could take independent advice. I suggested that those complainants who made complaints to the Operations Review Committee should have the opportunity to appear in person, present their case to the committee and expect to receive a detailed written response to the complaints, whether they appeared or did not appear.

A second matter I raised in the committee I think is very important. The excellent work that has been done by the ICAC is significant, but when I asked whether the operational matters undertaken by the ICAC

had made a significant impression impinging on the drug trade Mr Temby said, "No". In other words, the commission has made little or no impression on the drug trade in this State. Drugs are a public market. A public market cannot exist without involvement in a corrupt way of public officials. Therefore, if the drug market is continuing to flourish, as I believe it is, it is axiomatic that significant corruption exists. Mr Temby acknowledged that in his response. I hope that in future the ICAC will give this area greater attention.

In the public session I raised the replacement of Mr Temby. The Government should set the process in train to choose a replacement for Mr Temby, who will retire early next year. Mr Temby acknowledged the need for his replacement to work alongside him for a month or less to provide a smooth transition. The parliamentary committee has a right of veto over the Government's selection. Naturally, the committee needs to look carefully at this most important choice. The Government needs to canvass nationally and internationally for suitable candidates to replace Mr Temby. That will be a time-consuming process, but it is extraordinarily important to the future of the State. I put on the public record that Mr Temby is a man of extraordinary capacity and great courage who took on a task that no one had dared attempt before. He had to establish the organisation.

The ICAC has features that are unique in the world. Mr Temby had to work within pioneering establishing legislation, for which the Government must have the eternal gratitude of the people of New South Wales. Despite the faults that were bound to be found with any pioneering legislation, it has stood the test in many significant ways. Mr Temby has not resiled from his responsibilities. Where public figures were involved he stated his case, for right or for wrong. He selected his staff carefully and has done excellent work. He pioneered methodology. When I attend the international corruption conference in Mexico the week after next I for one will be proud to say that in New South Wales we have an organisation, despite its faults, that has broken new ground and, with the vigilance of the committee, protected the liberties of people. [*Time expired.*]

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: United States Study Tour

Report noted.

SELECT COMMITTEE UPON PUBLIC SECTOR SUPERANNUATION SCHEMES

Report

Mr NEILLY (Cessnock) [1.7]: I lend support not so much to the findings contained in the report of the Select Committee upon Public Sector Superannuation Schemes but to the report as a whole. The committee has made a sincere and genuine endeavour to portray in the report the situation that led to the establishment of the select committee. I thank the Minister for Small Business and Minister for Regional Development and the honourable member for Bega for presiding over the committee in the past 12 months. The Minister was the chairman for the bulk of the inquiry and the honourable member for Bega chaired the committee in the final stages. I also thank the secretary to the committee, Mr Merv Sheather, and the project officers, Misses Catherine Watson and Kendy McLean.

The Government was confronted with the growth of unfunded superannuation liabilities in the State. The Commonwealth Government had introduced the superannuation guarantee legislation, which placed fiscal responsibilities on the Government in relation to employees not covered by existing superannuation schemes. A consultancy firm was engaged to investigate the future direction of superannuation in the State and the Government decided to bring in a new scheme, First State Super, and close the existing schemes.

The way in which some of the information provided by the consultants was portrayed perhaps had a sense of overkill. The information was put in the context of nominal dollars instead of devalued or deflated 1992 dollar values when the report was prepared. It gave the impression that things were getting out of stride. Many people may have had the impression that gigantic increases would occur in unfunded liabilities. How money is spent is a matter for the government of the day. The Government has made its choice, and that choice was First State Super. The Government will reduce unfunded liabilities. However, had the Government given an equal commitment to an identical level of funding to existing superannuation schemes, future projections may not have been as bad as portrayed.

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The consultant's figures were checked by the New South Wales Government Actuary. The actuary found that by and large the assumptions utilised by the consultant were reasonable. The actuary also found a difference between his calculations and those of the consultant of about \$2.4 billion in 1992 dollar terms for the year 2020. Though the difference may not be significant in terms of 2020 costs, nevertheless it was found to exist. The actuary found a flatter rate of progression in future projections of those liabilities. He also found, in relation to option B, that in order to retain existing superannuation schemes and maintain a similar level of funding to that intended under the First State Super scheme, additional government cash outflows required would be in the order of \$7 billion. Both parties concurred on that finding. However, in relation to option B, which concerns the advent of First State Super, the actuary found there would be a \$5.6 billion additional outlay, whereas the consultant had estimated a saving of \$0.5 billion. I do not believe the First State Super scheme is adequate. In 1993 only 5 per cent of employees' salaries is being contributed for their future. The consultant or adviser to the Federal Government, Dr Stephen Fitzgerald - [*Time expired.*]

Mr KINROSS (Gordon) [1.12]: As one member who served on the Select Committee upon Public Sector Superannuation Schemes I am pleased to briefly give some of my views about the report handed down in this House on Tuesday this week and to comment on some of the material presented to the committee in the many extensive hearings during the year since the committee was established. One of the witnesses was Professor Bob Walker, who has been a regular critic of the New South Wales Government's dealings in relation to its financial accounts and the superannuation scheme. During Professor Walker's evidence I was pleased to have the opportunity to put to him a few matters in relation to the adequacy of information available to the Government at the time it made its decision to close the State Authorities Superannuation Scheme.

Professor Walker finally acknowledged - and I emphasise finally - after many evasive answers that he did not possess all the information, especially the actuarial analysis that Government members had at the time the Government made the decision to close the scheme. I refer specifically, for example, to page 22 of the transcript of 16th March, 1993. Accordingly, though Professor Walker had, prior to giving evidence, disagreed with some of the Government's decisions to close the SASS scheme, he could not justify his concerns other than to disagree with the way in which it was done. After he had given his evidence he wrote to the secretary of the committee on 23rd March. This is just typical of some of his criticisms:

I have reviewed the Mercer, Campbell, Cook and Knight report and note that, one, it does not give any indication of when it was commissioned or what were its terms of reference; two, it is dated 8th September, after the date on which the Government attempted to close the SASS scheme to new entrants.

Committee members on the Government side and I, and perhaps all the committee members, felt his concerns and criticisms, by their nature, were not an attack in any way on the substance of the scheme. I think he believed that the Government did not have sufficient information available. That belief was shown to be utterly without foundation because the Government had commissioned, through actuarial analysis, with some input by the New South Wales Government Actuary, a detailed costing of superannuation liabilities. Earlier contributors to the debate have referred to the differences, but those differences were, to all intents and purposes, accepted.

The credibility of Professor Walker was questioned, justifiably, when it was revealed that he had undertaken research work for which he was financially rewarded by an organisation called the Public Sector Research Centre, which in turn was almost totally funded by organisations associated and or affiliated with the Australian Labor Party. The reference for that evidence is pages 18 and 32-33 of the transcript I previously mentioned. The honourable member for Cessnock referred to disbelief about funding adequacy. The second finding of the committee is that it is satisfied, on the evidence it received, that the Government's current program of funding of the existing superannuation scheme is adequate. The honourable member for Cessnock was probably referring to what most people would consider adequate, but governments recognise that achieving 15 per cent is very difficult. *[Time expired.]*

Report noted.

[Mr Deputy-Speaker left the chair at 1.17 p.m. The House resumed at 2.15 p.m.]

QUESTIONS WITHOUT NOTICE

POLICE ADMINISTRATION

Mr CARR: My question is directed to the Premier. What action has he taken to resolve the latest crisis in police administration in New South Wales? Will he ensure that the Minister for Police responds to all of the allegations - I repeat: all of them - raised since 26th October by the Hon. E. P. Pickering by the rise of the House today?

Mr FAHEY: The question of the competence of the New South Wales police force is not a matter which I believe is at risk at this point in time. On the second part of the question the simple answer is yes.

CHILDREN OF GOD PROCEEDINGS

Mr JEFFERY: My question without notice is directed to the Minister for Police and Minister for Emergency Services. Has the Minister received a report from the Commissioner of Police in response to allegations concerning the conduct of the Children of God case? Can the Minister advise the House?

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Mr GRIFFITHS: I thank the honourable member for his very timely question. The Children of God case is one of the most controversial and complex to have come before our courts in recent years. While the principal issue of the care proceedings is now resolved, there remains civil litigation in the Supreme Court to be dealt with. That litigation involves claims for damages against the State of New South Wales brought on behalf of some of the children involved in the care proceedings. I must, therefore, respond to the question carefully and responsibly.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber. I call the honourable member for Port Stephens to order.

Mr GRIFFITHS: I should also say that I am very disappointed that this case, which has already caused so much concern and distress for all those involved, should be dredged up and used quite irresponsibly -

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

Mr GRIFFITHS: - to advance a campaign of personal grievance against the Commissioner of Police. As a result of the claims made in another place, the impression is being conveyed that the police acted on a whim, without evidence, and that after detention of the children there was an attempt to mislead the then Minister and, through him, the Parliament. In the short time I have had to inquire into these claims, which were made without notice to me, I find that a report to me by the commissioner provides facts which differ significantly from the claims. In responding, I have to deal with some technical and legal issues and I seek the indulgence of the House if my response is drier and more tedious than the more dramatic and flamboyant speech of the former Minister yesterday.

Police interest in this group arose as a result of a complaint made by a member of the public in October 1991 who was concerned about the welfare of some 40 children then living in a single property. The children involved in the original complaint suddenly vacated the premises after police and the Department of Community Services started to make inquiries about them. Police inquiries continued because of allegations about the activities of the group involved and concern about a large number of children. The former Minister was briefed on these police inquiries in March 1992. In May 1992 discussions were held with Victorian authorities who had separate concerns about people in that State.

On 11th May, 1992, the former Minister was given a further verbal briefing on the state of the New South Wales police investigation by Commissioner Lauer. On 14th May it was decided to search, the next day, three premises occupied by people associated with the Family of God. The timing of the search was influenced by the decision of the Victorian authorities to proceed in that State. There was reason to believe, following reaction to the earlier New South Wales police and DOCS inquiries, that the children whose welfare was believed to be at risk might be quickly taken away after action by the Victorian authorities. The former Minister was advised on 14th May, through his executive officer, that it was intended to search three houses the following day.

I now turn to the sufficiency of the evidence relied on by police to justify their search of the premises and detention of children. On 14th May, 1992, police sought search warrants from an authorised justice at Burwood Local Court. Information was given on oath to support the warrant applications and 165 pages of documents were provided in support. Those documents included information provided by informants, former sect members and the results of police investigations. The justice, after considering all this information and oral evidence, recorded the following:

On considering the application, I found that there were reasonable grounds for issuing the warrant.

I also point out to the House that there was an independent review of police action by the Ombudsman. In a letter to the Assistant Commissioner, Professional Responsibility dated 25th May, 1993, the Ombudsman said this about the decision to conduct the searches:

After a close and detailed examination of the papers, I am of the view that prior to 15th May, 1992, police and community services staff had a reasonable suspicion regarding the activities and practices of "the family". Certainly Justice Dick agreed to grant warrants on the basis of the information put forward by the police.

This is an issue now the subject of litigation, but I think it is clearly established that the concerns of the police and the Department of Community Services were genuine, were based on lengthy inquiries and a large body of information. I do not want to comment on the ultimate outcome of the proceedings. I refer only to the state of knowledge and belief at the time of the searches conducted on 15th May, 1992. The related issue is the validity of the warrants issued on 14th May. Honourable members need to keep in mind that two warrants were issued to enter and search each of the three premises. The first warrant permitted a search for a seizure of evidence of suspected offences. There is no question as to the validity of those warrants, or of the manner of their execution. Those warrants are referred to in the advice of 27th August, 1992 from the commissioner to the former Minister as "part 2" warrants. They were issued under part 2 of the Search Warrants Act. The second set of warrants were issued under part 3 of the Search Warrants Act and section

61 of the Children (Care and Protection) Act.

Those warrants authorised search for, and removal of, children believed to be in need of care. The commissioner's submission of 27th May, 1992, to the former Minister, which was tabled yesterday in the other place, points out that two separate and distinct sets of search warrants were issued. It is now well known that there was a technical problem in the way the second set of warrants was executed - not issued, but executed. This arose because for these

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warrants the law requires that the officer to whom the warrants are granted must attend personally when they are executed. That officer was not present when the searches occurred. The various advices later sought from Dr Flick and others point to legal consequences of the failure to comply with this technical requirement. However, that requirement did not apply to the other warrants.

Those advices did not refer to the valid execution of the part 2 warrants or to section 60 of the Children (Care and Protection) Act, which provides that authorised officers may enter any premises, without a warrant, in which it is suspected on reasonable grounds that there is a child in need of care because of immediate danger of abuse. The section permits the search for such children and their removal. Several points need to be emphasised here. Appropriate warrants were sought by police. There were two warrants for each premises. There is doubt about the execution of only one of those warrants. It may be that a warrant under the Children (Care and Protection) Act was not necessary in any event and that police officers and Department of Community Services officers were lawfully entitled to enter premises and detain children believed to be in need of care. The police and the Department of Corrective Services relied on a large body of information gathered over a period to justify their actions.

I would prefer not to deal further with this aspect in view of current litigation. Some of the matters I referred to could well be the subject of judicial consideration. I shall refer in a moment to the claim that the commissioner attempted to induce the former Minister to mislead the House. One aspect of that claim is related to the validity of the various search warrants issued on 14th May, 1992. The former Minister claimed that part of a draft speech prepared by the Police Service for possible use in Parliament was misleading. Worse, it was claimed that Commissioner Lauer attempted, as well, deliberately to compromise the former Minister by having him mislead the House. In other words, a serious conspiracy is being alleged. The critical element of this alleged conspiracy is this paragraph in the draft speech submitted to the former Minister:

In the circumstances, appropriate warrants were obtained through application to the court, applications supported by the evidence to hand, and were executed on 15th May last.

On the basis of the advice now given to me, I can see nothing misleading about this paragraph. Appropriate warrants were sought. The six search warrants sought were appropriate to the beliefs and intentions of the officers concerned at that time. The six warrants were sought and issued pursuant to the appropriate statutory provisions. The six warrants were validly issued. It is true, as the former Minister said, that there was a defect in the way three of those warrants were executed, and the Minister was reminded of that in a Police Service submission when the draft speech containing the word appropriate was tendered to him.

Mr Rogan: On a point of order. The Minister is going through a voluminous amount of notes. He has now been speaking for 10 minutes. On the basis of previous rulings, Mr Speaker, I submit that you should rule that he is making a ministerial statement.

Mr SPEAKER: Order! Clearly the Minister is not making a ministerial statement. He is giving factual information in response to a question and is not dealing with matters of policy. No doubt both the Minister and the honourable member for East Hills are mindful of some rulings I gave about the length of answers soon after I was elected Speaker. I remind honourable members that sessional orders now guarantee that 10 questions will be asked each day in question time. My earlier rulings attempted to ensure that the maximum number of questions possible were asked in question time. Having regard to the subject-matter of the

Minister's answer so far, and despite its length, I cannot rule that it is a ministerial statement. The Minister has been called upon at other times to advise the House on this matter. It is a subject of grave importance and I rule that the Minister is in order.

Mr GRIFFITHS: If the claimed conspiracy to induce the former Minister to mislead the House is based on the words "In the circumstances, appropriate warrants were obtained through application to the court", it simply does not survive rational analysis. So far as I can see, the statement is factually correct, although carefully and deliberately worded. I now turn to the issue of the two briefs referred to by the former Minister. The former Minister said that on 22nd June, 1992, he received a pink signed by Mr Lauer, which included a response to be used in the Parliament during question time, if required. He went on to say:

On receipt of this brief and prepared speech, I telephoned Mr Lauer to voice my complaint as to its quality and contents.

Following that telephone call to Mr Lauer, I received a second brief later that day, signed by Mr Lauer on 22nd June, in which the department had this to say under the heading "Background" and I quote:

On other papers, speech notes have been submitted for use by the Minister should he be asked a question in relation to the above mentioned matter when Parliament next resumes.

Those notes, however, do not make mention of the deficiency subsequently found to exist in a number of the warrants executed . . .

I am advised that the actual sequence of events was that both briefs and speech notes were delivered together, for the following reasons. Both briefs were signed off by the author, Mr Ings, on 19th June, 1992. The pink of 22nd June, 1992, claimed by the former Minister to be the first he received and which includes no reference to search warrants includes this handwritten note by Mr Lauer next to his signature, "See further pink re the execution of search warrants". Mr Lauer's reference on this document to the other brief demonstrates that both pinks were submitted to the Minister simultaneously. The second pink, also dated 22nd June, is headed "Supplementary
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Speech Notes", and deals with Dr Flick's opinion on the manner of execution of search warrants under the Children (Care and Protection) Act. This is the further pink to which Mr Lauer's handwritten note refers. Paragraph 2 of the further pink reads in part, "On other papers, speech notes have been submitted for use by the Minister . . ." Paragraph 4 of the further pink also states:

It is not considered that the information concerning this particular aspect is information that should be made known voluntarily, but only if the Minister is asked a specific question. Consequently, separate speech notes have been prepared and are submitted herewith for use by the Minister should that situation arise.

At that time it was obvious that the validity of the warrants would be an issue in the proceedings then before the Children's Court. Additionally, it might be prejudicial to civil proceedings that were foreshadowed at that time. It was therefore decided that the Minister be given the option of raising the issue of the invalid execution of the warrant separately if he so desired. It was also possible that the matter could be raised separately as a question without notice. Consequently, the two separate speeches were prepared.

Two briefs were submitted because it was considered the simplest way to emphasise the different content of the two draft speeches, which was by a separate covering explanatory note. Accordingly, both pinks were prepared on Friday, 19th June, signed by the commissioner on 22nd June, 1992, and then delivered together to the Minister of the day. The language of the further pink confirms the preparation and submission of alternative responses to allow the then Minister flexibility in answering questions in Parliament. I hope this matter can now be left to the courts. I also look forward to the day when I am able to concentrate on the real task of directing police administration without wasteful and unnecessary distractions of this kind.

ELECTRICITY CHARGES

Mr ROGAN: My question is directed to the Premier and Minister for Economic Development. If the Government Pricing Tribunal accepts the submission of Sydney Electricity for an additional \$57 charge for households, will he reject the tribunal's decision?

Mr FAHEY: The pricing tribunal is one of the more significant steps the Government has taken to improve administration and public accountability in this State. That tribunal is required to examine a number of matters in cases where monopoly charges are applicable - and, of course, monopoly charges are applicable to electricity. I note that last week Pacific Power made a submission to the tribunal, which is currently examining prices in relation to electricity. In that submission, Pacific Power suggested that, in its view, a reduction of approximately 5 per cent could be granted across the board to industry, commerce and business. If such a reduction were introduced, it would be a significant step towards providing a benefit to those who are endeavouring to make businesses work, thereby creating jobs.

I hasten to add that, though the tribunal will consider that submission along with many others, there will be no reduction in the price of electricity to business, commerce and industry at the expense of households. I give an assurance that that will not occur in due course when the tribunal gives an indication or makes its recommendation to the Government for its consideration. Yesterday, Sydney Electricity submitted that certain charges might be applicable because of the way in which it administered its area. That is just a submission made by a body that has a responsibility in electricity supply. The honourable member for East Hills - and I say this seriously - might consider putting a submission to the pricing tribunal, in view of the responsibilities that he has.

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

Mr FAHEY: Honourable members can rest assured the Leader of the Opposition will not do it. If the honourable member takes my suggestion seriously and makes a submission, I trust that will not be seen by any of his colleagues as an attempt to undermine him, as they are doing. That might confuse the Opposition, as everything else does these days, but I suggest seriously that the honourable member should put in a submission because many submissions will be made to the pricing tribunal. In due course the pricing tribunal will make a decision; that decision will go to the Government; and the Government will have the opportunity at that stage to accept or reject it, but it is clear that the Government cannot go above it. This will overcome some of the waste and mismanagement to which the Leader of the Opposition is party.

A little history lesson might be applicable at this stage. I can recall a time in 1984 when the then Premier decided he would buy votes in compulsory third party insurance by reducing the cost of each registration charge by \$10. In 1988 the Government inherited a \$3.5 billion unfunded liability debt under the third party insurance scheme. That was an underhanded, deceitful effort to buy votes that the government of the day believed it could get away with. Of course, motorists are still paying the bill for that. That situation could not happen under this Government because New South Wales has a pricing tribunal. Any decision the Government makes about charges will be transparent and the community may make the appropriate judgment. Members of the Opposition should not get excited about submissions. They should make submissions in respect of charges for electricity.

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

Mr FAHEY: The Government will consider the recommendation and act in the best interests of the consumers at that time.

LONG DISTANCE COACH SAFETY MEASURES

Mr MERTON: I address my question without notice to the Minister for Transport and Minister for Roads. Is it a fact that the New South Wales Government has been forced to go it alone in adopting stringent safety measures for long distance coaches? Will the Minister encourage the other States to adopt the safety measures already enacted in this State?

Mr BAIRD: I thank the honourable member for his question. He is chairman of the Government's transport committee and obviously takes a keen interest in these issues. Undoubtedly, coach safety is an emotional issue, especially for those who have been involved at the scene of fatal accidents and bus crashes. I know that the honourable member for Barwon and the honourable member for Oxley have been involved in that, together with myself, and we remember quite clearly events on the North Coast. Anyone involved would have no hesitation in calling for stronger bus road safety measures, especially for long distance buses. It has been increasingly frustrating in recent years to have proposals for new safety measures in New South Wales and Australia knocked back by the other States.

It is to the eternal shame of the other States that, having reached agreement for the introduction of seat belts and the strengthening of seat anchorages on 1st July this year, they then agreed to defer it by one year to 1st July, 1994 - at a meeting held later and from which I was excluded. In fact, the other States have been so dismissive of our calls for tougher coach safety that New South Wales has been forced to go it alone with many measures. The other States simply say that if New South Wales has a problem, let New South Wales fix it. New South Wales is the only State that requires tachographs to be fitted to all long distance and tourist coaches operating within the State. At the last meeting of State and Federal Ministers held in Sydney, I asked the other State Ministers to agree to the recommendation that buses throughout Australia have tachographs. That request was refused. It is my view that recording devices can play a crucial role in changing the environment on the roads because no driver can be sure when tachograph records will be called for. Drivers know those records can be called for and it may mean that they could lose their licence or their accreditation.

New South Wales has also led the way with accreditation schemes. All bus companies are required to be accredited in respect of standards, and they know they can lose accreditation and the licence to operate in New South Wales. There were illustrations of that requirement early in the period after that accreditation program was put in place. The other States have been not only reluctant to introduce tachographs but also reluctant to introduce an accreditation program. They do not see the need for them. A number of the States which have not had coach accidents say at the meetings, "We have not had a serious coach accident in our State. Why introduce this measure?"

I warned transport Ministers in June that they should not wait for a coach accident to take place in their own backyards before they acted on these measures. I told them that I would invite them to the next New South Wales bus crash to see for themselves what the impact would be without such measures in place. As honourable members would be aware, there was a serious coach accident in Victoria earlier this month. The Victorian Government has now recognised that tougher safety measures are needed. In fact, it offered to host a special meeting of transport Ministers tomorrow so that coach safety measures could be examined as a matter of urgency.

The Victorian Minister asked New South Wales to attend the meeting, and acknowledged that New South Wales had led the way in coach safety. It is now his view that the New South Wales standards should be set as a minimum for the rest of the nation. I agreed to attend any emergency meeting on coach safety, but other States declined to attend the special meeting in Melbourne. That shows how difficult it is to get the agreement of the rest of Australia, but we will not be denied on this issue. Today, as a first step we will push for the three States - Queensland, New South Wales and Victoria - to set up an eastern-bloc accreditation scheme. It is envisaged that coach companies in all three States would have to meet uniform safety standards.

Currently coaches travelling into New South Wales from Queensland and Victoria must have tachographs fitted to their vehicles, but uniform laws would mean that coaches from those two States would have to meet all other accreditation requirements, meet our training standards, and ensure that their vehicles comply with our maintenance and safety programs. More importantly, other States will be able to take action against coach companies that put the lives of motorists at risk. This morning I rang the Victorian and Queensland transport Ministers to seek their assurance that they will support the three-State plan. I am pleased to say that they provided general agreement. Discussions are under way and I am hopeful that this will be introduced.

The Victorian Government now wants the New South Wales standards to be the minimum requirement across Australia. This is a major step forward for the eastern States, but it is still my view that these accreditation laws need to be introduced in all States, not just in the eastern States. Once again, at the next meeting of transport Ministers I will be pushing that the safety standards in this State should apply right across Australia. It is not good enough that other States continue to drag their heels on this most important issue. The standards that apply in New South Wales should apply universally. I am pleased with the support of honourable members for these bus safety measures.

POLICE MISSING PERSON SEARCH

Mr J. J. AQUILINA: My question without notice is addressed to the Minister for Police and Minister for Emergency Services. Were three carloads of Blacktown police, sniffer dogs and police

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helicopters involved in a search for a missing 19-year-old man yesterday? Was he arrested by Mount Druitt police on Monday and in Silverwater gaol at the time of the search? Is this further evidence of bungling within the Minister's portfolio?

Mr GRIFFITHS: I thank the honourable member for his question to which I will respond in detail at the appropriate time.

WESTERN SYDNEY HEALTH SERVICES

Mr ZAMMIT: My question without notice is directed to the Minister for Health. Is the Minister aware of claims by the Opposition concerning spending on health services in western Sydney? Has he received advice on the progress of Westmead children's hospital and other major projects?

Mr PHILLIPS: I thank the honourable member for Strathfield for his important question on a subject-matter that affects many members of this House. Over the past couple of months the Government released two important health documents. The first was the health budget, which demonstrated that the State allocated a record \$5 billion to health care in New South Wales and a record \$1.1 billion worth of health funding for western Sydney. The other important document that was released -

[Interruption]

It is interesting to hear the honourable member talk about the Federal Government.

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

Mr PHILLIPS: I wonder whether he was one of the traitors in caucus who attacked the Federal Government for allocating New South Wales health funding to which it was justly entitled. The second important document that was released a week ago is the resource allocation formula, which takes us through to the year 2001 and ensures that all honourable members, regardless of whether they are Opposition

members, Independents, supporters of the Government or members on the Government benches, will get a fair share of the health dollar. That was an essential document.

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

Mr PHILLIPS: What was the response from the Opposition spokesperson, who unfortunately has the reputation of being totally negative on every issue? He has no health policy, no new health ideas, no grasp of the needs of modern health, no understanding of health economics, which I will demonstrate, and absolutely no guts to tackle people like the honourable member for Smithfield on major public issues such as immunisation.

Mr SPEAKER: Order! I call the honourable member for Eastwood to order. I call the honourable member for Smithfield to order. I call the honourable member for Drummoyne to order. There is far too much interjection. I call the honourable member for Smithfield to order for the second time. I call the honourable member for Smithfield to order for the third time.

Mr PHILLIPS: This walking, talking epidemic from Smithfield is trying to undermine an important immunisation program in this State, and the Deputy Leader of the Opposition refuses to put him in his place.

Mr SPEAKER: Order! I call the honourable member for Ku-ring-gai to order.

Mr PHILLIPS: I have a letter from someone who has the courage of his convictions. The letter is addressed to me and states:

I am writing to congratulate you and the New South Wales Government on the important initiative you have taken with the Public Health (Amendment) Bill 1992.

That is about immunisation programs in schools. The letter continues:

... in my view, a landmark in providing for better health for Australian children. I hope that your example will encourage other States and Territories to follow your lead.

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs and Minister Assisting the Minister for Justice to order. I call the honourable member for Wyong to order for the second time.

Mr PHILLIPS: Was that letter from the Deputy Leader of the Opposition? No. He has not said one word. This letter is from the Deputy Prime Minister and Minister for Health, Brian Howe. The Federal Government knows what immunisation is about but the Deputy Leader of the Opposition does not have any policy and will not take the responsibility of putting one in place.

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

Mr PHILLIPS: The Deputy Leader of the Opposition unfortunately has developed such a reputation through the health system that he is referred to as Dr No. No matter what issue is put forward, he says, no, no, no. The sad thing is the dramatic loss of credibility by that member within the system. The system can accept people who have strong commitments. The health system is made up of people with strong commitments. Some in the system would accept this Jurassic classic over here -

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

Mr PHILLIPS: The system will accept people who have strong commitments, but it will not accept people who blatantly and persistently lie. The Deputy Leader of the Opposition is having a problem with his credibility, particularly when he talks about health funding for western Sydney.

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

Mr PHILLIPS: Let us look at the two specific issues. In an article in the *Sydney Morning Herald* of 2nd November the Deputy Leader of the Opposition stated that there was a \$25 million cut in funding for western Sydney.

Mr SPEAKER: Order! I call the honourable member for Kogarah to order for the third time. I call the honourable member for Ku-ring-gai to order for the second time.

Mr PHILLIPS: I do not know how anyone can print such nonsense. The facts show that to be a blatant lie. The truth is that since 1988, when we came to office, there has been a real increase of \$222 million in funding for western Sydney.

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

Mr PHILLIPS: Immediately after the Budget was brought down the Deputy Leader of the Opposition said that there had been a \$8.5 million cut in funding for the west. He cannot even get the figure straight. Does he claim that the cut is \$25 million or \$8.5 million? His statements defy credibility, at the least. In the press release he put out after the Budget he said that there had been a \$136 million cut in public health. In the same press release he said that there had been a cut of \$110 million. I want to know which figure he wants me to refer to.

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

Mr PHILLIPS: The truth is that there has been a real increase of \$222 million. For those opposite who cannot remember numbers, they should just remember two's - \$222 million over and above the rate of inflation during a recession. That has been a real funding increase to the west of Sydney. Labor seats are the beneficiaries. The Opposition spokesman would prefer to lie about this issue. People who are confused by the figures should just go out and look at what is happening.

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

Mr PHILLIPS: They should go out to Westmead and look at the new \$300 million children's hospital which is being built for the people of the west.

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

Mr PHILLIPS: Was that hospital in the Opposition's policy when it was in government? Absolutely not. Liverpool Hospital is receiving a \$32 million upgrade, and further upgrading is continuing. Unfortunately the honourable member for Liverpool is not in the Chamber. A huge teaching hospital is being built at Liverpool. What about the Nepean Hospital? What do I hear from the honourable member for Penrith about that hospital?

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

Mr PHILLIPS: Did I hear her say, "Thank you"? No. A further \$3 million has been made available to commence redevelopments at Bankstown Hospital, which is a \$70 million-odd development. There is the Karitane unit. Where is the honourable member for Fairfield? I do not hear his name pop up all that often.

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

Mr PHILLIPS: What about the Blue Mountains? It is getting an upgrade as well, and rightly so. An additional \$300,000 has been allocated for the expansion of psychiatric services at Campbelltown Hospital. On top of that, \$15 million is going to the west for services.

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

Mr PHILLIPS: I want to hear no more nonsense, no more lies -

Mr SPEAKER: Order! There is far too much interjection from both sides of the Chamber. Question time should be conducted with more dignity and decorum than has been evident in the past few minutes. I ask honourable members to co-operate to allow the smooth conduct of question time.

Mr PHILLIPS: It is quite obvious, Mr Speaker, that those opposite just do not like to hear good news or the truth.

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

Mr PHILLIPS: I do not want to hear any more lies; I do not want to see any more press statements about funding cuts to the west. It is a blatant, outright lie.

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

LANDCARE GRANTS

Mr MARTIN: My question is directed to the Minister for Land and Water Conservation. Is the Minister aware that Boorowa National Party Vice-President David Marsh has written to the Australian Broadcasting Corporation threatening legal action over broadcasts concerning the improper granting of land care funds? Why was his private letter sent to the ABC on a Yass Soil Conservation office fax machine?

Mr Humpherson: On a point of order. A member of the public has been named in the question. That person does not have the right of response in this Chamber. It is immaterial whether the accusations are right or wrong. I submit that the question is out of order.

Mr SPEAKER: Order! There is no point of order.

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Mr SOURIS: What a puerile question; what an attempt at redemption for the disasters the honourable member for Port Stephens has created this week. I suggest that the honourable member have another discussion with the leader of the left-wing and that he get more advice for another day. I am not privy to what fax machine might have been used. I can only imagine that if the president or vice-president of a land care group felt that he had been defamed and sought to issue a statement to the media he may well have used the fax machine applicable to the organisation he represents and claims to have been defamed in representing. That is logical.

In any case, it begs the entire question. The Boorowa land care group has been raised in the estimates committee. The question has been answered. The issue has been raised as a matter of urgency, and has been answered. It has also been the subject of questions on the notice paper. I will have to tell the honourable member for Port Stephens one more time. The honourable member should look at his position on the frontbench after creating the trouble he has in the last couple of days. He also made idiotic media statements this morning, but that is another issue.

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

Mr SOURIS: The disarray makes it a little confusing for us to keep up with at times. The Boorowa land care group is part of one of the greatest conservation and catchment management movements Australia has ever seen. Land care and total catchment management are without doubt the great success stories of this decade, the flavour of this decade and the future of conservation and sustainable agricultural land use in this country. It has become the model for the rest of the world. The Boorowa land care committee is constituted autonomously. There are some 500 of these land care groups. The Boorowa group makes applications for grants in the usual way. The applications are assessed through an independent area catchment management committee and receive further assessment from the State co-ordinating committee. They then go to the Federal department - a Labor department - where they are given the three A's. They are assessed, approved and even announced by a Federal Minister; not by me, not by my department. This is the case that is being referred to by the honourable member for Port Stephens, who is giving this a further regurgitation.

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

Mr SOURIS: In my opinion the ALP should not be proud of its actions on this issue. It is a disgrace. The way in which Labor members are seeking to slur the character of Mr Marsh and use this Parliament, hiding behind parliamentary privilege, is not becoming of any Opposition, let alone this nasty little one we have here. This is about one person who could only be described as a bitter and twisted, chronic, hostile litigant, a Mr Karpinski.

Mr SPEAKER: Order! There is absolutely no call for the display from the Opposition. I counsel Opposition members not to behave in that manner again.

Mr SOURIS: This person, a former public servant from Canberra, went to the bush and bought himself a piece of country - a very poor piece of country. Like a good socialist he thought that because of his need and because the world owed him a living every land care grant and every land care activity in Australia should be focused on his property to restore it to good fortune. So convinced was he in his newfound entrepreneurial role that he established a tree nursery. He thought he would join a land care group and make a fortune selling trees from his tree nursery to land care committees and land care groups, with all the grants they will get. That is one of the reasons for the extent of the hostility of this person who has been removed by the internal processes of the land care group from membership of the land care group. Indeed, the land care group is not buying trees from Mr Karpinski. It is now far too advanced. It has developed its own on-farm programs, which are proving a great success.

We should not lose sight of the motivations there. The issue has been everywhere. It has been in and out of this Parliament three or four times. Statements written by this gentleman have been read out faithfully by the honourable member for Port Stephens. The issue has been forwarded to the Independent Commission Against Corruption. It has assessed the situation, called for the various reports and advised Mr Karpinski that the issue is now at an end and that there will be no further action. The material will be kept on file. Who knows why. The matter has also been to the Governor. He has been petitioned and has called for reports. The reports are on their way to the Governor. I imagine that in due course the Governor will form an opinion and see whatever else he might like to do. The Governor will be given essentially the same material that was given to the Independent Commission Against Corruption.

Further, there has been an internal discussion in Sydney between the Federal department that approved, assessed and announced the grant that has been the cause of all this business and my department to ensure that all the procedures have been carried out correctly. Initial comments have been that that is the case. So I really do not know where the matter now needs to go. I do not know where else the honourable member for Port Stephens is going to take it. So far as I know there has been no foul play of any sort from the TCM movement, the land care movement, the State co-ordinating committee or the Department of Conservation and Land Management. Neither I nor the former Minister has had any prior knowledge of this case. It has been assessed by the Federal Labor administration and announced by a Federal Minister. This is a dead

duck. The honourable member for Port Stephens should know that he is flogging a dead horse. He is wasting his time and he is a gross embarrassment to the Labor Party and to the whole of the land care movement.

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Finally, in respect of Mr David Marsh, I have not met the gentleman but some of my colleagues have met him. In the past week I have been the recipient of many letters, phone calls and character references in support of Mr Marsh. There is absolutely no doubt about the character and integrity of Mr Marsh and his complete and utter dedication to the cause of land care. The Deputy Premier knows Mr Marsh well. This issue is causing concern within the land care movement and in the district. All the Labor Party's actions have done is cause the establishment of a support group for Mr Marsh and for land care within the whole movement and to clearly establish the motivations of the Labor Party and how low it is prepared to go to assassinate the character of someone of the quality of Mr Marsh.

MINEHUNTER SHIP CONTRACT

Mr BLACKMORE: My question is addressed to the Premier and Minister for Economic Development. What action is the Government taking to ensure that the Royal Australian Navy's minehunter ships are built in New South Wales? What benefits will flow to the State if the minehunters are built here?

Mr FAHEY: I again commend the honourable member for Maitland for the magnificent work he is doing for the people of the Hunter. Earlier this week I was in Newcastle to gain firsthand knowledge of local support for the New South Wales bid for the Royal Australian Navy's coastal minehunters construction project. There is no doubt that the support is overwhelming. It is strong and it crosses all political boundaries. Newcastle and the Hunter region are sick of being overlooked by the Federal Labor Government.

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

Mr FAHEY: It has shown total disregard for the Hunter's shipbuilding industry in the past decade. Newcastle industry was left behind by an uncaring Labor Government in Canberra that handed out lucrative job creating shipbuilding contracts in an effort to save the Kirner Government in Victoria and to prop up the Bannon and Arnold governments in South Australia. Labor regularly looks after its mates.

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

Mr FAHEY: The Australian National Training Authority was awarded to Brisbane to help out another political mate there. Victoria was given the Royal Australian Navy Anzac frigate contract and South Australia was given the Collins class submarines. While support for the project in the Newcastle and Hunter community is united and there is high expectation that perhaps at long last Canberra will look to the north, to the New South Wales Hunter Valley and do the right thing for a change, there is little response from the Federal Labor members in Newcastle.

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

Mr FAHEY: They are lukewarm at best about the project. They are reluctant to push Newcastle's case with the Commonwealth. In fact, they are almost silent on the issue. Once again they are maintaining a low profile instead of championing the cause of their people and telling the Government in Canberra that this time Newcastle will not put up with it. It will not take it if Newcastle and New South Wales are neglected when it comes to one of the contracts. It was clear from all the people I spoke to in Newcastle on Monday that they are sick and tired of being simply ignored by a Labor Government when it comes to their shipbuilding industry.

Unlike some members of the Labor Party, Government members are not standing still. We will be maximising our efforts to gain the work for New South Wales. To ensure that the message hits its target I have appointed a ministerial task force which will be chaired by the Deputy Premier and Minister for Public Works and Ports. As we have reached the closing stages of the bidding process, it is essential that a top level team of Ministers co-ordinate the program and our efforts to win the contract for New South Wales.

[Interruption]

It is obvious the Opposition is not interested in development coming into New South Wales. Obviously the Deputy Leader of the Opposition does not have any mates among members representing electorates anywhere near Newcastle, because he is trying to distract them from listening to this answer.

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

Mr FAHEY: Some Opposition members representing Newcastle are interested in this project. It is a pity that the Deputy Leader of the Opposition is not.

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

Mr FAHEY: It is essential that we get this project for New South Wales. It is understood that one of the big companies is expected to announce a decision within days of its favoured locations for the construction of the minehunter ships. Three companies - Australian Defence Industries Limited, Australian Submarine Corporation Pty Limited and Transfield Shipbuilding Pty Limited - have each teamed with major overseas designers and builders of minehunter vessels. It is expected that the contract will be let in June next year. There is no doubt that New South Wales is the logical site for minehunter ship construction and fit-out, despite competition from

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other States. The project for the construction, outfitting and maintenance of up to six fibreglass hulled vessels is worth about \$1 billion. That would provide a substantial boost to employment in this State, international competitiveness with existing industries, as well as the creation of new businesses. The industry estimates that this project will create about 1,000 high value added jobs each year for much of its eight-year life.

We have unique strengths in this State to win this project. We have proven ability in industrial relations based on the reforms of this Government. We have a commitment by the unions and employers to maintain world-class levels of excellence, and exceptional industry skills are available in this State to get on with this project and make it happen. The Office of Economic Development has been working closely with each of the three contenders to ensure that the most competitive tender bids are New South Wales based. Each of the short listed consortia, the sonar systems suppliers, a number of command systems suppliers and prime subcontractors have either their head offices or substantial established facilities in this State. The Department of Defence has targeted an Australian industry involvement of at least 60 per cent. That could translate into \$600 million worth of business for New South Wales. We have previously bid for frigates, and we have previously bid for submarines. Unfortunately, the Federal Government ignored us when it played political favourites on those occasions. The Government is determined to win this lucrative contract, which will give this State a significant piece of the shipbuilding industry.

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

Mr FAHEY: As I have already made clear, Newcastle has missed out on two other occasions and is sick and tired of being ignored by the Federal Government. It is clear that the project requires concerted effort by all people in Newcastle, and that effort should be supported by all members of this House. But I worry about the industry statements being made by members opposite, that is, the policy on the run that the Opposition so often engages in. I noted with interest that earlier this year the Labor Party spokesperson

responsible for industrial development, the Deputy Leader of the Opposition in another place, was interviewed by the *Sun-Herald*. He was asked what he felt about regional development in New South Wales. He said, "I do not think regional development in New South Wales will happen".

The interviewer then asked, "Why not, Mr Vaughan?" Mr Vaughan's answer to that question was "Because nobody wants to live in the bloody country". That is Labor-style industrial development. That is what happens when people from the eastern suburbs are put in charge of industrial development, for that is how they regard country New South Wales. Is it any wonder that regions like Newcastle and the Illawarra, which are seeking to do something for the shipbuilding industry, despair about decision-making by Labor governments. I hope members representing Newcastle electorates ignore those kinds of statements and make an effort to get on side to help this project happen. We are determined to do all we can to make it happen in New South Wales.

HEXACHLOROBENZENE OCEAN DISCHARGE

Ms ALLAN: My question without notice is directed to the Minister for the Environment. Is the Environment Protection Authority aware of a Water Board study which claims that intractable waste hexachlorobenzene, HCB, is getting into the sewerage system from the ICI Botany plant, polluting waters off Malabar? Why is the Minister allowing the discharge of this dangerous substance into the ocean?

Mr HARTCHER: The honourable member for Blacktown has asked a question about discharges by ICI into Botany Bay. ICI, of course, has been discharging effluent into Botany Bay for many years. The licences under which ICI first discharged into Botany Bay were granted under a Labor Government.

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

Mr HARTCHER: I did not mention the honourable member for Malabar - I should say the honourable member for Maroubra - who of course is not in the House.

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

Mr HARTCHER: Mr Carr was a Minister in the former Labor Government.

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

Mr HARTCHER: Mr Carr was Minister for the Environment in the former Labor Government. It was his work as Minister for the Environment that led to the State Pollution Control Commission becoming - to use that famous phrase - a lapdog, not a watchdog. He converted the SPCC into a lapdog. He turned it into a completely emasculated authority, with a staff of 200 and a budget of \$12 million per year to police the entire environment of this State. That is the legacy he left to this House and which we on this side are endeavouring to clean up and will continue to clean up. The Leader of the Opposition is the man whose solution to the problems of the Hawkesbury-Nepean area is to cancel all housing assistance and sewerage assistance to developments in that area. His solution is to tell the people of the western suburbs to go jump.

On 2nd August the Leader of the Opposition in a press release told the media that for each new lot created in the western Sydney the Government bears a cost of \$40,000 for services including water and sewerage, roads, child care and education. These are

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services to the people of the west. What does the Leader of the Opposition say should be done with that money? He says the money should be spent on reducing the stress of urban sprawl along the Hawkesbury-Nepean rivers system by promoting development in rural centres. He and the Hon. Bryan

Vaughan should get together and talk about Labor Party policy for promotion of rural centres. The significance is not that the Leader of the Opposition and the Hon. Bryan Vaughan, like all Opposition spokespersons, contradict each other regularly. The significance is that the Leader of the Opposition advocates reduction or cancellation of all government assistance in the provision of infrastructure to the people of western Sydney. Every Labor member of this House who represents an electorate in western Sydney has a leader who wants to ensure that no government money is spent on the provision of services or new infrastructure to those electorates. Yet that person represents leadership of the Opposition in this House.

[Interruption]

The honourable member for Blacktown interjected on me. She earlier interjected on the Minister for Health and said, "What about Blacktown Hospital?" That is what they always say - "What about Nepean Hospital?" or "What about Broken Hill Hospital?" But she said, "What about Blacktown Hospital?" It was only a few months ago that the principal and staff at Blacktown Hospital were criticising her for the way she was attacking the hospital. They were asking her to desist from her attacks on the hospital because they were undermining their professionalism and the work they were doing to service the people of Blacktown. That is the sort of person who chooses to interject on the Minister for Health and ask, "What about Blacktown Hospital?" Well, what about it?

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

Mr SPEAKER: Order! Members should realise that it is a tradition and a convention of this House that Ministers may respond to interjections; it is hoped they respond briefly. If honourable members continue to interject in the way they have been, they will prolong the answer. I ask members on both sides of the House to allow the Minister for the Environment to finish his answer in silence.

Mr HARTCHER: The Environment Protection Authority is aware of concerns about the ICI licence at Botany Bay; that licence is issued under the Pollution Control Act. In 1992 it instituted a review plant by plant with modification to, or addition to, licence conditions as appropriate. So far the review has been completed for the caustic chlorine, hydrochloric acid and ethylene oxide plants. The olefines plant review will be completed before the end of 1993. The problems associated with chlorine and hydrochloric fumes being detected at the SRA's Botany rail terminal followed leaks at the solvent plant and they have been eliminated with the closure of this plant. The ground level flare at the olefines plant was suspected but not proved to be the source of an intermittent odour problem and that has been modified. There have been no odour complaints since this work was completed more than six months ago.

I am advised by the Environment Protection Authority that there have been three incidents at the ICI plant this year without any resultant environmental harm. Those three incidents of course are detailed and are being investigated by the Environment Protection Authority. During the second half of this year a new ferric chloride plant will be commissioned at ICI. This has great environmental advantages for New South Wales with the elimination of ferric sulphate being sent to landfill in the Wollongong area and the use of the finished product by the Sydney Water Board to minimise suspended solids being sent to the ocean outfalls. The Government and the Environment Protection Authority believe that the best way to solve environmental concerns is a proactive approach, which will enable us to negotiate with business, where appropriate, and, if that does not work, to take action for prosecution for breach of the Clean Waters Act or the appropriate Clean Air Act.

The Government has achieved a great deal of success in ensuring that the ICI plant at Botany Bay does comply with the requirements of the Clean Waters Act and the Government will continue monitoring the licences in the industry to make sure the environment is properly protected. The Government will also acknowledge its responsibility to make sure that the environment is protected right across the State of New South Wales. That is something it does, and something that it continues to do not only so far as the Hawkesbury-Nepean river system is concerned - which is a success story, a river that gets cleaner and

cleaner every year - but of course with other problems that we face with regard to the waters of this State.

RURAL FUEL PRICES

Mr RIXON: My question without notice is addressed to the Minister for Consumer Affairs. Is she aware of concerns about the price of fuel in country areas? In view of the current Petroleum Industry Commission Inquiry, what action is she taking to address these concerns?

Ms MACHIN: I thank the honourable member for Lismore for his appropriate question. The honourable member is a most enthusiastic member on my backbench committee and a diligent watchdog over petrol prices in his electorate and in country New South Wales. Hardly a day would go by that I do not receive a complaint, particularly from country areas, about the price of fuel in country New South Wales - in particular the discrepancy between fuel prices in the country and in the city areas. The National Party and all of our country colleagues take these concerns very seriously. The Government has been representing most strongly the views of country people to the Federal Government and to its inquiry.

Fuel is one of the commodities of most importance to country people, and the price of that commodity makes an enormous difference to country

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businesses, farmers and consumers. I took the opportunity today of checking fuel prices in various locations of the State. Honourable members might be interested to know that the price of super grade petrol at a service station in the electorate of the Leader of the Opposition - who is not in the Chamber, and the answer is probably not all that relevant to him because he does not have much cause to go to service stations, not being able to drive - is 67.9¢. I do not know whether the honourable member for Broken Hill knows what today's price for fuel is at a service station in Broken Hill, but I am pleased to see that the honourable member for Broken Hill is in the Chamber.

Mr Beckroge: Of course I do; it is 81.9¢.

Ms MACHIN: Exactly. He is right on; it is 81.9¢. That one example shows that there is a 14¢ difference in prices. That is a massive difference for country people, which they find particularly galling. I am sure all my colleagues, particularly those representing country areas, receive numerous complaints and representations from farming organisations, local councils, chambers of commerce, businesses, and ordinary country people about these discrepancies. The Government is very concerned about the issue of fuel pricing. The New South Wales Government welcomes the Federal Government inquiry, which was announced earlier this year, to be conducted by the Industry Commission into all aspects of the industry, starting from the refining stage and moving right through to the distribution and pricing system. The Government applauds that initiative.

Earlier this year, through the efforts of my colleague the Hon. Garry West, the Minister for Energy and Minister for Local Government, we provided a comprehensive 65-page submission on all aspects of the industry. In our submission we conveyed a number of views that we think will improve the situation. There are a number of factors affecting competition for fuel in New South Wales which act against rural and metropolitan consumers, for example, the involvement of the oil companies in the retail market. The oil companies exert enormous pressure on the final retail price through selective discounting, and sometimes they can send service stations bankrupt simply by not providing price support in the face of stiff competition.

The Government also considers that the Industry Commission should take a long and careful look at terminal gate pricing to see if this will add to competitiveness at the wholesale level; in other words, there should be one price for all consumers when they buy their fuel. The Government has also raised issues of fundamental importance such as excise, freight, industry efficiency and structure, temperature correction, and social and environmental concerns. This morning I checked again to see who has lodged submissions to the Industry Commission inquiry. The list is quite extensive and is very interesting. It shows a number of

government departments at the State and Federal level, the New South Wales Government, the National Farmers Federation, the New South Wales Farmers Federation, who are particularly concerned about this issue, the Local Government Association, a number of private companies, and a number of individual councils - including a council in my own electorate, the Greater Taree City Council, whose boundaries also come within the electorate of my colleague the honourable member for Myall Lakes. We recently received their concerns on this issue.

I looked to see whether the Australian Labor Party had something to say on this issue of fundamental importance. I thought the shadow minister for consumer affairs or the shadow minister for energy might have had something to say. But I looked in vain. The best I could find was that the Taree branch of the Australian Labor Party had made a submission. At least the Taree branch was on its toes. It put in a one-page submission. As a result of concern right across New South Wales, I have today -

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

Ms MACHIN: I have written to the Federal Treasurer asking him to ensure the Industry Commission report by Christmas, well ahead of schedule. The Government believes that the Federal Government has a moral responsibility to provide answers to the people of New South Wales - and soon. One would have expected that some of the country members of the Australian Labor Party might also share that view. I do not believe I have had any representations from them on this issue. The honourable member for The Entrance put out a statement recently calling for areas in his electorate to be included in the current inquiry. Unfortunately, the honourable member does not seem to know who is conducting the inquiry because his call was made to the Prices Surveillance Authority when in fact it is the Industry Commission that is conducting the inquiry. I guess it will eventually get through to the right body. If the honourable member will write to me I am sure I will be able to help him.

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

Ms MACHIN: It should be noted that the Federal Government has the responsibility and all the powers in this area. It controls the Prices Surveillance Authority, the Trade Practices Commission, and the Industry Commission. It takes almost 50 per cent of the price of each litre of petrol out of motorists' pockets. The Federal Government makes a killing from fuel taxes but does precious little to explain to country consumers, or to any consumer, why they are paying so much for fuel or what benefit they derive from the fuel taxes. Consumers seem to get precious little in return for paying the tax, and they are getting no answers. The Federal Government has all the power and all the money but does not explain anything. It is about time it gave the New South Wales public a better explanation of what is happening. The Government waits with bated breath to hear what the Federal Government might put to the inquiry about pricing structures.

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As they travel around New South Wales, the Leader of the National Party and Deputy Premier, the Hon. Ian Armstrong, and all National Party Ministers will be keeping a close watching brief on the rural fuel crisis. National Party Ministers will report to their leader any action that can be taken by the Government to ensure equality for New South Wales fuel consumers. The Government wants to hear from country people if they have any ideas. If they have not had the opportunity to put their views to the Industry Commission, we will do that for them. Shortly after I was appointed Minister for Consumer Affairs, a ministerial council meeting was held in Sydney. Consumer affairs Ministers from all States expressed their concerns about the discrepancy in fuel prices. The Ministers, who represent all governments and various political parties, will be watching closely for the outcome. I will pursue the issue of an earlier report with the Federal Treasurer. The Government is prepared to wait for the report but hopes that it will not be delayed. The public, particularly country people, is owed that much; and the New South Wales Government will watch and wait with interest to see how the industry and the report develop.

PETITIONS

Capital Punishment

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

Serious Traffic Offence Penalties

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

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**.

CountryLink Timetables

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

Industrial Relations Legislation

Petition praying that the House will not pass the Industrial Relations (Amendment) Bill or any other legislation that seeks to prevent the payment of penalty rates for nurses, received from **Mr Yeadon**.

Shellharbour Public Hospital Children's Ward

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

David Berry Hospital

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

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, Mr Gaudry and Mr Mills**.

Warilla Police Station

Petition praying that more police be allocated to Warilla Police Station, received from **Mr Rumble**.

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**.

Concord Area Police Station

Petition praying that the Government establish a police station to service the Concord-Rhodes-Cabarita-Mortlake area, received from **Mr J. H. Murray**.

Illawarra Access Project for the Deaf

Petition praying that the House protect and uphold the rights of the deaf community in the Illawarra region by ensuring the continuation of the Access Project for the Deaf, received from **Mr Markham**.

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 **Mr Knight**.

BUSINESS OF THE HOUSE

Printing of Reports

Motion by Mr West agreed to:

That the following reports be printed:

Bicentennial Park Trust for the year ended 30th June, 1993
Board of Architects for the year ended 30th June, 1993
Centennial Park and Moore Park Trust for the year ended 30th June, 1993
Chipping Norton Lake Authority for the year ended 30th June, 1993
Dairy Industry Conference for the period 1st October, 1992, to 30th June, 1993
Department of Corrective Services for the year ended 30th June, 1993
Department of Local Government and Co-operatives for the year ended 30th June, 1993
Financial Institutions Commission for the year ended 30th June, 1993
Illawarra Electricity for the year ended 30th June, 1993
President of the Industrial Relations Commission for 1992
Judicial Commission for the year ended 30th June, 1993
Monaro Electricity for the year ended 30th June, 1993
Motor Accidents Authority for the year ended 30th June, 1993
Murrumbidgee County Council for the year ended 30th June, 1993
Oxley Electricity and Water for the year ended 30th June, 1993
Shortland Electricity for the year ended 30th June, 1993
Southern Mitchell Electricity for the year ended 30th June, 1993
Waste Service for the year ended 30th June, 1993

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POLICE ADMINISTRATION

Ministerial Statement

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [3.36]: I wish to make a ministerial statement on behalf of the Government in response to recent allegations about the New South Wales Police Service. These allegations stem from the circumstances surrounding my predecessor's departure from the police portfolio in September last year. Those circumstances were examined in minute detail by a joint select committee of this Parliament. Despite bipartisan acceptance of the committee's report, some have been unwilling or unable to accept the umpire's verdict. Consequently, honourable members

have seen a campaign of allegations, innuendo and sinister implications about the integrity of the New South Wales Police Service and, in particular, about its senior management. That vast array of allegations has had the effect of obscuring the few issues of substance that have emerged in the past few weeks and has also threatened public confidence in our police.

In the past 14 months our Police Service has been subjected to one of the most intense and diverse periods of public scrutiny in this State for many years. With the release of the final report of the select committee, many more fanciful accusations have been publicly aired. I turn now to the statement made by the former Minister, the Hon. E. P. Pickering, in another place on 26th October. However, before doing so, let me make two things absolutely clear. First, the former Minister showed vigour and passion during his time as police Minister and identified real deficiencies in the administration of the police from his time in Opposition until near the end of his term of office as Minister. No one can suggest that his intentions while Minister were anything but sincere. Second, I personally had respect for his political skills.

There seems to be an expectation in the minds of some that I will answer every issue raised by the former Minister. That is not the case. In his address of 26th October the former Minister ranged far and wide across a host of circumstances. However, if one looks closely at what he said, it becomes clear that most of what he said related to issues on which the joint select committee had adjudicated, and that this House had noted and supported the reports of that committee not once, but three times. Indeed, most of his lengthy speech dealt with the breakdown of his relationship with Commissioner Lauer. That issue was dealt with point by point by the committee. I will not rake over the coals of my predecessor's resignation again. I repeat that this House has accepted the umpire's verdict. Although I can understand the hurt and disappointment of my predecessor, he, like all of us, must learn to accept the umpire's verdict.

As the chairman of the select committee the Hon. Duncan Gay said: only two of the matters raised by the former Minister were new to the select committee. However, some of the allegations seem to have been made before the committee in camera. I have not been given access to that evidence, although it seems to be widely available in some circles. Now that the details of some of this secret evidence have been divulged, a response is necessary. No purpose will be served by revisiting the former Minister's resignation. However, the former Minister did take an opportunity to muddy the waters even further by explicitly referring to a National Crime Authority letter, which was said to contain disturbing allegations. He portrayed that letter as being so sensitive that he could not reveal it, even during in camera sessions with the select committee, for fear of compromising the work of the National Crime Authority. It is now public knowledge that this was, in fact, a reference to a letter written by a former member of the NCA, Mr Greg Cusack, near the end of his term and perhaps in contemplation of his future employment.

That letter was released to me by the Chairman of the National Crime Authority with his consent to making it public, together with his reply to my inquiry as to the allegations it contained. I seek leave to table three letters - the first from Mr Cusack to the former Minister, dated 6th November, 1992; the second from me to the Chairman of the NCA dated 28th October, 1993; and the third the reply to me from Mr Sherman, dated 1st November, 1993.

Leave granted.

I also seek leave to table two further letters - the first from me to Mr Cusack, dated 28th October, 1993; and the second his reply, dated 1st November, 1993.

Leave granted.

It is quite apparent that Mr Cusack has been caught in something of an embarrassing predicament. He has made claims he is unable to substantiate other than in the vaguest terms. I should point out for the benefit of all honourable members that the NCA reference "Sugar" referred to in Mr Cusack's reply relates to an operation commenced in 1989, the contents of which are in the hands of the Independent Commission Against Corruption and have been so for some time. Unfortunately, the other operation - codenamed

"Customs" by Mr Cusack - does not appear anywhere in the recent reports of the NCA and is unknown to those who have knowledge of such matters. From further advice from the Chairman of the NCA, dated 9th November, 1993, I seek leave to table this further letter which makes it clear that neither Operation Sugar nor Operation Curtains, to which Mr Cusack may be referring, had any connection with the departure of the former Minister from the police portfolio.

Leave granted.

In any event, putting aside the embarrassing diversion provided by Mr Cusack, unless the Parliament wishes to accept the attacks on the integrity of its own committee, that chapter is closed. What cannot be overlooked is the vast amount of real

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legislative and administrative reform put in place in the course of the committee's work. If we shy away from its findings at the eleventh hour, we risk undoing its work and the positive and necessary change it helped bring about.

I turn to criticisms of the performance and management of the New South Wales Police Service. When I came to this portfolio I found an organisation in need of major reform. There is no need at this time to revisit the many structural and legislative changes I have since put in place. Those changes were detailed in some depth by me to this House as recently as 26th October. Suffice it to say, major legislative changes to both the Police Service Act and the police complaints legislation passed both Houses without dissent during the last session. No opposition was expressed in the upper House.

Any assertion that meaningful reform of the Police Service has been curtailed through fear of the political implications is not only at odds with the extensive progress already made but is an affront to every member of this Parliament. The suggestion is that members of the committee acted out of fear. Frankly, that lacks credibility. The fact is that meaningful reform of an undertaking of the size of our Police Service can only be achieved in an open and co-operative way. That approach must combine the service's own internal resolve with the assistance of external watchdogs such as the ICAC and the Ombudsman. I doubt that anyone would seriously suggest that there are signs of a paralysis in reform. I seek leave to table two documents - the report of the ICAC on the use of informers, and a discussion paper on the management of criminal investigations.

Leave granted.

The crucial point is that these undertakings are joint ICAC and police projects. The point is simple. Police reform will continue despite the snipings of a few from the sidelines. The standards of Police Service management remain of legitimate concern. When I first came to office, in some areas those standards were, frankly, appalling. The chain of command, means of effective communication and real accountability were quite clearly areas crying out for attention. Record keeping and attention to detail, in particular, still need considerable attention. But while those standards are, even now, by no means perfect, the will and the direction are there and the public can take real confidence that the pace of reform will not slacken under this Government.

So far, the political intrigues of the past year have not distracted the Police Service from its role in protecting the community. I again draw the Parliament's attention to the point I made on 26th October last during the debate in this House on the select committee's final report. Any truly honourable member would share my genuine concern that constant mud throwing will damage the fragile but essential relationship of trust and confidence between the police and the community.

Perhaps the most serious matter raised is that of police corruption. It is necessary for me to address this as the shadowy spectre of corruption has been darkly hinted at recently both inside and outside this place. The attempt to cast the pall of corruption over every aspect of this matter cannot be sustained. I have consistently said that the nature of corruption within the Police Service is now covert, opportunistic and

sporadic. I acknowledge that, in many ways, this is more difficult to combat than the worst excesses of the past. I also warned against the dangers of blindly chasing the ghosts of the past and tilting at windmills. The target has moved; so must the attack.

However, it is said by the former Minister that police corruption is, in his words, "very widespread and organised" and that there is a reluctance to tackle entrenched corruption. Indeed, on the ABC's "7.30 Report" of 26th October, the former Minister said that "... the vast majority of police officers are prepared to see fellow officers commit crimes and turn a blind eye ...". That is, again, a most serious charge which reflects upon every police officer in the State. The statement implies that the majority of police officers are corrupt or tolerant of corruption. The vast majority of police are honest. I say so; the honourable member for Liverpool says so; Ian Temby says so; and even the honourable member for South Coast says so. Never let the facts get in the way of a good story.

One can only be left to wonder why the former Minister, if he indeed sincerely believed corruption was that widespread, did not, during his record term as Minister, make that known to the public or even produce the evidence. His view is clearly at odds with my own experience and the advice I have received from my unbiased, expert and informed sources. There is no disputing that there has been a number of shameful episodes of police betraying the trust of the community, even in the past year. But those incidents have been exposed and the culprits pursued through the appropriate mechanisms of the ICAC and the criminal courts.

I await the final report of the ICAC on its exhaustive investigation of the "Milloo" reference. We may well find some objective measure of the problem. However, whatever the result, the public can be assured that the findings will be acted upon both swiftly and decisively. The service's response so far of making the necessary changes in high risk areas and the hard line disciplinary system now in place are the real measure of the resolve of the Police Service to act on every possible allegation at the first opportunity. In the former Minister's own words, "Actions speak louder than words". Finally on this aspect, it was alleged that the Government's recently announced corruption prevention strategy was, in effect, nothing more than papering over the cracks. The simple fact is that this strategy is the first comprehensive package of reform targeted at minimising the opportunities for corruption in a structural, systemic way. I seek leave to table a document outlining that strategy.

Leave granted.

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At the time this strategy was released, it received the endorsement of the ICAC commissioner, Mr Ian Temby, Q.C. If memory serves me correctly, he was quoted at the time as saying that he in no way doubted the commitment of those who put forward the plan, namely myself as responsible Minister, the Commissioner of Police, and the Assistant Commissioner, Professional Responsibility. This whole approach is remarkable, not solely for the breadth of its strategy, but also for the very open way it is being developed and implemented. It is open and accountable so that the message is loud and clear. Only in that way will sustainable changes to the negative aspects of police culture be minimised. Those who are unable to appreciate the worth of that approach have clearly lost their way.

If the former Minister is looking for one new initiative, I would suggest that there are many. Perhaps the new shield mechanism put in place to protect internal informants is one to which he may wish to turn his mind. I, for one, am unaware of any such program in the past five years. There can be no better example of the damage to public confidence that may be wrought in a contrived environment of crisis in police administration than a sensationalist article that appeared in the *Sydney Morning Herald* on 19th October last, entitled "Tapes scandal rocks police".

The article provided details of an investigation into circumstances in which a sensitive police State Intelligence document, known as the major active criminals list, came into the hands of a certain criminal. That was a very serious matter that had been under investigation since first being brought to notice by the

National Crime Authority on 23rd September - about a month before the newspaper article appeared. Its most scandalous allegations were of the supposed existence of hundreds of taped conversations with corrupt New South Wales police involving large-scale drug dealings, gun running and complicity in organised crime. Those allegations, and the three tapes that eventually came to light, have been properly referred to the ICAC for investigation by a joint task force. We must await the ICAC's findings before any final judgment can be made of their ultimate worth.

I must take this opportunity to redress the misunderstanding that I ordered the ICAC commissioner, Mr Ian Temby, Q.C., to inquire into this matter. That was not, and is not, the case. The fact is that Mr Temby contacted me to propose an investigation, and I readily agreed to that course of action. However, I can say that the Commissioner of Police pursued the suggestion that the Australian Federal Police had withheld those tapes because of a suspicion about the integrity of the senior command of the New South Wales Police Service. I can now reveal the responses I received from the assistant commissioner of the AFP responsible for such matters. I seek leave to table two letters from the Australian Federal Police dated 1st November, 1993, and 2nd November, 1993.

Leave granted.

Those letters speak for themselves, and perhaps say as much about the credibility of the journalist's sources as it does about his own professional judgment. However, if we are to believe subsequent newspaper reports in the *Sun-Herald* of Sunday, 24th October, the sensationalist claims in the original report have been denied out of the mouth of the person said to have recorded those tapes. It is a matter on which I am sure we all await the ICAC's final assessment with a great deal of interest. I now turn to another area of controversy in the address of the former Minister, and that is the security of drug exhibits in police custody. No one could deny the vigour and determination shown by the former Minister on this issue. No one can deny the very real improvements introduced under the former Minister's stewardship. The security of police exhibits generally, and drug exhibits in particular, are matters of the utmost importance. Security is imperative to ensure that the criminal prosecution process is not compromised and that opportunities for corruption are minimised.

The former Minister claimed that effective auditing of drug exhibits can never be assured without analysis at the time of seizure and subsequently at destruction, not only to determine if a substance is illegal, but also what the concentration was at those times. This issue was examined in depth by the joint select committee. This House has already accepted the relevant recommendation concerning the early destruction of drug exhibits. As I have said, the Attorney General and I are committed to real, lasting reform in this vital area. In fact, one month after I came to this portfolio the Attorney wrote to me concerning the proposals of the former Minister. I replied in the most clear and unequivocal terms. I said:

My strong personal view is that the proposed amendments should proceed as soon as practicable. That is a view supported by a clear consensus within the police portfolio.

I seek leave to table a copy of that letter, dated 24th November, 1992.

Leave granted.

In that letter I refer to the potential resource implications of establishing such a scheme. The Hon. Adrian Roden, Q.C., was selected by the Attorney to chair the interdepartmental committee, as he has a reputation for accepting no bureaucratic delays. Drug security is not, of course, solely related to early testing and destruction. There will always be some period in which drugs are within the custody of police. It is in this area that the former Minister's drive and persistence bore real fruit. The program of introducing new procedures and dual key drug safes, as well as sealed drug bags, was accelerated. Those changes were well documented and exhaustively ventilated before the joint select committee. One matter that the former Minister raised in his address on this matter demands a direct response from me.

The former Minister, in his renowned blunt style, said in answer to a question placed on the notice paper by his confederate, the honourable member for
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South Coast, that I was not honest. He is clearly insinuating that I deliberately misled this House. To dispel any doubts surrounding this issue I categorically reject that imputation and will address the issue of drug bags, to which the question related, in some considerable detail. There are two types of drug exhibit bags used by the New South Wales Police Service and most other drug enforcement agencies in this country. Both types have been in use in this State for a number of years. I am advised that the first is a plastic bag referred to in the relevant commissioner's instruction as PAB18. This bag features a sealing system that makes it both accountable and auditable. The technology in this bag also allows easy detection of any attempt to tamper with the bag and its contents.

The second type is larger and is made of multi-ply paper. It is designated as PAB24. The multi-ply paper bag is intended for use for larger exhibits and where the seized substance is of a green and leafy nature. I am also advised that prior to 1991 the multi-ply bags were not numbered. They were, in fact, identical to the bags in general use for the storage of exhibits. However, in 1990 the ICAC responded to a request to inspect the drug security arrangements at the Sydney Police Centre. I understand that on 11th October, 1990, Mr Temby wrote to Commissioner Avery that the ICAC was satisfied with the procedures for ensuring both the physical security and the integrity of drug exhibits. Commissioner Temby did recommend that the accountability of the multi-ply bags would be improved by the addition of auditable numbers and registering details of issue. I am advised that this recommendation was acted upon, and since 1991 those bags have been numbered and made accountable.

There is no doubt that both the plastic and multi-ply bags have a finite capacity. Logic dictates that there will be occasions when seized drugs will not fit into the bags. Large, mature cannabis plants present an obvious example. The commissioner's instructions in this area, which detail the administrative procedures to be followed when receiving, issuing, sealing and reopening these bags, require their use to secure all suitable exhibits. I am also advised that, contrary to the former Minister's apparent belief, both types of exhibit bags have been available for several years. They are requisitioned from the procurement branch by individual patrols, as required. Standing instructions direct that each station is to keep in its exhibit safe sufficient stocks to cope with day-to-day operations. Orders for restocking are treated with priority and will generally be filled within five days.

Apparently when these bags were first trialed in 1990 the initial supply of 5,000 units was distributed evenly to all patrols. Since that time, I understand there have been only four occasions when the supply of the bags has been interrupted, and each time that was due to difficulties with the manufacturer. The periods of delay were respectively: three months from August 1991; seven days in November 1991; five days in January this year; and 12 days last month. However, during these times of interrupted supply, and where large seizures temporarily exhaust local supplies, arrangements are in place for a patrol to draw on the reserve stocks of others. That is only common sense and should result in no one patrol experiencing any prolonged delay.

I am informed that the plastic drug exhibit bags are a patented product, and that there is only one distributor in this country. When the bags were first introduced the level of usage was monitored. It was apparently found that approximately 1,000 bags a month were being used. The manufacturer had a capacity to produce 5,000 units a week and was distributing the bags to all drug enforcement agencies across the country. To safeguard continuous supply, arrangements were made for enough bags to be held in stock for the use of the New South Wales Police Service to satisfy two months' demand.

That was later reviewed and it was agreed that the supplier would reserve 6,000 units in stock. Even so, there have been a few occasions when the supplier has been unable to comply with this arrangement. To meet this situation, the Police Service now has a policy of keeping 2,000 bags, or two months' supply, on hand. A further order will be placed to double that emergency supply. My advice is that at the 3rd of this month the service had 3,210 such drug exhibit bags in stock for distribution to patrols as required. In respect

of the multi-ply bags, there have been no interruptions to supply other than just recently when improvements to the design were being trialed to overcome a concern that carcinogenic fumes could build up in the bags.

That is the situation in some detail. However, given that my answer to the House has been called into question, I believe I am entitled to take the time to set the record straight on this matter. It is now necessary to deal with the allegations raised by the former Minister concerning the events at the Frenchs Forest patrol during 1991. All honourable members would recall that I tabled the interim report of the State Crime Commission into those events in this House on 28th October. As I said at the time, I took that extraordinary course because the former Minister had, in his address in another place, so compromised the confidentiality of that report that it was essential to make it public to quell wild speculation about its contents. For the sake of completeness, I seek leave to table a schedule of responses from the Police Service to the various recommendations contained in that report.

Leave granted.

In a dramatic turn of events on 28th October last I received a note from the former Minister reporting an anonymous telephone call received in his office about an hour before. I seek leave to table that note for the information of the House.

Leave granted.

The caller alleged that contrary to the findings of the Crime Commission, made on the evidence before it from many credible witnesses, the commissioner

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had been fully briefed on the drug-related allegations in the first weeks following the shooting of former Constable Bourke on 22nd June, 1991. The Crime Commission immediately interrogated the officers named in the former Minister's note about the substance of the allegation. This was done without the knowledge of the commissioner. By midnight on that day the allegations had been fully and rigorously tested and found to be utterly without substance. I seek leave to table an advice to me from the Chairman of the State Crime Commission, dated 3rd November, 1993, which sets out its findings.

Leave granted.

I should also say that both the Ombudsman, Mr David Landa, and the Independent Commission Against Corruption commissioner, Ian Temby, were kept apprised of these extraordinary developments. I was soon advised by the ICAC commissioner that there was no need for the police commissioner to give evidence. The former Minister took the opportunity in his address to repeat a number of related allegations. First, he dramatically referred to eight allegations concerning the misuse of drugs and firearms by officers at the Frenchs Forest patrol and a matter of an officer seeking protection. Though the former Minister's recitation may have conveyed the impression that these were new allegations, that is simply not the case.

Those allegations were contained in interviews with the now totally discredited former Constable Andrew Bourke, the person shot, and the person who, in the Crime Commission's view, could have solved the question of who his attacker was but for his lack of candour. That is, of course, a nice way of saying he was an outright liar, caught in the lie and unable to be trusted. Notwithstanding the fact that these allegations are discredited, they are quite properly still before the Ombudsman and I await with some interest his findings on their merit.

The former Minister also referred to two other extraordinary and, in my view, quite fanciful allegations concerning the exploding model aeroplane plot, and the exploding chair plot. Shades of James Bond! These allegations were recorded in an official report; their source is yet another former officer. Both the Crime Commission and the Independent Commission Against Corruption have found the allegations to be devoid of credit. These allegations, no matter how fanciful or unreliable on their face, have been notified to the Ombudsman as required by the law. I seek leave to table a schedule detailing the status of the internal

investigations relating to those matters.

Leave granted.

By far the most disturbing allegation was that referred to by the former Minister midway through his address. That is the clear inference that Assistant Commissioner Cole, the former commander of the professional integrity command, is feigning illness to avoid proper examination of the extent of the commissioner's knowledge. That is, of course, not necessarily the view of the State Crime Commission, the Independent Commission Against Corruption nor, indeed, this Parliament's Joint Select Committee upon Police Administration. It would be a reasonable assumption that each of those bodies, with a range of coercive powers available to them, would have considered closely the wisdom of calling Mr Cole to give evidence. The fact is, of course, that each of those reputable bodies decided, in the face of considerable independent medical advice, not to do so at this time. The umpire's verdict is in.

Last week in response to a question without notice I outlined the current circumstances of Mr Cole and his status. I would suggest that all interested honourable members revisit my advice to the House on that matter and take particular note of the external scrutiny that has been, and will be, applied to that process. There is one document which, although I understand it was supplied to the joint select committee, has received no attention. That document is, so far as I am aware, the last word from Assistant Commissioner Cole before he took ill. I therefore seek leave to table a document dated 1st March, 1993.

Leave granted.

That document certainly goes some way toward clarifying the matter. However, this very issue was examined by both the State Crime Commission and the joint select committee. In both cases, the Commissioner of Police gave clear and unequivocal evidence, on oath, that he was not advised of the drug-related allegations. Attempts have been made to make much of the supposed failure of the Commissioner of Police to include the drug allegations at Frenchs Forest in his final submission on the subject of drug security to the joint select committee. If the inference is that the commissioner deliberately misled the committee, the question of why he would do that must be asked. I would at this time seek leave to table a letter provided by the Commissioner of Police to the joint select committee.

Leave granted.

There can be no doubt that the circumstances outlined in the Crime Commission's report highlighted the most serious of breaches of both the law and procedures at a number of levels. Those breaches have been fully dealt with and appropriate criminal, disciplinary and procedural action has been taken. Despite the former Minister's view that effective auditing of drug exhibits was solely dependent upon the capacity to undertake comparative purity testing, I do not believe that this is the case. In fact, as part of my announcement of the Government's major reform program of police administration, I flagged the introduction of a program of aggressive random auditing by the service's specialist anti-corruption arm, the professional integrity branch. That program has been pursued with exceptional vigour, which, if not apparent to the former Minister in his time, is certainly not only apparent, but transparent, since I came to the portfolio. Any deficiencies discovered are under investigation and have, yet again, been referred to the Ombudsman for his oversight.

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I turn now to the curious matter of what the former Minister says was an attempt to fatally compromise his ministry by a person or persons within the Police Service. This is described as happening towards the end of my predecessor's ministry. To illustrate this supposed conspiracy, the former Minister refers to the role of the commissioner and the Chairman of the Police Board in relation to a freedom of information application by the Hon. Peter Anderson. My predecessor claims that a document was withheld from Mr Anderson and only released upon the former Minister's direction.

I am advised that the brief facts of the matter are that the Police Service freedom of information unit had refused to provide a single document to Mr Anderson. That document was a handwritten, unsigned page of notes which contained a number of comments about the purported attitude of the police State executive group and the Minister towards a vehicle tracking system. From the records available to me, it appears that the matter was discussed between the former Minister and Messrs Thorley and Lauer on 20th November, 1991. Following that meeting the former Minister wrote to the commissioner in the following terms:

Although I have not seen the document, I seek your assurance that in view of its nature and contents, you will take the necessary action in whatever manner you consider appropriate in the public interest, to deal with both the circumstances surrounding the coming into existence of the document and the matters contained therein.

On 21st November, 1991, the commissioner exercised his authority as principal officer of the agency and released the document to Mr Anderson under the terms of the Freedom of Information Act. On 26th November, 1991, the commissioner put in place an investigation to determine the author and nature of the document. That investigation proved inconclusive. I believe that any reading of the available facts shows that the commissioner was not directed in his actions by the former Minister. Neither was there any evidence of an attempt to compromise the former Minister. I seek leave to table copies of all relevant documents.

Leave granted.

The former Minister referred to an officer attached to my office as part of a development program for officers of outstanding ability and potential. He said that an external law enforcement agency saw fit to warn me about the continued desirability of employing this officer in my office. It is said that in some way this matter is a reflection on the integrity of the commissioner because of his selection of the officer concerned. These are the facts: on 1st April of this year Mr Ian Temby, Q.C., informed me that an officer on temporary assignment to my office had passed on information to a former colleague about a briefing I had received about a sensitive matter. The disclosure was very unwise and unprofessional and I felt let down by the incident.

However, the matter is best described as an error of judgment. There was no corrupt intent, no investigations were revealed or jeopardised, and it seems the disclosure was motivated by a misplaced sense of personal friendship and concern for a colleague. Mr Temby asked that, if I decided the officer should be transferred from my office, the move be arranged discreetly some time later and without giving reasons to anyone. Mr Temby's concern was to ensure that ICAC's knowledge of the matter not be revealed to anybody at that time. Some weeks later the officer's assignment to my office ended and he then served for a time in the commissioner's office. That appointment was quite appropriate in view of the officer's previous experience as a staff officer in the commissioner's office and his demonstrated personal capacity.

I want to make it quite clear that I selected this officer for attachment to my office. The choice was not made by the commissioner. I became aware of the officer's abilities soon after my appointment as Minister for Police and I decided he would be ideal for the first attachment to my office as part of a professional development program I was keen to sponsor. Apart from this incident, my faith in this officer was vindicated by the high quality of his advice and assistance. I hope he goes on to realise his potential in the Police Service mindful of the need to prevent personal friendships from getting in the way of professional obligations, even in circumstances that might appear harmless at the time. It is regrettable that this matter is now raised so as to reflect unfairly on the commissioner's integrity and I hope that speculation about it will now come to an end.

This brings me to the broader allegations of the NCA and the ICAC concern about the promotion, and proposed promotion, of certain officers whose backgrounds are said to be cause for concern. The former Minister says that when informed of these concerns Mr Thorley was most irate about the intrusion of these agencies into the functions of the board. However, Mr Thorley is then praised for successfully blocking the promotion of one of these officers who was allegedly strongly supported by Mr Lauer. These and other

comments are intended to arouse concern about the commissioner's integrity and attitude to corruption, and about the integrity of the appointments process.

In responding I will concentrate on my 14 months as Minister for Police. I can inform the House, however, of Mr Thorley's response to the claim that he was irate about external intrusion. Mr Thorley informs me he advised the Minister of his concern about relying on unsubstantiated and unverified rumour when making decisions on appointments. He says he was not irate, but expressed strongly the opinion that any information held by other agencies which reflected on the integrity of police officers should be provided to the Police Board. It was his view that the Police Board has a primary obligation to be very protective of the integrity of the Police Service, but it also has a responsibility to be fair to officers who are often the subject of smear and innuendo. In his opinion, the board cannot surrender its statutory obligations by simply adopting the opinions of others, or by relying on the opinions of other agencies without examining carefully the basis of those opinions.

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As the former Minister knows, and as the member for Liverpool knows, making decisions about the integrity of some officers presents formidable difficulties. There are unlikely to be many officers who have worked as detectives who will not, as an inevitable by-product of their professional duties, have attracted some enemies, and a number of accusations and allegations. It is also the case that very real concerns are sometimes raised about the integrity of an officer. The public interest demands that officers of doubtful integrity not be promoted. It also requires that diligent officers not have their careers blighted by unfair and unsubstantiated allegations and whispers.

The task of the Police Board is to sift through the available information, allegations, opinions and rumours and attempt to separate fact from myth. The task is difficult because it is so easy to make allegations, and so easy to ruin careers by provoking the cautious response of "where there is smoke, there is fire". Unfortunately, solid facts are usually few and far between. Effectively, the onus is shifted to officers to prove they were not involved in misconduct which is often only vaguely described, which may have allegedly occurred many years ago and where the officer's contemporary record may be one of outstanding achievement. In my time as Minister, problems of this kind have arisen and I believe the board discharged its difficult obligations in exemplary fashion.

It is extremely easy for critics and so-called experts to promote their own opinions and prejudices to the point where any disagreement with them, no matter how conscientious or well-researched, is rejected as evidence of corruption. Unfortunately, life for Ministers, Police Board members and commissioners is not as simple as it is for many so-called experts on corruption. I am unaware of any senior appointments in my time as Minister which have caused concern to the ICAC or the NCA. I am also unaware of any concern by those agencies about the integrity of any officers in the Police Service senior executive service. It is impossible to respond in any other terms to vague claims about the integrity and effectiveness of the appointments system. If detail is provided, I will respond more specifically.

Before leaving this point I must refer briefly to the attack on the commissioner's integrity implicit in the suggestion that the promotion of doubtful officers has been supported by him. I have absolutely no reason to doubt the total commitment of the commissioner to the elimination of corrupt elements from the Police Service. Suggestions to the contrary are offensive and, surely, any review of Mr Lauer's role in recent years in combating corruption in the Police Service can lead only to the conclusion that such assertions are completely ridiculous. My predecessor and the honourable member for South Coast in their speeches to the Parliament cast aspersions on Commissioner Lauer's integrity. Both said he lied to the select committee. As I have said consistently, I have accepted the umpire's verdict. On the same day that these allegations were made the chairman of the select committee told the other place:

The committee has absolutely no evidence that the commissioner lied.

The umpire's verdict is good enough for me. If there is any evidence to the contrary, and I repeat evidence, it should be brought forward. I can only speak from my knowledge of the commissioner. Since I became Minister for Police, the Commissioner has given me total support and loyalty. From my dealings with Tony Lauer, I have no reason to doubt his integrity. In an attempt to ascertain whether either the former Minister or the honourable member for South Coast have any details of any further matters which require investigation, I table letters for information. The former Minister's reply was received yesterday. As with every other matter I can assure the House its contents will be fully investigated. Although I have dealt with the allegations made by my predecessor, it will not surprise me if a new cloud of allegations are raised. Allegations about police are the stuff of headlines. They always have been and always will be. Nothing we do inside or outside this House will change that fact.

Let me repeat my assurance that any new matters will be fully investigated and answers will be provided. As I have proved today, the system is working. Mechanisms are in place within the Police Service, with the Independent Commission Against Corruption or through this House to adequately deal with any allegations made. On 26th October I stood in this House on behalf of the Government and accepted the umpire's verdict in the form of the majority report of the Joint Select Committee upon Police Administration. Consistent with the bipartisan approach of the major parties to the big issues in policing, the honourable member for Liverpool took the same approach. Unfortunately, others in the Parliament have been unwilling or unable to accept the umpire's verdict. It is about time they did and let me get on with the job of building lasting real police reform rather than constantly revisiting the past. Democracy is not about domination of one or two. Democracy is about the rule of the majority of this Parliament and the people of New South Wales to support the New South Wales Police Service. Let there be no mistake, the Police Service is finally and fully accountable to the people and the Parliament through me as Minister.

Mr ANDERSON (Liverpool) [4.23]: Before responding to the Minister's statement, on behalf of the Opposition, I thank him for his courtesy in making available to me at the commencement of his ministerial statement a copy of that statement, which has been of some assistance. Subject to my having the opportunity to read many documents tabled in the course of the ministerial statement, it would seem that the statements and documents tendered, though welcome, have been sought by the Opposition for some days. It is not easy to put together a response to matters that were detailed by the Hon. E. P. Pickering in another place. But the fact remains that over the past 16 days since those allegations were made - serious as they were, and are - an ongoing difficulty has been created for the Parliament but, more particularly, for the Police Service and for the community in terms of its relationship with and

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confidence in that service. Delays do occur, but I do not understand why these and other associated matters were not dealt with far more quickly.

Yesterday the Hon. E. P. Pickering in another place made further serious allegations in relation to another matter. The Minister, to his credit, today answered a dorothy dixer on a matter that by any judgment is far more complex and difficult. The great pity is that that response was not by way of ministerial statement, for the Opposition would have liked an opportunity at that time to comment on it. The matter raised today was dealt with today, within 24 hours. However, 16 days have elapsed since the allegations were made. What irreparable damage has been done to the Police Service and to its relationship with the community by allegations that so many people have pondered during the past 16 days.

I suggest, with due humility, that few members have the knowledge of the New South Wales Police Service today that I have. I am willing to concede there are a few, but not many. Since 26th October I have had a very clear view - a betting market or sweep could have been run - about who were the three police officers referred to with regard to promotions or locations by the Hon. E. P. Pickering in the other place. I still think I am right about one. Having heard the Minister's explanation today, I am absolutely convinced I am wrong about the second; but I may not be. I still think I know who the third is, but I would not put money on it. If I, being as close to the subject as I am, have experienced such difficulty, what problems must face those in the broader community who do not understand but think they know?

What about the Police Service itself, or those officers who have been widely tipped to be those to whom the allegations refer? No one, including the Hon. E. P. Pickering, on 26th October or since, has named the officers concerned. Unnecessary suffering has been caused to police officers, some of whom I thought, perhaps erroneously, may have been the officers concerned. With regard to one officer, if he is who I think he is, and if the matter relates to one of the three issues I think it does, then what has been done to him is a downright disgrace. I will not go any further than to say that if that person, a member of the Police Service senior executive service, is not fit to hold the rank or ranks to which he has aspired, he is not fit to hold the rank he has now.

I hold grave fears - and I was interviewed during the inquiry referred to - that this person's future employment career prospects have been damaged. I welcome the involvement of the State Crime Commission. I knew all that before that allegation was made in the Parliament, but I have kept quiet in press conferences and in this Chamber. However, it is time members opposite understood that if there is a reason to attack Lauer, the senior executive service of the Police Service, or the Police Service as a whole, the Opposition will do it. But it will do so on the basis of evidence. All the Opposition has said from day one about this is: produce the evidence and it will make a judgment that may or may not alter its current position.

I do not know exactly what is in the documents tabled. If they say what they are reported to say in the ministerial statement, well and good, but I want to look at them. I am still trying to wade through a heap of other stuff concerning the matter, but I am willing to do that. During the past four weeks the Parliament has witnessed something unique. Members have sat back and watched and witnessed the former Minister for Police - the most significant and influential figure in the Liberal Party in this Parliament for the past decade - day in and day out attack a man he appointed. I know the appointment goes through the Police Board, but he signed it for the Government.

The Hon. E. P. Pickering attacked the Commissioner of Police and the Police Service of which he was Minister for well in excess of four years. He also had a crack - gentle though it was - at his successor, the Minister for Police and Minister for Emergency Services. Today the present Minister tried gently, though his attempt did not come off, to give his former colleague a spray. One has only to read it to understand what is going on. But day in and day out in this political situation - unprecedented in this State, if not the nation - where is the Premier?

Some of my colleagues in the Opposition were here before the 1988 election. I have had cause to say to people who are not members of the parliamentary Labor Party: How long would this have gone on when Wran was the Premier? Twenty-four hours is an overestimate under Wran, and probably under Unsworth. This matter should have been resolved, and this constant warfare inside and outside the Parliament should have been brought to an end by the Premier. The honourable member for Burrinjuck nods, and I respect him for that. That is the case; that is what the job of Leader of the Government involves.

It has pained to me to sit here and watch this go on day in and day out. I do not care if the Government continues to tear itself apart. But because though that is going on between the Hon. E. P. Pickering and the Minister for Police and Minister for Emergency Services, however nicely it is done, the victims are the Police Service and the general community. In the course of this difficult situation that Minister Griffiths finds himself in, he is defending a position and defending his commissioner. As I said in a recent debate, the tragedy is that the Minister has gone overboard. He said that Tony Lauer is the greatest commissioner we have ever seen. I have known Mr Lauer a long time and have a great respect for him, as do others such as John Avery, but to describe Tony Lauer as the greatest commissioner this State has ever seen is ludicrous at this point of time, and maybe for ever.

For just one moment I ask Minister Griffiths to reflect on how John Avery, now enjoying his well-earned retirement in Port Macquarie, must feel and how must Cecil Roy Abbott feel - to name but the immediate two predecessors. And so it is that every one has gone into the corners. What the public of New South Wales wanted and needed to know and

were entitled to know within, at the maximum of 72 hours, was: Was there substance in what the Hon. E. P. Pickering had said in the other place on 26th October? Sixteen days later we are marginally closer to finding out. All that has gone on and gone on. I do not care about damage to the Government, but I and the Opposition do care about the damage done to the Police Service. Every day the question is: Is your position different with regard to Lauer? The Opposition has not changed its position from day one. Produce the evidence against Lauer, or anyone else, and we will support appropriate action. But allegations are not evidence. That is the situation in the broadest.

It has been an ongoing situation of confusion, with the Premier disagreeing with the Minister's assessment. We have the leaks coming out of the Cabinet that people are telling Minister Griffiths to back away from Lauer, and that someone else is doing something else. This situation is just unbelievable. If it were written in a novel, the publisher would reject it. No one would believe it. And it has gone on day in and day out. The Opposition has asked questions in the House. We asked the question about the officer referred to as the one that was in the Minister's office and, after the hint, moved up there. It was a question that an Opposition at that point in time was entitled to ask. The Minister felt constrained in answering. Had it been answered for a couple of officers I can think of, it would have relieved their problem. I appreciate that the real difficulty was that no one had ever been named and still has not been named.

If you are going to make an allegation - and I can say this with the greatest respect to the Hon. E. P. Pickering - and if you are going to throw the ball, tell someone which batsman you are bowling at. He had the whole M. A. Noble stand and all he had to do was get the fellow facing him. That is one example of how things can go wrong. As the Minister points out, all this does is threaten public confidence. I do not want to deal with each of the issues raised by the Minister today, and I probably will not get the chance in this setting in the future, because one needs to look at the documents. There are documents tabled by the Minister in which I am greatly interested. The Minister did make mention of the statement by the Hon. D. J. Gay that of the matters raised on 26th October only two were new to the select committee. That is true and I will refer to one of those in a moment.

Much reliance is placed on the fact that the select committee considered certain evidence with regard to Frenchs Forest, for example. The fact is that both in the course of preparation of its final report, and since, the members of the parliamentary select committee were constrained both morally and by law, through the State Crime Commission Act and by the Parliamentary Evidence Act, not to disclose matters. So the difficulty in writing the report the way we did can be appreciated. Some of the evidence came out and the Minister tabled the interim report of the State Crime Commission into the Frenchs Forest investigation in March this year. I have not read the tabled documents yet but I had hoped that the Minister and the State Crime Commission and everyone else, who I assume have the power to do things and make judgments as to what is released, could have gone through and dealt with the issues notwithstanding that those issues had been, in part or in whole, considered by the select committee.

The other 90-odd members of this Chamber who are not members of the select committee do not know, they were not present at the cross-examination and cannot appreciate the nuances of that particular aspect. While I acknowledge what was said about the issue, I think that that needs to be borne in mind. It is a pity if that is not the way it has worked out. I will read with great interest the correspondence dealing with the National Crime Authority and Mr Cusack and references to the particular operations referred to. I have mentioned the constraints under which the committee operated with regard to Frenchs Forest.

Minister Griffiths in his statement mentioned - and I accept what he says in rejecting the statement - that members of the select committee acted through fear of the political implications. I reject that. People can guess at the motivations of other members of Parliament and their reasons for doing things, but anyone who thinks that my position was arrived at through fear of political implications got it wrong. If I were worried about fear of political implications and if I were worried about what the Police Association of New South Wales thought about what I did, I would not listen to recent news bulletins and I would never have got through the substantial amount of reform that I did in the four years and four months that I was the Minister for Police. When I read about having the first far-reaching review, I think someone is reading my speeches. The words

are right, I will wait and see if the Minister gets the content right.

On behalf of all members of that committee I reject that any members acted other than out of the proper motivations. It was an interesting and enjoyable committee because of the range of divergent views. The Opposition did not have the numbers; there were only ever three Labor Party people out of the 10 members, but I think the committee was worth while. Of course there are concerns and questions that arise and remain and need to be responded to. We will all be in a far better position at the end of the exercise today, if we can get access to the tabled documents, to make those judgments and see how we deal with them from there. The Minister did say that the standards of the Police Service management remain of legitimate concern. Of course they do. They were the very significant findings in the first phase report of the select committee. They are the issues.

As late as today the Minister was asked by the honourable member for Riverstone a most proper question with regard to his electorate that indicates exactly what the committee is going on about, about what I used to go on about when I was Minister, and what half the problem was before the select

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committee. People could not understand, could not accept, could not believe, that this sort of administrative difficulty arose constantly. I will be brief on this because it is only relevant to the point of understanding the mismanagement.

Here you have a situation at Blacktown where every man and his dog - to use the appropriate helicopter - are out looking for this youth who is reported missing when the police station next door had locked him up the day before. They are to be commended for the way in which they conducted the search, but it could have been a lot shorter if there had been an administrative system working. One could ask: Why did they not check with them? That can be applied to a whole host of situations that developed before the committee where people could not understand how this could happen. People have a perception that the Police Service is infallible. Well, it certainly is not, particularly with regard to things such as that.

I understand the Minister's comment to the House that the Parliament, and indeed others, must be careful about throwing mud at the Police Service because of the damage it causes. That is all well and good, but the Minister must understand that if the actions of the Police Service of this State, which is given enormous powers and resources on behalf of the community, are to be accountable and open they must be subject to close scrutiny. The Opposition and other non-Government members of this Parliament would be failing in their duty if they did not do what they believed to be right in pursuing matters. For example, I do things that the honourable member for South Coast does not agree with, and he does things that I do not agree with. All non-Government members are entitled to question and pursue matters and ascertain information about the Police Service or any other matter under the forms of this Parliament. Because the issue is so important, we should not and cannot afford to believe that people who seek information about policing are attacking the police or that they should not seek information because they might cause some difficulty for the Police Service. It must be done. In New York at present police are moving down the accountability path and confronting the difficulties of outside investigations and overseeing which were dealt with here a decade ago.

The Minister also mentioned the police culture. If one issue perturbed the select committee in its deliberations - and I know it perturbs the honourable member for South Coast, and probably perturbs others - it was the police culture. There is no simple way of resolving it. Unless the sorts of matters that were raised by the Hon. E. P. Pickering are swiftly, positively and adequately responded to, people are entitled to the perception that the culture is alive and growing. The key matter on the question of the police culture will not be the only way matters raised by the Hon. E. P. Pickering are dealt with, but they will be dealt with in Mr Temby's second-phase report, running off the back of the Operation Milloo report, which I understand will be delivered early next year. Those matters are vital to the Parliament and everyone else when responding to the issue of the police culture. Police culture cannot be dealt with and cannot work if they are not involved in it; it also needs substantial input from behind.

The Minister mentioned the "Tapes scandal rocks police" story. I will deal with that because Mr Temby or someone else from the Independent Commission Against Corruption will report on that as well. I will not deal with the drug exhibit bags and the issue of the destruction of drugs. I will wait with great interest for the report of Mr Roden to see how that matter is dealt with. One assumes that report will be dealt with in the next session. I was mentioned in one of the non-select committee related allegations made by the Hon. E. P. Pickering in the other place. That allegation dealt with a freedom of information application I made. Notwithstanding the Minister's allegation, the House must understand what happened. I was staggered when journalists approached me after the speech in the other place, which I had not heard, and said, "You got a mention on an FOI". I said, "What's this all about?"

The simple explanation is that I had been pursuing a matter, as the Minister for Police knows, for almost four years with regard to vehicle tracking devices. During that period the Opposition asked about 20 questions in the other place and I asked a couple in this House. We were not getting any answers, but we are used to that these days. I put in a request under FOI. I received a great pile of stuff in response to the application. A letter was to the effect "Here's all the stuff except for one document" - I did not know it existed - "There's one document we are not giving you. It is not on a letterhead. We do not know who the author is; it is handwritten and we have withheld it". I put in an appeal. That was worth trying, and the next thing I received a letter saying, "Your appeal has been upheld", or whatever, "Here is the document". That was the end result.

It is an interesting document. Some might say people with a different viewpoint may have attempted to use that document in a way different from the way I have used it. But you make your own judgments about how you should behave in public life, and you live with those judgments. I sleep at night believing that I did the right thing with regard to that document, although, as the Minister for Police understands full well, that issue is far from dead. I wait with great interest to see how he finally responds to my last lengthy letter to him about that matter.

Mr West: At least you get responses; you get answers.

Mr ANDERSON: The other Minister always used to get short sharp responses from me. In the near future the Minister for Energy will have the opportunity to see how I respond as a Minister again, although he probably will not be here. The issue of Mr Cole giving evidence has been dealt with at some length, but perhaps for the record I should deal with it. People have asked me, "Why didn't you support Cole being forced before the select committee?" The

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reason was twofold. First, the State Crime Commission, which has tremendously coercive powers, had made the judgment, based on medical evidence, that it was improper to exercise its powers to bring Cole before it at that time. As I recall, the Independent Commission Against Corruption had done the same thing, although it exercised those powers with regard to another police officer in another matter. So it was not afraid to exercise those powers when given the necessary medical evidence.

The committee also saw the medical evidence in relation to Cole, which was from an independent psychiatrist, albeit one of an independent panel of psychiatrists used by the Police Service. I noticed that recently he gave evidence in a major trial. I for one was not prepared to dispute a decision made by the State Crime Commission which may have caused further harm to Cole. I cannot put it any higher than that; I am not a medical practitioner. I do not believe that is an unreasonable attitude. I have formed the view that because the March 1993 report of the State Crime Commission was only an interim report the way is still open for the commission at any time in the future, if it satisfied that it will no longer be injurious to Col Cole's health, to use its powers to bring him before the commission. That is only appropriate.

Earlier in my remarks I mentioned the three officers who have been referred to. There is no need to say anything more in relation to them. I made those comments on the basis that the Police Service senior executive service consists of police officers of and above the rank of chief superintendent. The Minister nods. So that no one misunderstands, that is what the Minister is saying with regard to the situation of chief

superintendents and those of higher ranks. I believe the comments I have made in response to the Minister's statement are appropriate, given that the Opposition has not had access to the documents. I hope copies will be freely available so that we can take the time to read them thoroughly. I reinforce the point that I understand the reasons for the delay. It is tragic that it took so long because of what happened in between. I repeat that the confusion that apparently exists in the Government continues. Had the matter been appropriately dealt with by the Premier showing leadership and forcing his present and former Ministers to deal with the matters more appropriately, the result may well have been different. Having said that, I thank the Minister for putting me on notice immediately before question time that he would be making a ministerial statement after question time and for giving me the opportunity, which is all too rare, unlike the days when the Labor Party was in government, of replying to a ministerial statement.

Mr SPEAKER: Order! Before calling the next item of business I assure the honourable member for Liverpool that documents that are tabled in the House are readily available to all members of Parliament and the remarks he made cast aspersions on the staff at Parliament House, which I take some exception to.

Mr ANDERSON: Mr Speaker, I must have expressed myself poorly because that was certainly not my intention. I meant it more in terms of my time. The last thing I would do is cast aspersions on the staff at the table or those in the bills and papers office. I apologise if that was the inference because it was certainly not my intention.

REGULATION REVIEW COMMITTEE

Report: Radiation Control

Mr Cruickshank, as Chairman, laid upon the table of the House the Twenty-second Report of the Regulation Review Committee, recommending the disallowance of Clauses 9 and 15 of the Radiation Control Regulation 1993.

Ordered to be printed.

BUSINESS OF THE HOUSE

Precedence of Business

Motion, by leave, by Mr West agreed to:

That so much of the standing and sessional orders be suspended as would preclude the taking of private members' statements at the conclusion of debate on the matter for urgent consideration.

VICTIMS COMPENSATION TRIBUNAL MANAGEMENT

Matter for Urgent Consideration

Mr KNIGHT (Campbelltown) [4.52]: I move:

That this House deplores the waste and mismanagement of taxpayers' funds by the Victims Compensation Tribunal and the failure of the Attorney General to properly scrutinise its operations.

The Victims Compensation Tribunal was an initiative of the previous Labor Government. It was designed as a sensible and compassionate measure to help the victims of violent crime. But, as with so many aspects of government under Premier Fahey, what started out as a good idea has been turned into a monumental

bungle. The story of the Victims Compensation Tribunal is now a sad litany of mismanagement, waste of taxpayers' money and possible breaches of the law. It has become a system whereby the guilty are often rewarded and the innocent frequently punished. The Victims Compensation Tribunal has become a massive drain on taxpayers' funds with over \$50 million a year going out and less than half a million dollars coming in.

At the outset I want to stress that the Labor Party supports compensation for genuine victims of violent crime. Moreover, it strongly believes that restitution should be exacted from the people who commit those crimes. Under the Fahey Government violent criminals are being given taxpayers' funds as so-called compensation for injuries they have received - sometimes while actually committing a criminal offence. Similarly, people who have picked a fight and then lost it have received taxpayers' money to compensate them for their injuries. To illustrate this point I want to give some examples throughout this speech and I will use real cases but fictitious names. The first group of cases I wish to mention can be categorised as those who should never have received compensation.

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Case 1 concerns a "Mr Andrews" who was ordered to pay \$12,245 after he discharged a shotgun into the air to thwart an attempted robbery. Three of the pellets from one of the cartridges ricocheted off a wall, hitting one robber in the buttocks. "Mr Andrews" notified the police but was charged with assault. He was placed on a good behaviour bond, but the tribunal now wants him to pay more than \$12,000 for defending his property.

Case 2 involved a "Miss Bryant", who in 1987 was convicted of seriously assaulting another woman. An order of \$33,177 was made against her but, because she was bankrupt, she was not required to pay. Some time later the tribunal awarded "Miss Bryant" \$1,055 compensation as a result of a minor assault. Despite the fact that she had not paid one cent of the \$33,000 she had been ordered to pay, she was allowed to keep the \$1,055, and that money came out of the public purse because her assailant was also bankrupt.

Case 3 is a particularly distressing case. "Mr Conway" was ordered to pay \$13,421 after hitting a woman in a hotel who had taunted him about his son who had died as a result of sudden infant death syndrome. The magistrate recognised the extreme provocation and made an order under section 556A that no conviction be recorded. But "Mr Conway" now has to pay \$13,500 to a drunk whose injuries appear to be little more than a bloodied nose.

Case 4 involved a "Mrs Davies", who was ordered to pay more than \$8,000 in compensation for giving a black eye to a woman who taunted her over a lengthy period about an affair she had been having with "Mrs Davies'" husband. "Mrs Davies" had endured the humiliation, the constant taunting telephone calls and aggression from the so-called victim without retaliation until one night at a leagues club she pushed "Mrs Davies" too far. Once again, the extreme provocation was recognised by the magistrate by an order under section 556A, but "Mrs Davies" has to pay \$8,000 and if she cannot pay then we, the taxpayers, will have to.

The final example in this category relates to "Mr Evans", a brothel owner who was shot by his business partner, allegedly during an argument concerning drug running in their brothel. I understand that the shooting followed a stabbing attempt by his partner. I also understand that this thoroughly undeserving character has now received \$26,000 in taxpayers' money. These are just some of the appalling examples of completely inappropriate compensation, often paid by the taxpayer, to thoroughly undeserving types.

As I mentioned earlier, approximately \$50 million is paid annually to those people whom the Victims Compensation Tribunal deems to be entitled to compensation. Part 5 of the Victims Compensation Act 1987 requires the tribunal to attempt to recover this compensation from the criminals who cause these injuries. Its success has been pathetic. As detailed by the Auditor-General in his most recent report, only \$147,162 was recovered in the last financial year. This appalling failure of the Fahey Government to compel the criminals to make restitution has previously been raised by the Opposition. I understand that earlier this year the Attorney General tried to respond to our criticisms by demanding that the tribunal be seen to be trying to recover funds

from criminals.

Once again the exercise was bungled. The tribunal acted capriciously - possibly illegally. The administrative procedures were a nightmare. They were unable to locate many of the real villains, yet a significant number of innocent citizens were harassed for money which they should never have had to pay. To cap it off, the whole exercise has been a gigantic waste of money. It has been conducted in such a way that far more has been spent on chasing the money than has been or is ever likely to be recovered.

Show cause notices were posted to thousands of people at their last known addresses. In some cases, the last known address was taken from the court papers of cases heard in 1973. If someone responded, the tribunal heard that person's side of the story before making a determination. If no response was received - often because the letter did not reach the person - a determination was made anyway. The matters were then passed to the Crown Solicitor's office so that civil action to recover the debt could be commenced. In one 15-week period the tribunal made 3,000 determinations. Had it worked non-stop for 40 hours per week over 15 weeks, only 12 minutes would have been devoted to each case.

Invariably the tribunal adopted a tariff approach. For example, if \$30,000 had been paid in compensation to the victim, \$30,000 was ordered against the offender. In many cases determinations of \$30,000 were made against each of several co-offenders, though the victim received a total of \$30,000. In adopting a tariff approach to awards, the tribunal was probably acting illegally. Several cases illustrate how harsh some of these determinations have been. In case No. 6, "Mr Ho", a student, was ordered to pay \$1,805, following a fight with a fellow student. The court made an order not to record a conviction. Yet "Mr Ho" later found that the tribunal had made an order against him because he allegedly stabbed the victim. The evidence in the court case clearly shows that the victim had never been stabbed by "Mr Ho".

Case No. 7 involves the mother of a young schizophrenic. "Mrs Grace" believed she had to pay an order for compensation of \$1,200 made against her son. At no stage was this woman informed that her son, who committed the assault during a schizophrenic episode, may not be legally liable to pay. Like the others, she received a letter of demand out of the blue. In case No. 8, "Mr Ford" had been tormented by the so-called victim for six weeks. The victim made offensive remarks about "Mr Ford's" wife and challenged him to a fight. On the day in question "Mr Ford" had lost his job and decided to oblige the so-called victim, accepted the challenge, and he duly won the fight. "Mr Ford", like so many others, was

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granted the provisions of section 556A, yet his tormenter was awarded \$3,615, which the tribunal is now trying to recover from "Mr Ford".

As I said earlier, the procedures adopted by the tribunal were sloppy, wasteful, and often incompetent. The tribunal was equally bad in harassing the innocent as letting the guilty off scott-free. I will ask my colleagues to detail the many examples of sloppy and incompetent procedures, but it is part of this whole litany of waste, mismanagement, almost certain breaches of the law, and an incapacity to provide relief for the innocent and extract restitution from the genuinely guilty.

Mr HARTCHER (Gosford - Minister for the Environment) [5.2]: If rhetoric were a crown, the honourable member for Campbelltown would be a king. He brought forth a mass of allegations but had no evidence to support them. He made the ultimate classic comment, "I will give you serious examples but I will change the names", in other words, "I will not substantiate a single allegation that I am making". That is typical of the muck-raking tactics for which the honourable member for Campbelltown is famous in this place. In 1992-93 this tribunal dealt with 4,536 cases. In 1991-92 it dealt with 7,511 cases. The honourable member for Campbelltown dragged out eight cases for which he would not give the names and, on his summarised rendition of the facts, revealed that people who were not entitled to money, in his opinion, were getting money. The first point that must be established is that in recent years throughout Australia the old requirement has been removed that recipients of pensions or any other government moneys be people of good character. It was removed by Labor governments and also by this Government on the basis that entitlement to compensation or pensions is not a matter of moral worth, but to recompense people for their injuries or to

acknowledge their poverty.

The argument that the honourable member advanced today for these eight fictitious cases is that somehow the recipients lacked moral worth. In other words, before the tribunal awards them any money it should determine whether they are of good character - that old test which Labor has been assiduously removing from legislation for years. The honourable member sought to make allegations but could not substantiate them. His motion calls on the House to deplore waste - where is the waste? He said that in eight or nine cases people were wrongly awarded money. How does this constitute mismanagement when he could not establish what the eight cases were and he puts them up against a total of 12,000 cases dealt with by the tribunal in the past two years? All of those cases about which there was a complaint or a concern have been reviewed by Mr Cec Brahe of the Victims Compensation Tribunal. All complaints were put before the chairman and all have been answered.

The honourable member for Campbelltown did not mention the review of the process or of the thousands of people who have been compensated through that process. He wants to grab a few headlines by merely drawing some lurid details from eight fictitious cases. What a pathetic, irresponsible act. For the member for Campbelltown to pretend to be a criminologist, to pretend to have some involvement in probation and parole but not understand the nature of what the Victims Compensation Tribunal does, beggars the imagination. The Victims Compensation Tribunal was established to compensate the victims of violent crime. Its role is not to compensate people who lose property or who are affected by drugs. Its role is to compensate people affected by violence. The overwhelming number of perpetrators of violence in society are itinerants, people who rent property and who usually have a fairly low income base. These are not the sorts of people against whom one will recover sums of money. Sociological and criminological figures would tend to confirm that.

Again the honourable member for Campbelltown said nothing about that. He implied that the money ordered by the Victims Compensation Tribunal can be recovered, but he gave no examples of how it could have been recovered. He merely said that in some cases people were not present in their homes. Naturally they were not; they tend to be itinerants. The honourable member for Campbelltown made allegations that he was unable to substantiate. All he gave was a list of eight fictitious cases and a few items of rhetoric thrown in to justify them. I shall give the facts of the operations of this tribunal. Last year it dealt with 12,000 cases and expended \$49 million, and the year before that it expended \$63 million, which after a separate independent judicial process was found to be the entitlement of the victims of violent crime. Of those victims, 161 were former Chelmsford patients, people who have been compensated by this Government after being ignored for years by the previous Labor Government.

This Government has sought to recover moneys from offenders and it commenced that program on 15th May, 1990. It is up to the court to determine whether the tribunal is allowed to pursue recovery of money, and in some 55 per cent of cases that power is granted. Since May 1990 the tribunal has issued more than 700,500 notices to convicted offenders, to show cause, totalling \$63.9 million. In other words the tribunal has paid out \$63.9 million. Naturally one would expect commercial considerations to play a part. As the honourable member for Campbelltown acknowledged, one does not throw good money after bad. One does not spend \$10,000 to collect a debt of \$1,000. Accordingly, the tribunal has chased up as many offenders as possible; and of that \$63.9 million, a number of offenders have responded when orders have been made and asked the tribunal for time to pay, which involves the sum of \$3.1 million. In 1992-93 the tribunal recovered \$470,000, an increase of 25 per cent on recoveries in 1991-92. Those are the facts. This tribunal is a social welfare agency. It is designed to allow victims of violent crime to be paid compensation that they would not otherwise be paid.

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There is a fall-back position whereby the victim does not have to establish moral worth; he has to establish that he suffered personal physical or psychological injury as a result of an act of violence. He does not have to establish his own good character. The tribunal has the power to seek recovery of those moneys from the offender where it is prudent and commercially feasible to do so, but it must do so in a way that

adequately raises public funds and not in a way that throws more taxpayers' money away. From the figures I have cited, and the figures that will be referred to by the speaker to follow me, it is obvious that the tribunal has discharged that responsibility. It has paid out that money and it has sought recovery from offenders where appropriate.

What is the honourable member for Campbelltown seeking to achieve by this motion? The honourable member's motion is aimed at the Attorney General, yet he did not mention him at all. He did not even mention the words Attorney General in his 10-minute speech. But his motion states "... and the failure of the Attorney General to properly scrutinise its operations". Not a word has been said about what the Attorney General has failed to do, how he should have properly scrutinised and what methods he should have put in place. Where is the evidence for that allegation? There is no such evidence before the Parliament.

I urge all honourable members to take into account the fact that the honourable member for Campbelltown has come into this House and presented eight cases that he has refused to name. He has made allegations that somehow all perpetrators of violence should have enough money to pay back the Victims Compensation Tribunal, a statement he knows to be totally false. He made an allegation in his motion about this, which he has not justified by a single word. If ever there was a matter of so-called urgency that was flawed, inadequate and irresponsible, it is the motion moved this afternoon by the honourable member for Campbelltown.

Mr SCULLY (Smithfield) [5.12]: The honourable member for Campbelltown referred to some examples of hopeless administrative procedures. I wish to give some further examples. Case 9 relates to an offence that took place more than 10 years ago. Six years after the offence the tribunal ordered that the victim be paid a sum of \$6,333; another four years elapsed before any attempt was made to recover the money from the offender, "Mr Johns". Not surprisingly, after such a long time, there was difficulty in contacting "Mr Johns". In fact, the show cause notice was posted to premises that had been destroyed by fire in the mid-1980s. Had "Mr Johns" received the notice, he could have contacted the tribunal, challenged the payment and the extent of the injuries allegedly incurred by the victim, but no such opportunity was available to him. This type of justice is so rough, inexact and unfair that it cannot be considered to be justice at all.

Case 10 is another example of the ineptitude of the tribunal. "Mr Richards", a farmhand, received a notice alleging that he had assaulted another man in 1986. The letter rudely informed him that he owed the Government \$5,417 for an offence he did not commit. His solicitor wrote to the Crown Solicitor providing evidence that they had the wrong man. The Crown Solicitor responded with an apology, but when "Mr Richards" tendered his solicitor's bill for payment by the Crown Solicitor's Office he was refused. If ever there was a case of adding insult to injury, that is it.

In case 11 the tribunal was pursuing a most serious matter: compensation for a sexual assault victim. This is exactly the type of claim that should be pursued by the tribunal. The debtor, "Mr Smith", had been convicted of the offence in 1973. The tribunal sent the letter demanding payment to his 1973 address. It will come as no surprise to honourable members that there has been no response from that address. It is also absurd to think that anyone would have been given a proper opportunity to respond to such an order when the document was served by mail to an address where the debtor lived 20 years ago.

Case 12 involves "Mr Lyons". In that case "Mr Lyons" had been making all his payments as required. A letter from the Crown Solicitor's Office directed him to make the payment to GPO Box 6, Sydney, New South Wales. Unfortunately for him, the proper address was GPO Box 25. Because no payments had been received at the proper address, the Crown Solicitor's Office got a court order against "Mr Lyons" for non-payment. Not only did the order demand that he make payments he had already made, but it added 10.5 per cent interest to them.

What concerns me about the Government's reaction to this matter is that these allegations are not new. I refer to the report of Mr Cec Brahe, Deputy Chief Magistrate, and former chairperson of the Victims Compensation Tribunal. He published a lengthy report in March 1993. There are two relevant things in that

report that I bring to the Government's attention. The first was Mr Brahe's recommendation that legislative provisions be enacted to ensure that the tribunal had free access to information and databases that would assist in recovery processes - that is, that it would be able to get up-to-date and timely information on the whereabouts of an accused person who is alleged to have caused injuries to a claimant. That was seven months ago.

The other important recommendation is that in relation to set-offs. The honourable member for Campbelltown has given an example of a woman who had an award against her of some \$30,000, put in a claim and was paid over \$1,000 without any set-off. That recommendation was made seven months ago. The Government has done nothing about this report. Worse still, I remember that the former member for Lane Cove, Mr John Dowd, Q.C., got stuck right into the Victims Compensation Tribunal for not producing annual reports. I went around to the bills and papers section today and said that I was speaking on a matter in relation to the Victims Compensation Tribunal. I asked for the latest annual report. I got one - this rag. It is seven pages long and hardly gives any information about the operations of the tribunal. It is dated 30th June, 1991.

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The Victims Compensation Tribunal is in breach of section 70 of the Victims Compensation Tribunal Act. That Act requires that an annual report be produced, so far as practicable, as soon as possible after 30th June each and every year and not later than 31st December in each year. I request that the tribunal immediately produce the annual report for 1992, and follow that very quickly with the 1993 report. This is a case of very sloppy workmanship, a denial of natural justice, a failure to comply with the Victims Compensation Tribunal Act. I think we are entitled to raise this as a very serious matter. The Minister for the Environment gave a pathetic response. I know that the department has dished him up a piece of paper to read out.

Mr Hartcher: Look at the cases.

Mr SCULLY: We have the information. The tribunal is a sloppy organisation. [*Time expired.*]

Mr KERR (Cronulla) [5.17]: I was reluctant to interrupt the honourable member's answer to Cicero.

Mr Scully: Demosthenes.

Mr KERR: Demosthenes in the main. I am sure that better representatives for the Australian Labor Party will come forward at the preselection for Smithfield. The honourable member for Campbelltown referred to initiatives. Before the honourable member found adult company unbearable, he was one of the Walkerites. Let us look at his crime initiatives. The Bail Act gave a presumption in relation to people who had been arrested for violent offences. How many victims were there of people who got bail and committed more offences? The other great initiative was the repeal of the Summary Offences Act. How many people in Smithfield suffered as a result of repeal of the Summary Offences Act?

Mr Scully: None.

Mr KERR: The honourable member says none. He should go back and speak to his constituents. They will be using that against the honourable member at his preselection. The honourable member for Campbelltown said that he would use fictitious names; he did not tell us that he was going to use fictitious arguments. I will address what we might call the hallmarks of his speech. The honourable member did not mention the Attorney General. Does he want the Attorney General, the Executive, to intervene in a tribunal's decision? That is what he is really saying.

Mr Scully: Fix the procedures.

Mr KERR: It was Labor legislation that set up the tribunal and formulated the procedures. The only

allegation that the honourable member for Campbelltown made against the Attorney General was that the Attorney gave a direction to try to recover amounts of money. We may well plead guilty to that. I will supply the Opposition with information in relation to that serious charge against the Attorney General: 35 debtors have paid in full to the monetary value of \$67,905, and 98 are paying by instalments. All this has arisen because of the direction of the Attorney General. Some months ago the Director-General of the Attorney General's Department raised with the Attorney General the need to conduct a review of the administrative practices and procedures of the tribunal.

The review was not prompted by any concern about inappropriate activities of the tribunal but rather by a desire to have the tribunal procedures examined to ascertain whether they could be improved to provide increased service to the citizens of the State and keep the administrative costs to a minimum. Such a review is also appropriate at this time as the Government is considering extensive legislative amendments to the victims' compensation legislation following the review by Deputy Chief Magistrate Brahe mentioned by the honourable member. Who initiated that? The Government did. The Government is cleaning up the mess that Labor left us in relation to the legislation and procedures. More than 40 per cent of cases involve no conviction. If the person arrested for an offence is not convicted, the victim still suffers, is still injured. Though the honourable member for Campbelltown has left the remnants of the left-wing, he still believes in class warfare, because he says that the only crimes are committed by the wealthy. The deeming provision says that -

Mr Scully: When did he say that?

Mr KERR: Let me tell you something: you cannot recover money from someone who has no money. That gives rationalism to economics. Opposition members come along with this crazy, outdated class warfare. All they have done is accuse the Attorney General of trying to recover money and direct the tribunal. [Time expired.]

Mr KNIGHT (Campbelltown) [5.22], in reply: The Minister for the Environment asked me, "Where is the evidence?" Because I used some made-up names for some real cases he accused me of using fictitious cases. He asked where we find the real evidence. I will tell him where to find the evidence. And who knows, besides me and other members of the Opposition, that these cases are real? The advisers from the Attorney General's Department sitting behind the bar of the Chamber. They know about the cases. They know that they are real. They know the real names and they know the real bungle. But in the brief they gave the Minister for the Environment today they did not tell him. Let me give the Minister another fictitious name for a real person, the name of the whistleblower, "Mr James", from within the Crown Solicitor's Office. The advisers know his real name. They know who he is.

They have told the Minister that it is a disgruntled employee and the matter is no big deal. But what they did not tell the Minister is that the disgruntled employee who blew the whistle is such an honourable whistleblower that he told them in advance in writing that he was going to blow the whistle. He

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told them in advance in writing the very cases he was going to take to the Opposition. Did the advisers give the Minister a brief about those cases? Did they give him a response to those real cases? No. They left him in make-believe land. Nothing better demonstrates today that the Attorney General is asleep on his watch, that he is culpable in this matter because he cannot control his own bureaucrats. He is asleep on his watch. Perhaps it is one of those justice watches his predecessor brought forward to us.

The Minister says that the tribunal is really just a social welfare agency; it is not about establishing moral worth. If the Minister read the Act or somebody in the Attorney General's Department drew his attention to the Act, he would see that section 21 says that before an award is made matters of culpability have to be taken into account: how responsible was the person you are trying to recover money from for the injury; "whether the victim participated in the commission of the act of violence or encouraged it or indirectly contributed to the injury". Those are the sorts of things that have to be taken into account under the Act, and they are the very things that were not taken into account. There is no need to deal in any detail with the

so-called contribution of the honourable member for Cronulla because he talked about other matters - summary offences and the Bail Act - and because he had not been given a brief to answer the real and substantial charges about the Victims Compensation Tribunal.

The tribunal is becoming a farce, and at \$50 million a year it is becoming a very expensive farce for long-suffering taxpayers. Clever criminals and cynical opportunists are milking the system for their own benefit. There is something clearly wrong about a regime that compensates villains for injuries received during the commission of a crime. The procedures for making the guilty pay compensation to genuine victims are appallingly incompetent and wasteful. Not only has the Government bungled the whole process but the Victims Compensation Tribunal is probably itself acting illegally. Very few real villains are being forced to make restitution yet many decent citizens are being ensnared in a web of mismanagement that has led them to pay large amounts of restitution.

People who have lashed out under extreme provocation and against whom courts hold improper hearings, having decided not to record a conviction, have had large compensation orders made against them by the Victims Compensation Tribunal. Genuine victims of violent crime deserve a sensible and compassionate system of compensation. Decent citizens provoked into retaliation do not deserve a system that makes them pay for their attackers' injuries. All citizens of New South Wales have a right to expect tribunals to act lawfully and properly. The taxpayers of this State above all deserve a system that rationally and efficiently allocates their funds in this area. Clearly, on all of these counts the Fahey Government fails. It is incapable of meeting any one of those tests.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 41

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

Noes, 43

Mr Armstrong	Mr Morris
Mr Beck	Mr W. T. J. Murray

Mr Blackmore	Mr O'Doherty
Mr Causley	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Phillips
Mrs Cohen	Mr Photios
Mr Collins	Mr Richardson
Mr Cruickshank	Mr Rixon
Mr Downy	Mr Schipp
Mr Fraser	Mr Schultz
Mr Glachan	Mr Smith
Mr Griffiths	Mr Souris
Mr Hartcher	Mr Tink
Mr Humpherson	Mr Turner
Dr Kernohan	Mr West
Mr Kinross	Mr Windsor
Mr Longley	Mr Yabsley
Dr Macdonald	Mr Zammit
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Ms Moore	Mr Kerr

Pairs

Mr Carr	Mr Baird
Mr Gibson	Mr Cochran
Mr McManus	Mr Fahey
Mr Newman	Mr Hazzard
Mr Rumble	Mr Petch
Mr Shedden	Mr Small
Mr Ziolkowski	Mr Smiles

Question so resolved in the negative.

Motion negatived.

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PRIVATE MEMBERS' STATEMENTS

AUSTRALIAN GENEALOGICAL EDUCATION CENTRE

Mr HARRISON (Kiama) [5.37]: I wish to place on record my support for the purchase by the Australian Genealogical Education Centre, Kiama, of the British Isles births, deaths and marriages indexes. Acquisition of those indexes will greatly aid the work of this non-profit centre in its educational indexing and genetic research programs, but the \$47,000 cost is beyond its means at this time. The centre's present resource material covers much of the Australian and New Zealand records open to public access, but purchase of the British Isles births, deaths and marriage indexes would fill a large gap in the information most sought after by researchers. At present there is only one place in New South Wales where English and Welsh indexes to 1983 alone may be seen, but this carries certain restrictions. The Scottish and Irish indexes are even more rare.

The Kiama centre allows for public access to all its records, which at present amount to more than 200 million entries. The Kiama centre is a unique operation, but as it is local government sponsored and run initiative by a relatively small council, it is sometimes difficult to find funds for the purchase of much-needed resource material. As the Australian nation commenced as a colony of Great Britain, with virtually all early settlers coming from England, Ireland, Scotland and Wales, there are obviously a great number of descendants who are becoming increasingly interested in the study of their respective family trees. There are also a number of people in Australia who take pride in the achievement of their ancestors, who may even have served with Wellington at Waterloo or with Nelson at Trafalgar. The ability to research their family lineage is important to those people. The Kiama centre can supply details of the trials of convicts through the Old Bailey Central Criminal Court in London as well as details of London and Middlesex gaol deliveries up to 1834.

The centre offers a mail or telephone service at reasonable rates. It is open for research work on weekdays and the first weekend of each month. The Kiama centre hosts schools, clubs - such as Probus - or tourists attending talks, with morning or afternoon teas, on subjects such as tartans, convicts, heraldry, Irish immigration and highland clearances. I am advised that the Australian records are generally better kept than corresponding American records and that Americans researching their ancestral heritage often seek information from Australia in order to cross-reference details with the meagre information they have been able to dig up in their home country.

Since it is expected that thousands of Americans will be coming to Australia for the Sydney 2000 Olympics, it is reasonable to suppose that a good number of them will be looking for other things of interest to do during their stay. Kiama is only about 70 miles from Sydney, and it is believed that the genealogical centre would be of interest to many American visitors. The centre has, in one spot, a collection of Australian and New Zealand records, and overseas material on Canada, Sweden and most countries in between. There are very strong links between Kiama and early Irish immigrants. Those links led to the setting up of the genealogical centre in the Kiama township, a centre of which we are extremely proud.

The centre is very much involved with local people, particularly with Irish ancestry. It conducts professional school programs and each unit is complete of itself and requires no preparation by the teachers. The staff and director, Mr Ray Thorburn, are extremely accommodating and generous with the amount of assistance that they offer to people who are looking to study their family lineage. I have had many pleasant and interesting conversations with Ray Thorburn, whom I regard as a very fine citizen of the Kiama area. I am impressed by his general knowledge of the subject of genealogy and his general knowledge on a wide range of subjects. He is a very honourable gentleman indeed.

My reason for raising this matter is to request that the Minister for the Arts investigate possible sources of funding assistance for the purchase of the British Isles BDM indexes. This is a reasonable request since there has been no New South Wales Government financial assistance to the centre up until this time. I respectfully request the Minister for Health to bring this matter to the attention of his colleague the Treasurer and Minister for the Arts so that every possible assistance is extended to my constituent.

"BELLA VISTA" RESTORATION

Mr MERTON (Baulkham Hills) [5.42]: I wish to speak about a very important building in my electorate, "Bella Vista". On 16th September, 1992, I raised this issue in the House. The building dates back almost to the beginning of colonisation in New South Wales. In 1799 Captain Joseph Foveaux was granted 980 acres in the district of Toongabbie. That property was subsequently sold to the Macarthurs in 1801. The Macarthurs soon purchased adjoining land and this land, together with "Bella Vista", was referred to as their "Seven Hills Farm", which the Macarthur family owned for 20 years. The buildings on this parcel of land can be traced back to the early 1800s and are of immense historical value to the people of New South Wales, in particular to the people of Baulkham Hills.

The constituents in my area are rightly concerned at the state of disrepair into which these buildings have been allowed to fall over many years. The local newspapers, particularly the *Hills News*, has been very responsible in its reporting and has expressed concern over many years about the neglect of the buildings and delay in the restoration of "Bella Vista". I have mentioned this matter previously in the Chamber but tonight I mention it because of the

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urgency of the matter. The land was owned for many years by the Sydney Water Board. I am informed that the Department of Planning now owns the land. The contract to purchase the land by the Department of Planning was signed on 30th June, 1988, and it was not until a week or two ago that that contract was completed. A four-year delay is far too long when part of our national heritage is at stake. Clearly, we need positive action.

I understand that certain problems were involved and I understand the responsible company, Norbrik, has been involved in negotiations with the Department of Planning and the Sydney Water Board. Norbrik has agreed to contribute towards the cost of restoration of the buildings. The sands of time are running out; we must do something about restoring "Bella Vista". I am pleased that a separate title has been issued by the Land Titles Office for 13.6 hectares and "Bella Vista" now has its own title. I mention this matter so that the Minister for Health can make urgent representations to the Minister for Planning and Minister for Housing in another place to obtain a permanent conservation order on "Bella Vista", and to take urgent steps to negotiate with Norbrik and the council regarding the restoration of the buildings.

These buildings go right back to the early days of the Macarthurs. It is true to say that "Bella Vista" is a vital part of our heritage. Not only is it a symbolic, significant and unique reminder of our early architecture but it is also the birthplace of Australia's merino industry. Few people would realise that the merino industry pioneered by the Macarthur family commenced at their "Seven Hills Farm", now "Bella Vista". As the member for Baulkham Hills I am proud to say that the great Australian wool industry was pioneered in the electorate of Baulkham Hills. Further, I am advised that unless work is undertaken urgently to preserve this national heritage, the buildings will fall into decay and could be lost for ever.

When I last mentioned this matter I said that the building is not owned by the people of New South Wales. Today, we are merely custodians and trustees for future generations of Australians. Places similar to "Bella Vista", with its unique historical content and great tradition of being the foundation place of the merino industry, should be preserved. I ask the Minister to make urgent representations to the Minister for Planning and Minister for Housing in another place regarding a permanent conservation order and for restoration work to commence forthwith.

Mr PHILLIPS (Miranda - Minister for Health) [5.46]: I commend the honourable member for Baulkham Hills for his strong representations on this matter and for his impassioned plea for resolution of this matter. I am sure every member in this House clearly understands the historical significance of "Bella Vista" and the need to preserve this national monument and heritage. The honourable member has made very clear what needs to be done about this matter. I did seek advice from the Minister for Planning on this matter and he has advised me that the draft master plan for the "Bella Vista" site has been completed. The Department of Planning will meet with the mayor and general manager of council next Wednesday.

I also understand that the Department of Planning will be briefing the objector to the permanent conservation order and talking through that issue with a view to that objection being rescinded. At this briefing the issue of financial arrangements for the rehabilitation of "Bella Vista" will also be canvassed. The Minister for Planning has given me permission to give assurances in this House that he will keep the honourable member informed of all developments on this issue as he clearly understands his commitment to this important project.

MINEHUNTER SHIP CONTRACT

Mr GAUDRY (Newcastle) [5.48]: The matter of the minehunter project is of crucial importance to New South Wales and to Newcastle because some 3,000 jobs and \$1 billion worth of investment are involved. For the second time in a week I have heard the Premier speaking negative nonsense about the project and particularly, in his own quaint terms, playing politics on the minehunter project. In the Newcastle Chamber of Commerce on Monday and in the House today the Premier trivialised the project and drew it down to a base level of politics, rather than doing what he has espoused, a bipartisan approach similar to that adopted for the Sydney Olympics bid.

Either the Premier does not understand the bid process for the minehunter, or perhaps New South Wales has put up such a second-rate package of support that he is now looking for scapegoats and moving away from the high level of commitment he has espoused. The Premier's words did not wash in Newcastle and they will not wash here. As an example of that, I refer to the editorial in the *Newcastle Herald* of Wednesday, 10th November, which is headed "Seeking the minehunters". The editorial reads:

Every bit of support in support of Newcastle's bid to build the new minehunter fleet is to be welcomed. So it might seem ungracious to greet with no more than soft applause the Premier's announcement that a ministerial task force has been formed to push the Newcastle case to the wire. This newspaper's concern is the timing of the announcement. The three consortia chosen to tender for the \$1 billion project have to submit their bids to the Federal Government by December 15. That is only five weeks away and it is likely that each consortium has already chosen its preferred building site. A top-level committee of Ministers, like that formed, should have been working hard for Newcastle since last December when the names of the final bidders were revealed.

As I have said, I do not believe the Premier understands that three contenders were shortlisted for the bid in December 1992. The ministerial task force should have been established at that time. The task force should have included business leaders and citizens from Newcastle, and members of the Opposition, and should have been working during that

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time. The task force could then have been approached in a fully bipartisan way. The construction tender was issued on 5th July. Tenders close on 15th December and the ministerial task force was announced on 8th November. That does not really put anyone in the game. It would be analogous to having the Minister for Transport, Bruce Baird, and Rod McGeoch convening the Olympic bid team in late July for an announcement in September.

That approach is to be contrasted with the approach of the Leader of the Opposition. He visited Newcastle on Friday, 22nd October, and put forward the Labor concept of a task force, which was on the same basis as the Olympic bid team. He said the task force should comprise experienced business leaders, trade union, local and State public sector officials and other eminent citizens. That would galvanise the bureaucracy, the business sector and trade unions to meet competition from other States and to beat that competition. Obviously that sort of proposal should have been put forward.

The bipartisan approach adopted by the Opposition in the run up to the Olympic bid announcement was important in winning the bid. The Government has the bipartisan support of members on this side of the House for the minehunter bid. The three contenders will choose the location. They will choose it on the basis of the support packages put to them by the various States. It is time this House and the Premier understood that bipartisan support is required. I should like to refer to the view of the Leader of the National Party on bipartisan support and his feelings about the strong support given by the Opposition to the Olympic bid. In the *Hansard* of 12th October he said:

The bid -

That is, the bid for the Olympics:

- could never have succeeded had it not been for the bipartisan co-operation of the Opposition -

[Time expired.]

Mr PHILLIPS (Miranda - Minister for Health) [5.53]: I understand that the honourable member for Newcastle is a new member of this Parliament. He was obviously ignorant of history before he came into this place or he has not done the necessary research on this matter. He forgets the destroyer team from the New South Wales and Federal governments. Those two destroyers - Hawke and Unsworth - made sure that New South Wales did not get the destroyer contract. Where did that contract go? It went to the electorate of the then Prime Minister, Mr Hawke. How many ministerial committees did Barrie Unsworth form to make sure that important contract was delivered to New South Wales? Absolutely none!

The minehunter contract is an important contract. I suggest that members representing Newcastle electorates should not do what they always do, which is to harp and carp and be totally negative. When will they learn that the approach taken to the Olympic bid is the only way to achieve anything? If we all get together in a positive approach, the minehunter bid will then be irresistible. The Government is doing everything possible to win that contract. What are the local members doing? They are harping and carping. How many times has the honourable member for Newcastle spoken positively in this House on this issue? Never! I look forward to the Government delivering the contract on its own without any support from the members representing Newcastle electorates.

Mr Gaudry: On a point of order. The Minister is attempting to misrepresent my statement. I was calling for a continuation of bipartisan support. The Premier is acting against that bipartisan support by politicising the issue.

Mr ACTING-SPEAKER (Mr Rixon): Order! No point of order is involved.

RURAL FUEL PRICES

Mr W. T. J. MURRAY (Barwon) [5.55]: I speak about a matter that is causing me a great deal of concern. The matter was dealt with today by the Deputy Premier and the Minister for Consumer Affairs. I refer to the gross distortions that are taking place in fuel prices in rural New South Wales as a result of the activities of the five companies that provide fuel to this nation. The Trade Practices Commission, the Prices Surveillance Authority and the former Minister for Local Government, Gerry Peacocke, have all taken action in relation to rack pricing. That action is now being effectively bypassed by the fuel companies to such an extent that in rural New South Wales and, indeed, selected areas of the city of Sydney, the price of fuel is extortionately high.

The maximum wholesale price of fuel in New South Wales is 69.01¢ per litre. In the city of Sydney there has generally been a variation of up to 14¢ in the price of petrol. In the period to the second quarter of 1993, the average price of petrol in Sydney was 68.3¢ per litre. In Brisbane the average price was 62.01¢, and Brisbane is always quoted as selling the cheapest petrol in Australia. If the 6.86¢ a litre petrol tax in New South Wales is added to the Brisbane price, petrol is dearer in Brisbane than New South Wales. The Petroleum Industry Commission is conducting an inquiry. An interim report will not be handed down until February. The full report will not be available, and action will not be able to be taken, before May-June next year.

If price-cutting is a problem today, in the next six to eight months the problem may well be totally out of control because there is every reason to suggest that the Petroleum Industry Commission inquiry will make recommendations in respect of controlling the price at the gate and adding genuine competitiveness at the wholesale level. At present fuel companies telephone selected stations and direct them to reduce the price of petrol to a price determined by the companies. Under the conditional support scheme that most of the petrol companies have in place, they can drop the price to about 62¢ a litre - in Sydney, for example. The fuel companies then pick up the difference.

The price can change overnight following another telephone call from the fuel company. In most rural areas of New South Wales the fuel companies are charging the full price, passing it on and forcing the distributors and depots to charge the maximum price. They are using that attack on country New South Wales to subsidise price cutting in the city of Sydney. Prior to the Petroleum Industry Commission inquiry the fuel companies will move to maximise their sales in selected areas. As a result, there will be more price-cutting. Rural New South Wales, where the general distribution of the sale of fuel is fairly well established, will suffer increased penalties. Deduct from the average price of petrol of 68.3¢ a litre the Federal tax of 29.6¢ and the 6.86¢ fuel levy, and the price is 31.84¢ a litre. With 10¢ being for the retailer and 4¢ being between the retailer and the depot, the actual price of fuel today is 21.84¢ a litre; 60 per cent of the total cost of fuel goes in taxes, charges and rebates. Those figures show that we are grossly overcharged. Bear in mind the fact that the Commonwealth will this year take \$9.772 billion in taxes. [*Time expired.*]

Mr PHILLIPS (Miranda - Minister for Health) [6.0]: I thank the honourable member for Barwon for raising this very important issue. I think the Labor Party has only one country member, but those honourable members with city electorates who dominate the Labor Party should listen carefully to the problems confronting the people in the bush in respect of petrol prices. I have an anecdote to relate. On my way to the airport recently, en route to Albury to open the magnificent new wing at the hospital, I noticed that in Botany the price of petrol was 61.9¢ a litre. When I arrived in Wagga Wagga I was surprised that the price of petrol was 79¢ per litre.

It is totally beyond one's wildest imagination how there could be a 17¢ or 18¢ difference in the price per litre. Notwithstanding volume, competition or whatever, an 18¢ difference between a service station in a major centre such as Wagga Wagga and one in Botany means that something is rotten in Denmark, as the saying is. I appreciate what has been said and I hope honourable members are paying attention to this very important issue because country New South Wales should not be disadvantaged as against the city. Certainly, volume problems may exist in the country but there has to be a fair pricing level and I look forward to hearing more about this issue in the future.

AUBURN ELECTORATE RETURNED SERVICES LEAGUE CLUBS

Mr NAGLE (Auburn) [6.2]: Today is 11th November, the day of remembrance. The editorial in the *Daily Telegraph Mirror* refers to the Unknown Soldier being laid to rest, and says in part:

But today, we can remember them, those vigorous ancestors from which our present nation is grown.

I bring to the attention of the House the fact that many people in my electorate are returned servicemen and servicewomen, who served their country in the armed forces and continue to serve it in the RSL movement. I want to mention some people from the Auburn Returned Services League sub-branch and club. Frank Brown joined the RSL in 1945 and has been active during the past 10 years in the Gumbya Day Care Club, which is sponsored by the RSL and cares for elderly people. He is well advanced in age and joined the Auburn RSL club in 1962. He was awarded a Certificate of Appreciation in 1976, and life membership and the MBE in 1978 for 30 years of service to the RSL and the community - in addition to numerous other awards for his services.

The welfare officer at the club is Ross Kitchner, a Vietnam veteran. He joined the club in 1972, is a former president and has been awarded life membership at the age of 41. Ray Lovett MBE, now deceased, gave many years of service to the RSL club; Jim Learmonth joined the sub-branch in 1962. In 1975 he was elected to the subcommittee and in 1969 to the RSL youth clubs at Lidcombe and Auburn. He has given many years of service and has life membership; Jim Fitzgerald is president of the Lidcombe-Auburn RSL

youth club, a hard worker and dedicated committee member of the sub-branch; Ray Cross joined in 1970, is now president of the sub-branch and has been deputy-chairman of the club for many years.

Ray Weblin is a police officer and Vietnam veteran. Avery Gee, now deceased, was a close friend of mine; he was a past president who gave many years of service. Stan Ross, an ex-POW from Changi, joined in 1945 and received the New South Wales Community Service Award posthumously. It was presented by me to his family shortly after he died. He joined the Auburn sub-branch in 1951 and was a delegate to the western metropolitan district council. Cec Hudson was secretary of the RSL club and sub-branch for more than 20 years.

At Lidcombe RSL Dave Moir, a New South Wales Community Service Award winner, works for the elderly and the youth of the area, and does so even though he is elderly. Ernie Thorn, now deceased, was formerly president of the RSL. He was a courageous person and set a good example by his services to the community. Dave Eagleson, who now serves on the local area health board and was formerly a senior executive of the Repatriation Department, is active in the RSL sub-branch and club. George Shute, a past president, continues to work for the RSL club and the community even though he is ill. Ken Walters, the little pommie, has been treasurer of the Lidcombe RSL club for umpteen years. He is at every function, with a microphone, organising it and making sure everything goes smoothly.

Granville RSL was formerly in my electorate and I mention Frank Ashton, who was welfare officer for more than 30 years and is dedicated to the RSL movement and the returned soldiers. Charlie Gardiner, now deceased, was formerly president of the Granville club. Again, he was a man for the movement. Taking Frank Ashton's place as welfare officer is John Haines, the mayor of Parramatta. He is a past president of the Vietnam Veterans Association and a good man.

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The Treasurer of Chester Hill RSL club is Warren Osman, a former State secretary of the RSL and chief executive officer for New South Wales. Keith Ring, a committee man who holds an executive position, is secretary. Des Fox, who is aged 46 years and a Vietnam veteran I am told, is vice-president and still working. Ernie Rowe is president of the sub-branch and does a lot of work. Doug Gooding was president of the association for 20 years and is now deceased. And there are the women including Gwen Carruthers with more than 30 years service; Joyce Godard, president of the women's auxiliary for 25 years; Marion Anastakis; Chris Phillips; and, at Lidcombe RSL, Joyce Hollibone; Dot Ryder and Dave Moir's wife.

I can mention only a few because time is defeating me but they are good people, and there are many good people I should have mentioned who have given their time, support, effort and courage for this country and for their fellow soldiers and returned servicemen and servicewomen. They are friends. They have done a lot for the community and continue to do a lot. They are the stalwarts and what this nation is all about. Lest we forget.

Mr PHILLIPS (Miranda - Minister for Health) [6.7]: I commend the honourable member for Auburn for taking the opportunity to remember not only those who have passed on in times of war and since, but also those who continue to give excellent service to the community within his electorate. As I was listening to that list of names, one in particular sprang to mind, Dave Eagleson, who is on the board of the area health service. One very important matter is highlighted, and that is that when local members attend functions and activities in the electorate they tend to find the same faces running the various activities, be they organised youth groups, the area health service boards, or the RSL. The same war horses, the same troopers are continuing to battle on and do what they can to improve the lot of the community. As the honourable member for Auburn said, what would we do without their courage and the tremendous effort they apply in the community? Governments cannot hope to provide the excellent caring and service that they provide. The RSL movement and the membership are vital to the community and we should not forget. Lest we forget.

PUBLIC SCHOOLS CHARITY CONCERTS

Mr O'DOHERTY (Ku-ring-gai) [6.9]: I join with honourable members in paying tribute to returned servicemen and servicewomen and their families on this Remembrance Day. It is perhaps fitting that I pay tribute today to a different movement which was formed during the second world war to raise money for Polish refugees to come to Australia. The movement began among school students and teachers of New South Wales public and secondary schools. In 1939 a combined high schools patriotic concert was held at the Sydney Town Hall under the direction of Mr H. F. Treharne, Supervisor of Music of the Department of Education. From there began what has been an extraordinary series of charity concerts by students and staff of the schools of New South Wales. In 1943 the first of what was a 50-year run of concerts began. Each year since then a concert, organised through the New South Wales education system, has been held to raise money for charity, Stewart House being the primary charity.

Apart from paying tribute to the people who have taken part in the concerts and the extraordinary musical legacy they have provided to the nation, I raise this matter because on Sunday I will take part in a concert to celebrate those 50 years. I am one of the students who benefited from the musical tuition, the help, and I guess the great teachings about life from the teachers involved in the concerts. I was one of those performers who, as a young clarinet player, walked on to the stage of the Opera House and faced a sea of faces. I learned about performances and a whole range of other things that have become such an important part of my life. On Sunday, performers from around the world who have been involved in the concerts over the 50 years will attend the concert. Among them will be people from Germany, the Northern Territory, Brisbane and other parts of Australia.

Mr Keith Swift, a flautist who performed in the first concert of the series in 1943 will attend Sunday's concert. His wife will also be singing in the choir. The musical legacy of these concerts is, as I said, extraordinary. A feature of the first concert held in 1939 was a New South Wales combined flute band, made up of 300 performers under the direction of Victor McMahon. The leader of the band was Master Donald Burrows, the doyen of Australian jazz and the pre-eminent jazz clarinet player in the world, I would think. Don Burrows, Geoffrey Parsons, Rosalind Keene, Elaine Collett, members of the Australian Opera, Roger Woodward, Winsome Evans, Geoffrey Payne, and Robert Johnson were among the many artists who performed at the concerts. In the time available I could not mention the 500,000 performers by name who have taken part in the concerts during the past 50 years. Some 1,500 soloists have been given the opportunity to perform in Australia's premier music venues. It is fitting that this tribute concert on Sunday will be held at the Opera House, because for 20 years the Opera House has been the venue for those concerts.

Apart from the Australian Broadcasting Corporation, the Department of School Education generally has been the largest single hirer of the concert hall at the Opera House. It is only when one remembers the commitment of the vast numbers of students and teachers who, of course, gave their time voluntarily, that one realises how special these concerts have been. I pay tribute especially to the committee that has put together the celebration concert for Sunday: Lindsay Akea, John Butchard, Mal Hewitt, Olga Johnstone, Bill Kempster, June Leitch, Kelvin Leitch, Helen Lowry, Des McLean, Nev Mison, John Pickering, Roy Shorter and John Williams. I pay tribute especially to my friend Mal Hewitt, who is present in the gallery tonight, for his

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energy. He has been the driving force behind this concert series for so many years and is the driving force behind so many good things that are happening in the school system.

Mr PHILLIPS (Miranda - Minister for Health) [6.14]: I thank the honourable member for bringing to the attention of the House the excellent work of these people for the past 50 years or so in giving an excellent service to the community and assisting students to develop their talents to international standard. I am always fascinated to hear snippets of information about individual members. I am not sure that honourable members would be aware that the honourable member for Ku-ring-gai was a young clarinet player. I want to know, if Don Burrows and Roger Woodward made it, what happened to the career of the honourable member? Obviously the education and development of young talent in Australia is dependent on organisations such as this one, which has a 50-year unbroken run of service. It is fitting that the Opera

House is the staging place for the organisation's fiftieth anniversary. On behalf of the Government of New South Wales I congratulate the committee members and wish them an excellent, exciting and enjoyable day.

BOOROWA LANDCARE GROUP

Mr MARTIN (Port Stephens) [6.15]: I grieve for and seek justice on behalf of Mr Stan Karpinski with respect to certain actions in the Boorowa LandCare group, and in particular what appears to be questionable actions by an officer of the Department of Conservation and Land Management.

Mr SPEAKER: Order! This matter has been raised on numerous occasions through different avenues. It is not a new issue or the sort of issue that would come within the scope of private members' statements. The honourable member is seeking to raise a subject that has previously been debated by this House. Therefore, I rule him out of order.

Mr Martin: My intention on this occasion was to table new evidence and to raise a matter of grave concern.

Mr SPEAKER: Order! I have ruled on this matter. As I stated, the House has previously debated the matter and it does not come within the scope of private members' statements. If the honourable member were to raise a matter tonight and another member endeavoured to raise the same matter in a continuing form the following week, that matter also would be ruled out of order. The honourable member cannot use private members' statements to maintain continuing debate.

Mr Martin: This is new evidence.

Mr SPEAKER: Order! I have ruled on the matter.

NORTHERN RIVERS DISTRICT POLICING

Mr D. L. PAGE (Ballina) [6.18]: I raise the issue of policing in my electorate and generally on the North Coast of New South Wales. I congratulate the Minister, the Government and senior officers of the New South Wales Police Service on their recent decision to conduct a review of policing numbers in the Northern Rivers district, which covers the electorates of Clarence, Lismore, Ballina and Murwillumbah. Honourable members would be aware of this Government's good record of increasing the number of police available to assist the public. There are 16,000 police in New South Wales at present, which is an increase of 1,600 since this Government came to office. That fulfils a promise that the Government made in 1988 in relation to increasing police numbers. Indeed, my electorate has had the benefit of increased police numbers. Police numbers at Ballina, for example, increased from 17 to 37 when Ballina was made a 24-hour police station, and at Byron Bay the number of police increased from 10 to 19 during that same period.

The growth rate on the North Coast is three times that of the statewide average and twice that of the average population growth rate for the Sydney metropolitan area. It is sufficiently high to warrant further investigation of the overall police needs within this rapidly growing area. I commend the Government and the officers involved for undertaking this serious review of police strength in the area. I commend them also for agreeing to report back to the new chief superintendent in charge of the Northern Rivers police district, Chief Superintendent Terry Collins, by the middle of December at the latest. The review will be in-depth and available within about three weeks. The situation that exists in Alstonville-Wollongbar is of considerable concern to me, as it would be to other members if they were aware of the situation. There is only one policeman in that area to look after 12,000 people. That is amazing.

Mr W. T. J. Murray: They are law-abiding people.

Mr D. L. PAGE: As the honourable member for Barwon said, my constituents are law-abiding people. Alstonville-Wollongbar is located between Ballina and Lismore. The community is well served by police from both districts. I would like to see an extra policeman placed at Alstonville. I attended a meeting about a week ago at which some 250 local residents indicated their concern and expressed their support for a second officer. I think we could achieve that goal by transferring Alstonville and Wollongbar, which are currently in the Lismore patrol area, into the Ballina patrol area. There are good reasons for doing that. The response time from Alstonville to Ballina is shorter than it is from Lismore. Alstonville and Wollongbar are also in the Ballina local government area. There is a community interest in relation to this issue.

I have made a number of other public statements in regard to Alstonville. I am pleased that the Alstonville community is taking the lead from Wollongbar in setting up its own Neighbourhood Watch. I encourage all communities to do that, instead of putting their hands out for funds to employ more police officers. Many communities in New South Wales have taken the initiative and set up Neighbourhood Watch. It is a good idea to reduce crime.

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I would also like the review to consider seriously the situation at Byron Bay. I have spoken about this before. There is a real problem in Byron Bay because of the influx of people during holiday periods, such as New Year. During such times the population grows from 5,000 to 20,000. There are 19 police officers at Byron Bay, but we need to work towards having a 24-hour police station, which would involve probably 24 officers. In addition, there is a unique opportunity to look at the accommodation arrangements for police at Byron Bay. I am looking forward to taking that up with the Minister when he arrives in my electorate on 8th December to discuss these issues.

Mr PHILLIPS (Miranda - Minister for Health) [6.23]: I thank the honourable member for Ballina for raising this important issue. The Government can take great credit for its attitude to law enforcement, crime and corruption in this State. Those of us who were members of this House in the 1980s would remember quite clearly the veil that hung over New South Wales with respect to corruption. That had a demoralising impact on our community. At that time we had a rotating prison system and there were enormous pressures on the police force. Since that time great advances have been made in the way the police force has been structured and the way corruption has been tackled in this State. That veil has been lifted. Police numbers have increased.

The biggest advance that has been made in policing is the implementation of genuine community policing, through Neighbourhood Watch and Safety House programs. The community is taking a much greater role and responsibility. We should not be measuring the quality of our society by how many police officers we have; we should be measuring it by how safe we are in our daily lives. The community has a fundamental role to play because the police cannot do everything on their own. I commend the honourable member for Ballina for raising this important issue. I am sure that the Minister for Police and Minister for Emergency Services will note the issues raised by the honourable member when he visits his electorate on 8th December. [*Time expired.*]

DUAL OCCUPANCY HOUSING

Mr FACE (Charlestown) [6.25]: I raise a matter concerning dual occupancy and duplex dwellings and the actions of Landcom in the electorate of Charlestown. In no way am I decrying duplex living. I believe that the Government quite rightly took that initiative probably against the wishes of some councils that wanted urban sprawl to continue. The situation at Charlestown has got out of hand. Two of my constituents have raised this issue with me. Landcom has allowed an overproliferation of dual occupancy in this area. That issue must be addressed. Concerns in this regard have been raised by three of my constituents, Mr and Mrs Paul Taylor and Mrs Beverley Richards. The Taylors have told me that when the land was finally put up for sale they found that approximately nine blocks had been held back for builders to sell as land and house

packages for first home buyers. The block of land they intended to purchase was one of those, and they were told by Landcom that they could not approach a builder to obtain one of these packages because they were for first home buyers only. They purchased another block.

Their concern was that they were not given a fair run to obtain a block of their choice, as blocks were withheld from sale and allocated to builders prior to sale day. Blocks of land, supposedly for first home buyers, had homes constructed on them that were then leased or sold by the builders as spec homes. I have been informed that one builder gave his staff a choice of blocks and his secretary and manager-supervisor are building on their blocks of land. The secretary has now completed and sold the home without ever living in it. That is not in the spirit of this development.

A couple that the Taylors know were not first home buyers, but approached the same builder and struck a deal to build a family home on one of the withheld blocks. If the original intention was for these blocks to be first home buyer package deals, the implementation has been poorly controlled and the actions of the builder involved need to be questioned. My constituents believe that the condition of the land development is that a certain amount of money has to be spent in the area for recreational use. This has not occurred. Lake Macquarie Council is under the mistaken impression that Landcom does not have an obligation to comply with various laws and that it can have a free run. I have a letter signed by the honourable member for Ballina on behalf of the Minister for Planning and Minister for Housing which states:

However, dual occupancy, as with other types of medium density development, is not intended to be applied without due regard to the environmental, social and economic issues. Where these issues are significant, councils have been advised to prepare development control plans which are required to be publicly exhibited for comment.

The council has written to me in these terms:

Council, at its meeting held on Monday 12 July 1993 considered a report of an inspection it held to consider the concerns of the local community regarding medium density housing proposals submitted to Council for determination. A copy of the report of inspection is enclosed for your information.

Council suggests that it may be of interest to you to inspect the abovementioned subdivision . . .

I have inspected that subdivision. Quite frankly, that area is overused for dual occupancy housing developments. The land is valuable and is in close proximity to Charlestown. It is a popular area. There is a large number of dual occupancy houses in an area called the Crescent. I do not believe that that was the spirit of this development. In some instances houses are being removed from the larger blocks in and around Charlestown and put on other sites. Over the past few weeks I have raised the issue of removing buildings.

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We will end up with a whole suburb of dual occupancy dwellings if this issue is not examined in the near future. It must be monitored. Councils have to be monitored in the way that they carry out their obligations. The Taylors and Mrs Richards have a reasonable case. The streets were never meant to take this number of dual occupancy dwellings. I ask the Minister to look at this matter to see what is being done not only by the Lake Macquarie Council but in the whole area of dual occupancy and duplexes. There should also be an investigation into Landcom on this issue and how this builder withheld nine blocks and distributed them to people who were obviously not first home buyers.

Mr PHILLIPS (Miranda - Minister for Health) [6.30]: I have listened with interest to the issues raised by the honourable member for Charlestown on the alleged activities of Landcom and a builder which have disadvantaged his constituents. I shall draw those matters to the attention of the Minister for Planning and Minister for Housing for his consideration. It astounds most members of Parliament that councils bleat about having greater responsibility and powers to determine what is happening in these areas, yet when it comes to

planning powers, medium density housing, duplexes or dual occupancy, the first thing they do with any difficult development is to pass it on to the Land and Environment Court for its decision. On many occasions councils are rolled on what is occurring, or they constantly blame the State Government.

The Government only requires councils to fulfil the overall objectives relevant to housing density because the urban sprawl is unacceptable. Both sides of the Parliament, including the honourable member who has raised this matter, support action slowing down urban sprawl. That is all councils have to do. They have powers to devise a plan on how that can be achieved. The Government will approve local environmental plans that meet the necessary requirements. Local councils have the requisite power to get on with the job, to determine where and how medium density occurs in their areas so long as they meet the overall objectives set by the Government. I understand that is occurring in that area. I hope the councils sort out these problems so as to create some certainty for the community.

ZEOLITE EXPLORATION LICENCE

Mr BLACKMORE (Maitland) [6.32]: I bring to the attention of the House a problem in my electorate relating to an exploration licence for the mining of the mineral zeolite. The people of Paterson know that exploration licence only too well as No. 4496 or application No. 152. The licence came into being this year. Notice was given by Commercial Minerals Pty Limited that it wished to make application for an exploration licence to search for the mineral zeolite in the Paterson area. That area is probably the jewel in the crown in the lower Hunter. It goes back to the early 1800s when the original land grants were given out. It is serviced by the Paterson River, hence the name. It is undulating country, a peaceful village with a small population but geographically well located for people who wish to live in the area yet work in other parts of the Hunter Valley.

Immediately the announcement was made public considerable community concern was expressed because at that stage zeolite was not well known. However, last year when this House was debating the mining bill I remember only too well, because I am a member of the Minister's advisory committee, that the Minister accepted amendments by the Opposition which, in turn, had an effect on the granting of this exploration licence. Zeolite is a new mineral about which, unfortunately, people have little knowledge. This mineral is a lifesaver for many environmental problems encountered in New South Wales. For instance, in its processed form it is used in a type of kitty litter as an absorbent material. It is used also in some inner soles to absorb feet odour. I am pleased that the Minister for Health is in the Chamber because, most important, zeolite is used to arrest phosphates in detergents. This will have a great effect on our river system and clean waterways because it virtually absorbs liquid waste. Zeolite is used also in stock feed.

I invited the Minister for Mines to visit the area and hold discussions with concerned residents who had formed the Paterson-Allyn Valley LandCare Group Incorporated, a mining inquiry group. The Minister had quite meaningful discussions with the group and before granting the licence took into account those concerns. Earlier this year the licence was granted for exploration. I should like to commend the mining inquiry group because, though concerned, members of the group did not go out to the area and become violent in their opposition to the exploration licence. They asked many questions in an objective manner. Notices were even sent to residents asking them to refuse permission for the company to come on to their land and undertake exploration. There was no waving of banners or threatening action, declaring that the group was at war with zeolite.

It is pleasing that only a couple of weeks ago Commercial Minerals Pty Limited notified the Department of Minerals that it could not find sufficient quantity or quality of zeolite in that area and, therefore, was surrendering the licence. The irony is that in 1990 Clutha Minerals Limited also had been granted a licence for exploration and it, too, could not find sufficient quantity or quality of zeolite in that area. I ask the Minister for Health to relay to the Minister for Mines the concerns of Paterson residents. The residents request that if a further company makes application for exploration of zeolite, the Minister take into account the two reports already conducted and, as a result, deny granting further exploration licences.

Mr PHILLIPS (Miranda - Minister for Health) [6.37]: I thank the honourable member for Maitland for bringing this matter to the attention of the Parliament. I am sure honourable members are now
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more knowledgeable about zeolite. The honourable member for Maitland is a member of the Minister's advisory committee and is becoming increasingly skilled in the area of mining. Mining and exploration are always sensitive and important issues in this State. I was interested to hear about the lack of success by Commercial Minerals Pty Limited and Clutha Mineral Limited in their explorations for zeolite, both companies having produced reports on the issue. I shall bring to the attention of the Minister the concerns of residents about the effects of ongoing exploration, with little prospect of mining being a viable proposition. I am sure that the Minister and his department will make considered decisions on this matter.

Private members' statements noted.

[Mr Speaker left the chair at 6.39 p.m. The House resumed at 7.30 p.m.]

PUBLIC ACCOUNTS COMMITTEE

Annual Report

Mr Tink as Chairman, by leave, brought up the annual report of the Public Accounts Committee for the year ended 30th June, 1993.

Ordered to be printed.

PUBLIC FINANCE AND AUDIT (BUDGET) AMENDMENT BILL

Second Reading

Debate resumed from 27th October.

Mr J. H. MURRAY (Drummoyne) [7.30]: The object of the bill is to require the Government's annual Budget Papers to include a table showing a summary of aggregates for the budget year of the projected outlays of the revenue and grants to be received by, and the financing transactions of, the budget sector, together with a summary of the comparable aggregates of the previous year. The aggregates so presented are to be prepared as far as possible according to the principles utilised by the Australian Bureau of Statistics public finance data unless the Treasurer should otherwise determine. Any such determination by the Treasurer must be explained in the annual Budget Papers. The Government argues that these amendments would merely incorporate into the Public Finance and Audit Act the Government's existing practices undertaken since 1991-92. The Government argues that on rare occasions the guidelines may be departed from for good accounting reasons - for example, the treatment of proceeds from the GIO float as an extraordinary item, to prevent distortion within the budget result. However, this discretion would permit the Treasurer to prepare Budget Papers that do not conform to the spirit of the resolution of the Special Premiers Conference which sought to ensure some degree of interstate comparability of State budget results.

The other weakness of the bill is the inclusion of a summary of comparable aggregates for the previous year only. Constant changes to the format of the reporting of these aggregates makes it difficult to make meaningful comparisons over time. This potential for confusion actually allows the Government to be less open and transparent. The Treasurer, in his second reading speech, lauded the record of the coalition in budgetary reforms. Back in 1991 Premier Nick Greiner was being held up as the gold medallist of State managers, particularly when comparisons were made with Victoria's finances. Premier Greiner told us that New South Wales had a balanced budget compared with Victoria's billion dollar deficit. However, closer

scrutiny revealed that the Premier was comparing New South Wales Consolidated Fund results with Victoria's broader budget sector. When New South Wales figures were put on the same basis, the underlying deficit was much the same as in Victoria. New South Wales subsequently changed its budget cover from the Consolidated Fund to the budget sector. Unfortunately, other States have been a little slower in revising their approach. Western Australia has only just moved to reporting on a Consolidated Fund basis.

Currently New South Wales reports on what is described as its budget sector. That set of agencies differs substantially from what the ABS regards as the appropriate scope of the budget reporting entity, what is called the general government sector. This has been acknowledged in the New South Wales Budget Papers for some years. In 1989 New South Wales listed 13 agencies which the ABS regarded as part of general government but which New South Wales treated as off-budget. Treasury officials now protest that this was only a sample. They could be right, but at this very moment 93 organisations, bureaux or units are treated in that way. On the face of it, the bill is benign. I was told that it is just a machinery matter. On closer examination one sees that this is not so. In practice, it authorises the existing procedure of including supplementary information on a government finance statistics basis. It is drafted so as to permit the New South Wales Treasurer to determine what the basis of government finance statistics means. Hence, New South Wales could drop all reference to data on a strict ABS basis even from the third appendix in the sixth Budget Paper. This would be a retrograde step. The Opposition will support the bill but in Committee I will move two amendments which I hope the Government will accept.

Mr COLLINS (Willoughby - Treasurer, and Minister for the Arts) [7.35], in reply: The Government has a record of world standing in financial and public sector reforms. Tangible recognition of this reputation will be provided by the visit later this month to the New South Wales Treasury of the Under-Secretary of the United Kingdom Treasury, who is seeking information on our financial reforms, including comprehensive accounting and budgeting, because the reforms we have put in place are of world standard and at the cutting edge of accounting reform in government. The bill recognises in legislation one aspect of our reforms that is already in place: the presentation of the Budget on the basis of

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established public finance principles. It is directed at ensuring that we continue to adhere to truth in budgeting and that we present information that provides an accurate presentation of the budget position.

New South Wales has been the leader in encouraging other Australian governments to present in their Budget Papers supplementary information that will enable accurate comparison across governments. Each year in our Budget Papers we present information not just for the budget sector but for the general government sector - a broader concept than the budget sector: public trading enterprises and the entire State sector. There is no question that we provide comprehensive, accurate and relevant information in our Budget Papers that is a model for other governments. Further, we are now providing information on an accrual or commercial basis in our Budget Papers and provide balance sheets on the overall State sector. This complements the information presented in the Budget Papers. Notwithstanding the comments of the honourable member for Drummoyne, I strongly commend the strength of the bill as it stands.

Motion agreed to.

Bill read a second time.

In Committee

Clause 3

Mr J. H. MURRAY (Drummoyne) [7.39]: I move:

Page 2, clause 3, line 17. Omit "the year" and insert instead "each of the five years".

The bill intends that the Budget each year also will contain the previous year's budget information. This

particular amendment seeks that the preceding five years' information be presented within the Budget. It is not a matter of major consequence but it will give the House a better trend line, an improved basis for a more accurate analysis of the current Budget. The information is available - a button is pressed on the computer, and it is printed. Members who have just finished dealing with estimates committees will understand that if this amendment is passed they will be able to look at the budget estimates for the present year and also see what had happened in the preceding five years.

Mr COLLINS (Willoughby - Treasurer, and Minister for the Arts) [7.40]: This Government was the initiator of the major reform of replacing the previous narrow Consolidated Fund approach with the broad budget sector approach that is based on government finance statistics principles. The first budget presented in this way was the 1991-1992 Budget. The Budget Papers already provide comprehensive information on past years. The Government is happy to acknowledge this in legislation. The proposal of the honourable member for Drummoyne does not pose any significant problem. The Government has no objection to the amendment.

Amendment agreed to.

Mr J. H. MURRAY (Drummoyne) [7.41], by leave: I move the following amendments in globo:

Page 2, clause 3, lines 21 and 22. Omit "unless the Treasurer otherwise determines".

Page 2, clause 3, lines 23 and 24. Omit all words on those lines.

This qualification will permit the Treasurer to provide Budget Papers that do not conform with the spirit of the resolution of the Special Premiers' Conference that sought to ensure there was some degree of comparability of all States' budget results. Existing arrangements enable States to make their own choices regarding the scope of the budget sector. Hence, Western Australia is still reporting on the results of the Consolidated Fund; Victoria and New South Wales each report on the results of the budget sector but define it differently.

However, it was agreed that the States should include in their Budget Papers a reconciliation of their Budget forecast and the previous year's budget results with that which would have been reported had the States conformed to the Australian Bureau of Statistics GFS basis. The New South Wales 1993-1994 budget papers included that reconciliation as appendix C to Budget Paper No. 6. New South Wales tried to persuade the ABS and other treasuries to allow the exclusion of central borrowing authorities from the GFS basis, but was outvoted. Nevertheless, the New South Wales budget papers proceeded to present Treasury's own version of the GFS data, giving it far greater prominence than the official data.

The reason is that the New South Wales Treasury version shows a favourable trend in the budget results - that is, a reduced deficit - whereas the official ABS version, after adjustment for the GIO privatisation, shows a trend of increasing deficits. That is the basis for this amendment. In effect, the bill will legitimise the Government's efforts to evade the agreement between the States to provide some comparability in budget data. I refer honourable members to the fact that we can follow the Australian Bureau of Statistics in compiling the Government's financial statistics data unless the Treasurer otherwise determines. If the bill is passed, readers will have to wait for the ABS to publish its own Government financial estimates to obtain comparable information. In the meantime, the Government can fiddle with the figures to provide a relatively favourable view of its financial performance. It does this when the Budget comes down. When the ABS figures are published, it is all history. The Treasurer and Minister for the Arts, as a former journalist, will understand the effect of immediacy in impact rather than the need to backtrack and explain.

The Opposition believes that it would be preferable to amend the legislation to ensure that the budget sector is defined in a consistent manner, because the accounts of HomeFund, Homebush Bay, the Public Works Department, and Department of Housing are off-budget. There is thus an erosion of accountability to Parliament. These agencies can only be subjected to limited scrutiny by the estimates

committees. I draw the attention of the House to a problem I experienced in the estimates committee. Honourable members will be aware that I have a particular interest in the Homebush Bay Olympic site as it is partly in my electorate and I am shadow minister for the Olympics. I was all fired up to attend the estimates committee on the Public Works Department to ask pertinent, serious and revealing questions about Olympic Games spending. The Minister said, "I am sorry". Though the Public Works Department had been the overseer of \$300 million budgeted for spending on Olympic facilities, I could not ask a question in the estimates committee. The reason? It was off-budget. The honourable member for Strathfield agrees. Was he not the chairman? He prevented me asking the question. That is the point of this amendment.

Members seated opposite will not be in government all the time; they will be in opposition and sometimes will want to have such information. When they are in Opposition they will relish the fact that I put this amendment forward. I am appealing to the logic and ability of Government members to appreciate what politics and numbers in this House are all about. If this amendment is passed, it will allow every honourable member to attend estimates committees and ask questions on areas that are off-budget.

Mr Collins: The first thing you will do will be to ditch your amendment.

Mr J. H. MURRAY: No, it is set in concrete. We would not dare to change it because all the other States would follow suit. The system will be unified throughout Australia. By the year 2010 Western Australia may join us, but the eastern coast States will do so before that. The amendment is vital. The Treasurer will say it is terrible, that Treasury always does the right thing and you can always trust Treasury. Minister, public servants cannot always be trusted. This amendment is intended to protect Ministers so that when a question is asked of them in the estimates committees and they do not know the answer, they can refer the matter to their senior public servants, saying, "I am not quite certain about that matter. I will ask the head of the department to give the answer".

This is an amendment vital to the function of Parliament. It will afford members of Parliament much better scrutiny of the functions of Parliament and of the spending by government departments. Because many of those departments are now providing dividends to the Government, it is important that there be scrutiny of their actions. At the moment one cannot undertake that scrutiny in the estimates committees. I commend this most vital amendment to the House.

Mr COLLINS (Willoughby - Treasurer, and Minister for the Arts) [7.50]: I thank the Opposition for moving amendments Nos. 2 and 3 together. But there my thanks end. Were the Opposition ever to regain office and form a government, and were these amendments to become part of the Public Finance and Audit Act, its first act would be to delete such amendments. That would happen for a number of reasons. This State has set the benchmark for public accounting, and has done for some time. The practice has been accelerated under this Government. Indeed, the world is looking at what happens in this State and its accounting procedures. We are at the cutting edge of reform in this area. New South Wales already reports on a consistent basis with other States, as in Budget Paper No. 6. This State has set the pace for other States to follow. As the honourable member for Drummoyne said, in another 20 years some of the more far-flung States of the Commonwealth may follow some of the reforms this Government has already introduced and which are taken for granted in this State.

That consistency, as provided in Budget Paper No. 6, was an outcome of the May 1991 Premiers Conference. The Government has honoured that undertaking and has delivered. Discretion allowing departure from government finance statistics standards has permitted presentation of the Budget on a fairer basis. For example, the GIO sale proceeds were excluded. What would have happened if those proceeds had been included? The honourable member for Drummoyne made the point that the danger of the Government's proposal is that somehow it will enable the public to be deceived. According to the honourable member, the Government could claim this year that it enjoyed an absolutely brilliant result, and that the deficit has plummeted through the floor. The reason, of course, as purists and accountants would understand, would be placed inside brackets - that the GIO had been sold and sale proceeds had been applied against the deficit.

I was a journalist for three years with Australian Broadcasting Corporation television. I know that most people probably would not go beyond the headlines. The Government would get a great headline. Some years the deficit would be wonderfully low, because one year the Government sold the GIO and the next year it sold the State Bank. Members opposite should work through the following exercise. Assume that one more State budget will be brought down before the next election. Assume further that the Government, having consistently argued for five years that the State Bank should be sold, decided it would be sold during the next year. That sale has been anticipated for a long time. Assume that the sale is achieved and it brings in hundreds of millions of dollars, which amounts are applied against the deficit in the run-up to the next State election.

The Opposition is suggesting that the Government should claim State Bank sale proceeds against the deficit and other governmental expenses, giving a final budget result. The Opposition suggests it will accept that as the true financial position of this State. The Government has not argued that it is obliged to follow that course. But if the Opposition obliges the Government to do that, the Opposition has to be prepared to take all the bad medicine that comes its way with it. It could be argued that, in an accounting sense, the Opposition is signing its own death warrant by adopting that approach. The deficit

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might be increasing, the State might be running up increasing recurrent expenditure, yet if a windfall is claimed against that increasing deficit, especially in an election year, an attempt could be made, it is suggested, to hoodwink the public.

The Opposition will oblige the Government to do that. If the Government receives a windfall like the sale of the GIO or the State Bank, it should be able to explain that to the public. It should not be obliged to apply those proceeds in the way suggested by the Opposition. That far more honest position is really what the Government is about, that is, truth in budgeting and telling people where recurrent expenditure is going. The amendment proposed by the Opposition is seriously flawed. The Government has consistently supported truth in budgeting, and its proposal is consistent with that commitment. The Opposition needs to take into account a possible sale of the State Bank, should that legislation be passed by this Parliament over the coming year.

It is not the intention of the Government to distort the financial position or hide information from the Parliament. On the contrary, the Government's proposals would require full disclosure of any variation from GFS principles, and the financial impact of such variations. There is a requirement for the Government to spell out why it would be accounting in the manner proposed. The Government cannot simply walk away from or ignore it. What the Government is doing gives far greater accountability and enables clearer perception by a member of the public of the Government's true financial position than would be the case if amendments Nos. 2 and 3, proposed by the Opposition, were carried. Accordingly, the Government strongly opposes the proposed amendments.

Question - That the amendments be agreed to - put.

The Committee divided.

Ayes, 41

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Mr Moss
Mr J. J. Aquilina	Mr J. H. Murray
Mr Bowman	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori

Mr Doyle	Mr E. T. Page
Mr Face	Mr Price
Mrs Grusovin	Dr Refshauge
Mr Hatton	Mr Rogan
Mr Hunter	Mr Rumble
Mr Iemma	Mr Scully
Mr Irwin	Mr Sullivan
Mr Knight	Mr Thompson
Mr Knowles	Mr Whelan
Mr Langton	Mr Yeadon
Mrs Lo Po'	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Dr Macdonald	Mr Davoren

Noes, 41

Mr Beck	Mr W. T. J. Murray
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Phillips
Mrs Cohen	Mr Photios
Mr Collins	Mr Richardson
Mr Cruickshank	Mr Rixon
Mr Downy	Mr Rozzoli
Mr Fraser	Mr Schipp
Mr Glachan	Mr Schultz
Mr Griffiths	Mr Smith
Mr Hartcher	Mr Souris
Mr Humpherson	Mr Tink
Dr Kernohan	Mr West
Mr Kinross	Mr Windsor
Mr Longley	Mr Yabsley
Ms Machin	Mr Zammit
Mr Merton	<i>Tellers,</i>
Ms Moore	Mr Jeffery
Mr Morris	Mr Kerr

Pairs

Mr Carr	Mr Armstrong
Mr Gaudry	Mr Baird
Mr Gibson	Mr Cochran
Mr Harrison	Mr Fahey
Mr McManus	Mr Hazzard
Mr Newman	Mr Petch
Mr Shedden	Mr Small
Mr Ziolkowski	Mr Smiles

The CHAIRMAN: The numbers being equal, I give my casting vote with the noes and declare the question to have passed in the negative.

Amendments negatived.

Clause as amended agreed to.

Bill reported from Committee with an amendment, and report adopted.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2)

Second Reading

Debate resumed from 27th October.

Mr E. T. PAGE (Coogee) [8.7]: There are two aspects of this bill in which I have an interest, though I will not deal with them in sequential order. The first relates to page 11 of the bill and deals with the Parliamentary Electorates and Elections Act. The bill seeks to amend section 50 of the Act, which requires the Australian Electoral Officer, after the issue of the writ and before the day of nomination for an election in any district, to certify, sign and transmit to the State returning officer for the district a printed copy of the roll for each subdivision in the district, as at 6 p.m. on the day of issue of the writ. This stipulation could not be met, simply because of the problem of the tens of thousands of late enrolments

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that occur. It is physically impossible for this to happen. It is proposed that section 50 be amended to require that the roll be transmitted as soon as practicable, and the Opposition has no objection to that. This amendment would not affect any other provision. The roll has to be made available for the election to proceed so that there is no chance of a problem with the election program.

The matter with which I have some difficulty concerns the Election Funding Act. At present section 52(2) requires copies or a summary of, or extracts from, each register kept under the Act by the Election Funding Authority covering candidates, party agents and official agents to be published in the *Government Gazette* within a period of two weeks before polling day for each election. This amendment suggests that the requirement be deleted, apparently just to save the administrative workload of having to prepare the list. The list is of some value. I always read the local gazettes and any matters relating to elections. I suppose the fact that I have the most marginal seat in the Parliament makes me fairly toey so far as electoral provisions are concerned. Whenever a list of candidates, party agents, or official agents is published, I eagerly go through the list looking for any interesting information.

I personally believe that it should be available to me. The suggestion is that I can go to the Election Funding Authority to seek this material at any time. I suggest, however, that there is a vast difference between reading something in the *Government Gazette* and having to go to Darlinghurst to seek out the information. The information can be made available in two forms. If it is available in the form of a list, there is no reason why that list should not be published in the *Government Gazette*. It would not require any additional workload. If it is not available in a list, I would then have to go to seek out the information. That is an imposition and a denial of public information. On one view of it, this is public information and it should be available. It can also be said that the information is there for anyone who wants to see it - all they have to do is go and have a look at it. Practically speaking, neither I nor any other member would do that, unless we had a specific reason for being motivated to that extent.

It is important that these lists be published in the *Government Gazette*. They contain legitimate and relevant information. I have informed the Leader of Government Business in this House that the Opposition will be opposing the proposal. I thank the Minister for arranging for me briefings with his advisers on the two matters about which I expressed concern. They were able to allay my fears with regard to one of those concerns, but I remain unconvinced about the other. I do not suggest there is anything sinister in what is proposed, but I believe that I, and other honourable members, will be better served if the information is published in the *Government Gazette*. I believe the list extends for seven or eight pages, so it is not an intolerable imposition on the bureaucracy to have that information printed. The Minister has indicated that, in line with the general philosophy relating to statute law bills, if there is any opposition to any particular clause,

he would undertake to omit it. I am informed that in Committee a motion will be moved to withdraw this particular provision. If that were to occur, I would be quite satisfied.

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [8.12], in reply: I thank the honourable member for Coogee for his comments. This is the twenty-first statute law revision to pass through the Parliament since the introduction of statute law legislation. The procedure is designed to eliminate a whole range of individual amendments that relate to a vast number of Acts. This method was devised as a way of bringing non-controversial matters before the Parliament. There has not been a division yet on any of the proposals, and it is certainly not my intention, on behalf of the Premier, to create a precedent on this occasion. Governments of all persuasions will find this particular system worth while.

I always include in my second reading speeches an invitation to honourable members to contact me if they have concerns about any particular aspect of legislation. If that invitation is taken up, I arrange for officers to brief them. On this occasion, as the honourable member for Coogee has indicated, we have been able to satisfy one of the concerns of the honourable member. With regard to his second concern, we were not so successful - that is, in relation to section 52 of the Election Funding Act. The comments I now propose to make about that provision I will not repeat in Committee. The Government is willing to remove the amendment, again in the spirit of what the statute law (miscellaneous provisions) legislation is all about, although I have to say that the concerns expressed by the honourable member for Coogee are not readily understood by the Government. It is a minor matter, though from his perspective there could be a difficulty.

I make it clear to the House, as I have already to the honourable member, that the Electoral Commissioner requested this amendment. There was nothing sinister intended so far as the Government is concerned. The Electoral Commissioner was of the view that the publishing in the *Government Gazette* of the various registers required to be kept by the Election Funding Authority under its Act served no useful purpose. Those registers are already publicly available and the proposed amendment would not have changed that situation. Moreover the registers of party and official agents are subject to continual updating. Therefore, the publication of a register in the *Government Gazette* is really of historical interest only. The details published in the *Government Gazette* cannot be relied upon for accuracy because everything obviously changes. The honourable member for Coogee has referred to that.

When nominations for an election close, the latest information can be readily obtained by inquiry from the Office of the Electoral Commissioner. I

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noted the point made by the honourable member. He does not believe he should have to go to Darlinghurst to access that information. I am sure that in time the Electoral Commissioner will take that comment on board. I make the additional comment that the identity of candidates whose names appear in the register of candidates is obviously public knowledge. Publication of the register in the *Government Gazette*, which is hardly a publication that is widely circulated or read in the community, is superfluous. The only outcome of the existing statutory requirement would be to impose an unnecessary administrative burden on the Election Funding Authority. However, as the honourable member for Coogee seems to have some concern, and to ensure the smooth passage of the bill, the Government will not further debate the matter. In Committee I shall move on behalf of the Premier and the Government to remove that amendment. I thank the honourable member for Coogee for his interest on this occasion.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [8.17]: I move:

Page 5, Schedule 1, lines 1-18. Omit all words on those lines.

This amendment will have the effect of removing the provision about which the honourable member for Coogee has expressed some concern.

Mr E. T. PAGE (Coogee) [8.18]: As the Minister said, there have been quite a large number of these types of bills. The idea of such procedures is to clean up minor administrative and technical problems in Acts. Lengthy debate on the rights and wrongs of such issues would undermine the philosophy of this particular method of dealing with minor matters. I am pleased that the Minister is carrying on the tradition. This is the first query I have made of all the bills brought forward under this procedure. I am certainly not one who is critical of the procedure. The Minister said that the *Government Gazette* is a somewhat restricted publication. However, it is published for those people who are supposed to be running the Parliament - and that is an important group of people.

If those who are supposed to be making the decisions do not have available information on which to base their opinions, the system will start to get away from us. The *Government Gazette* is important for that purpose alone. The Minister also mentioned that the information is available, but it does not appear to be available in a readily digestible form. If I wanted this information I would have to go to Darlinghurst and sort through 99 files. That does not make it readily available. The situation should remain as it is. I thank the Minister for taking note of the objection I have raised. He has continued to establish the philosophy behind this type of legislation, and I am glad that he has taken on board the views that I have raised.

Amendment agreed to.

Schedule as amended agreed to.

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

COURTS LEGISLATION (AMENDMENT) BILL

Second Reading

Debate resumed from 27th October.

Mr WHELAN (Ashfield) [8.22]: The Opposition agrees with the Government's amendment contained in the Courts Legislation (Amendment) Bill, which arises as a result of a request from the courts. It is particularly important that the ambiguities and disparities that exist within the law and the system of both the Local Court and the District Court be removed so that there is a sameness of existing laws, particularly in relation to the amending legislation. The object of the bill is to provide operational and procedural changes within the court system, within the District Court and the Local Court.

It includes seven features: first, to provide an option to order the return of detained goods instead of payment of their value and damages; second, to enable courts to refuse to enforce an unjust contract; third, to enable examination of judgment debtors in the Local Court. The proposed amendment would place a Local Court on the same footing as the District Court. The fourth feature is to enable the registrar, without first obtaining the authority of the Local Court, to issue the warrant or to adjourn the proceedings and order the debtor to appear to answer an examination summons; fifth, to extend the time within which execution of goods may be levied; sixth, to enable the District Court to have power to inspect property in criminal proceedings; and seventh, to provide that the District Court is authorised to make orders for indemnity costs.

The Minister has adequately covered that information in his second reading speech, but I have concern about one matter relating to the fourth point I have raised, namely, to enable the registrar, without first obtaining the authority of the Local Court, to issue the warrant or to adjourn the proceedings and order the debtor to appear to answer an examination summons. The Minister said in his second reading speech:

This warrant requires the sheriff to arrest the debtor and bring him or her before the nearest registrar for examination; it does not authorise imprisonment of the debtor except in the very rare case where an arrest is made at a time when no registrar is available.

The Minister would appreciate that this aspect of the bill is very serious and, though the bill is procedural only, it is a matter that has to be examined. It involves the liberty of a person who could be detained

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because of the unavailability of an administrator, namely, the registrar. It could give rise to circumstances, particularly in rural New South Wales, where registrars are not available or even in suburban areas in courts where a registrar is not available or where, on a Friday afternoon, a registrar may not be available. I ask the Government to consider that and to include some safeguards so that the liberty of an individual is not unduly threatened because of lax administration.

I can foresee cases, if a registrar is not available, where a person who has been arrested and has appeared before the court, but is not able to bail himself, would be without the assistance that would ordinarily be available to a person who is in custody on Friday afternoon. Ordinarily one would expect that the person would be released. I seek the assurance of the Minister that there are solutions and that my fears are ill-founded. If they are ill-founded, I ask that the matter be examined properly to ensure that we are not passing legislation that will produce the effect I have indicated.

Mr PHOTIOS (Ermington - Minister for Multicultural and Ethnic Affairs, and Minister Assisting the Minister for Justice) [8.26], in reply: The Courts Legislation (Amendment) Bill is fairly rudimentary. As the honourable member indicated, its genesis is very much within the judicial system. The legislation contains nothing that should concern members. The concern raised by the honourable member for Ashfield, which we discussed informally prior to the issue being canvassed before the House, is whether, in the event that a warrant is issued by a registrar in unlikely and unusual circumstances in isolated areas of New South Wales at a rather late hour prior to a weekend, the warrant being served on the debtor could result in temporary imprisonment.

I assure the honourable member that there is no such risk involved in the proposed amendment, which will enable the registrar to issue the warrant without the routine authorisation of the court. More particularly, as with the clerk of the court, the registrar already exercises much greater powers to issue warrants than this legislation will confer on him or her. The Act requires the registrar to notify the debtor of the action to be taken because of the debtor's non-appearance. The debtor will, accordingly, receive 14 days' notice. That should reassure the honourable member. Fourteen days' notice means that following the issue of the summons the debtor will be given fourteen days to appear. Therefore, the question of being in an isolated part of New South Wales at 5 p.m. on Friday is no longer relevant because the debtor will have 14 days to present himself or herself to the registrar for examination.

The amendment will not interfere with those provisos which exist within the current Courts Legislation Act. The amendment simply seeks to transfer to the registrar - and, if not transfer, alter - the facility whereby both the District Court and the Local Court have a capacity, in regard to a judgment creditor whose judgment has not been satisfied, to issue an examination summons and serve it on the debtor. In that respect it actually makes for a more efficient and effective system. It seeks to extend the capacity of the court beyond the District Court and the Local Court to the registrar to provide and serve those examination summonses.

If one is looking only at the amending bill, it is understandable that one may not notice the more detailed provisions of the existing Act. However, because of the provisions of that Act the possibility of someone being apprehended after being served with an examination summons will not arise. I am sure that will satisfy

the honourable member for Ashfield. I assure honourable members that to date no one, having been served with an examination summons by a local or district court, has been imprisoned. The legislation does not seek to affect those provisions in any way. Suffice it to say that the legislation merely extends the powers beyond the local and district courts to the registrar in so far as it will enable an examination summons to be served on a debtor. The honourable member for Ashfield may therefore rest assured that, bearing in mind the existing provisions of the Act, the 14-day rule will stand. Therefore imprisonment is not likely to occur. It would only occur in extraordinary circumstances, which thus far have not found their way into practice in any jurisdiction. If there is a problem in that regard, I am happy to give an assurance that the Attorney General in another place will review the matter to confirm that the concerns of the honourable member for Ashfield have been satisfied.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SUMMARY OFFENCES (AMENDMENT) BILL

Second Reading

Debate resumed from 27th October.

Mr WHELAN (Ashfield) [8.31]: After a great deal of consideration the Opposition concurs with this amendment to the Summary Offences Act. My colleague the honourable member for Keira, whose shadow responsibility is Aboriginal affairs, will follow me in the debate and will provide what I would regard as a much more meaningful contribution to the debate so far as the Aboriginal community is concerned. For that reason it is not my intention to refer specifically to the Aboriginal community, who have in the public's mind been the unnecessary victims of the existing legislation.

The object of the bill is to amend the Summary Offences Act to change the penalty for the offence of using offensive language in or near, or within hearing from, a public place or a school from a fine or a gaol sentence to a fine or a community service order. Currently the penalty for that offence is the same as for the offence of behaving in an offensive manner - that is, a fine of \$600 or imprisonment for three months. The amendment will change the penalty to a

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\$600 fine or an order to perform community service work. In other words, the amendment will remove the option of sending a person to prison for using offensive language. The penalty for offensive conduct will remain the same. It will still carry a fine of \$600 or a gaol sentence of three months. The Government's proposal follows the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Honourable members may be interested in the Local Court statistics in relation to charges of offensive behaviour in a public place and offensive language. In 1992 a total of 2,648 charges of offensive behaviour in a public place were laid. Of those, 2,174 were disposed of by way of fines. Nine offenders were given community service orders, and nine offenders were imprisoned. The remaining offenders were given recognizances with or without supervision, or recognizances without conviction. Again in 1992 a total of 3,667 charges of offensive language in a public place were laid, of which 3,113 were disposed of by way of fines. Only 18 offenders received terms of imprisonment. If the Government believes this legislation is a major step forward, it must also consider the people who will be affected.

The legislation is a step in the right direction. Since the Government's announcement I have been deluged with communications from people complaining about the Government's dilatoriness in introducing this legislation following the highly valued recommendations of the Royal Commission into Aboriginal Deaths in Custody. I am supportive of the fact that the Government has at last, even at this late stage, come to the conclusion that people should not be sent to gaol for using offensive language. If members of the House

were in the Parliament at the time of the debate about the previous changes to the Summary Offences Act, they would not have believed that the House would now be debating an amendment to the same Act. They would not have believed that the present conservative Liberal Party-National Party Government would introduce legislation that has always been supported by the Labor Party. I know that must be to the chagrin of some members. However, the Australian Labor Party is happy to support the bill. The only criticism I have is that countless people have served totally unnecessary sentences in gaol for this offence.

Mr MARKHAM (Keira) [8.36]: I support the legislation. As the honourable member for Ashfield pointed out in his opening remarks, the Aboriginal community of New South Wales probably suffers more than any other group in New South Wales because of the Summary Offences Act. If honourable members look at the figures relating to New South Wales prisoners, they will see what has happened since 30th June, 1989. The prison population generally, and particularly the number of Aborigines and Torres Strait Islander prisoners, has increased dramatically. On 30th June, 1989, there were 415 Aborigines and Torres Strait Islanders in our prison system out of a total prison population of 5,261 prisoners. On 30th June, 1990, that figure had increased to 579 out of a total prison population of 6,367.

On 30th June, 1991, there were 664 Aboriginal and Torres Strait Islander prisoners in a total prison population of 7,103. On 30th June, 1992, there were 648 Aboriginal and Torres Strait Islander prisoners, a slight decrease, but the total prison population had increased to 7,485. On 30th June this year there were 729 Aboriginal and Torres Strait Islander prisoners in New South Wales, the total number of prisoners being 7,632. Honourable members will see from those figures that over that five-year period there has been a dramatic increase in the number of people, particularly Aborigines, being sent to prison in New South Wales. Anyone who has taken an interest in the report of the Royal Commission into Aboriginal Deaths in Custody will realise that the legislation goes some way towards implementing the recommendations of the royal commission so far as offensive language is concerned, although it does not address offensive conduct. Recommendation 92 is headed "Imprisonment as a Last Resort". It reads:

That governments which have not already done so should legislate to enforce the principle that imprisonment should be utilized only as a sanction of last resort.

Recommendation 94 states:

Sentencing and correctional authorities should accept that community service may be performed in many ways by an offender placed on a community service order; and

Consistent with the object of ensuring that offenders do not re-offend, approval should be given, where appropriate, for offenders to perform Community Service work by pursuing personal development courses which might provide the offender with skills, knowledge, interests, treatment or counselling likely to reduce the risk of re-offending.

Everyone in New South Wales knows that if a person is placed in gaol for three months, he or she is not involved in any sort of course. When offensive conduct is involved, the community service option should be used to the maximum extent. A gaol term for offensive conduct should be imposed only in the most extreme cases. I have been told by the Aboriginal community that it is very concerned about the number of Aborigines going into gaol and the problems with which they are confronted. The Aboriginal community would really like this Parliament to abolish the Summary Offences Act. Last Saturday night I attended the annual dinner of the South Coast Labor Council, at which Magistrate Pat O'Shane was the guest speaker. She spoke at some length about a number of issues affecting Aborigines and Koori people in this State. I would like to read from an article that appeared in the *Illawarra Mercury* on Saturday, 6th November, 1993. Paul McInerney, the journalist who attended that dinner, had this to say about Pat O'Shane's speech:

The Act, introduced by a Liberal Government in 1986, covers minor street offences such as offensive behaviour and language.

Ms O'Shane said the Act had been used to discriminate against the Aboriginal community.

"There has been a major escalation in the number of Aboriginals being brought before the courts for street offences", she said.

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That is evident from the figures to which I referred tonight. The article continued:

In the past 12 months, there has been a 63 per cent increase in the number of Aboriginal women gaoled.

If we want to reduce the number of Aboriginals coming before the courts then there must be a repeal of the Summary Offences Act.

She said a repeal of the Act would be the "best thing that ever happened" during the International Year of Indigenous People.

Pat O'Shane is not the only high-profile Aboriginal person who has raised that issue or pleaded with the New South Wales Parliament. When an announcement was made that this legislation would come before Parliament a media release put out by the Aboriginal Legal Service at Redfern indicated support for the dropping of gaol terms for offensive language. That organisation said that it was about time that the indigenous people of this country were not gaoled for using a foreign language - for using words that on many occasions caused them a great deal of trouble.

I am sure all honourable members remember an Australian Broadcasting Corporation documentary entitled "Cop it Sweet" and the language that was used by police when dealing with Aborigines. Aboriginal people are gaoled for offensive conduct, but they usually offend because they have been subjected to the pressures of society. It is incumbent upon this Parliament to ensure that legislation is enacted to address those issues. A three-month gaol sentence or a fine of \$600 will not solve the problem. In the spirit of this legislation and in the spirit of the bipartisan agreement that has been reached I implore the Minister to look closely at the community service provision and ensure that the courts make good use of that provision.

The deaths of Aborigines in custody are still a major tragedy in this country. Since the completion of the report of the Royal Commission into Aboriginal Deaths in Custody the total number of Aboriginal deaths in custody in New South Wales has been 16 or 17. We know of two Aboriginal people who have died in custody over the past weeks. I am not saying that those deaths were anything other than natural causes, but they highlight the fact that Aboriginal people are dying in prisons. We as a Parliament must ensure that the views of people such as Pat O'Shane are taken into consideration and put into practice. I have travelled extensively in New South Wales, spoken to many Aboriginal people and attended many Aboriginal villages, missions or reserves. Aboriginal communities are doing great work promoting their people and looking after their interests. The least we in this Parliament can do is ensure that legislation is enacted to bring us into line with the recommendations of the royal commission.

The Royal Commission into Aboriginal Deaths in Custody has implored all Australian governments to look at imprisonment as a last resort. I have no doubt that, at times, offensive conduct will warrant a gaol term under this legislation. I add a note of warning that we should look closely at our court system to determine why Aborigines are being gaoled. I would hate to see an Aborigine come before the courts and be put in gaol for not being able to pay a fine. A community service order would be far better and it would be in line with recommendation 94 of the royal commission. That recommendation states that we should help Aborigines by involving them in supervised courses rather than let them sit in goal for three months. Nothing will be done to assist them to overcome their problems when they are in gaol.

Mr HARTCHER (Gosford - Minister for the Environment) [8.49], in reply: I thank the honourable member

for Ashfield and the honourable member for Keira for their contributions. The honourable member for Keira raised the very vexed question of the appropriate treatment of Aboriginal offenders. He has always taken a deep interest in this issue, an issue that has concerned all Government members. It is largely for that reason that the Government introduced this amendment to the Summary Offences Act to ensure that the State protects the rights of ordinary citizens and enables them to walk the streets and to visit public places without fear of being offended. The legislation will ensure that the law is not used disproportionately against one section of the population.

The Government has demonstrated that it is compassionate, that it is determined to give all Australians, including the Aboriginal community, a fair go, and that it will ensure that the great principle of equal protection under the law applies to each and every Australian citizen. That is a fundamental hallmark of this Government, the right of every citizen to equal protection under the law. The Government hopes the Aboriginal community will especially benefit from an initiative of this Government to bring the Summary Offences Act and penalties for the use of offensive language into modern times. I send a message to those in the community who use offensive language that the Government will continue to strongly enforce the law and ensure that our streets are safe for ordinary citizens to use but will also make sure that the law is used properly and appropriately and not in a discriminatory way against any section of the community. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

GAMING AND BETTING (AMENDMENT) BILL

Second Reading

Debate resumed from 27th October.

Mr FACE (Charlestown) [8.51]: I lead for the Opposition and indicate that there will be no amendments. The Opposition is in accord with the measures proposed by the Government. The proposal to introduce amendments to the Gaming and Betting Act into the Parliament during the current session is

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welcome. Though the measures will go some way towards overcoming the problems that exist at present, honourable members can safely assume that additional measures will come before the Parliament at some time further down the track.

The Gaming and Betting Act was initially drafted in 1912, a time when community values in respect of gambling were significantly different to what they are today. The first measure covered in the bill is that of unlawful bookmaking. The Act is presently constructed in a way that makes it unlawful to conduct a bookmaking operation in a public place, an example being street betting, or to conduct a bookmaking operation in a private place, an example being place betting or keeping a betting house. That distinction means that some mobile starting price operators can slip between the gaps of street betting and place betting.

Starting price betting took no time to catch up with the technological age. It has been fairly well known within the community for some time that SP bookmaking, as honourable members probably know it - that is to say, people of my age - has all but disappeared. At the time that I am talking about, back in the 1950s, it was tolerated within the community. It is proper to say that, prior to the Totalizator Agency Board, bookmakers were well identified in the community. Frankly, in most cases they were accepted by the community.

The type of person operating as an SP bookmaker today is not a person one would have known, especially around the coalfields where I come from. If anyone was in trouble, if miners were killed or families had problems or there was a benefit day, the SP bookie was part and parcel of the community. It was much

the same situation in country areas. The people involved in bookmaking at the SP level in this day and age are certainly not of that type. Unfortunately, in the main they are connected with organised crime to some degree. They are often of fairly questionable character and, if one were to be seen around with them too often, one would probably be facing a police officer for consorting - and rightly so. They are not like the old style SP bookie of the 1940s and 1950s, in the period after the war and before the TAB was set up.

Some people will continue to involve themselves in SP bookmaking. It is the very nature of the people I have just described that they will always be doing something against the law. They see nothing wrong with it, frankly; it is a way of life. I do not think it would be too harsh to say that they are, in most cases, what might be described in slang terms as spivs and people we can well do without. Of the three major areas of illegal gambling, only two are covered by this bill - SP bookmaking and prohibited amusement devices, which have grown up with some ferocity in recent times. I have discussed the other - that is, card games - with the Minister over a period of time and that is not covered in this bill.

I mention that for the benefit of the Minister because, in respect of those three forms of gambling, we are talking about a loss of revenue to the State that could be used for the benefit of the community generally - that is, hived off to people of questionable character in an illegal way. I am not suggesting that all card clubs are bad. Many of them exist within ethnic clubs. Unfortunately, in this State, there is no legal outlet for that type of gambling. Unlike some within the community who want all forms of gambling, alcohol and a variety of other activities banned, I have taken the view that if people continue to do something illegally it is better to have it legalised in such a form that it can be controlled. I am always amused by the so-called do-gooders talking about how dreadful casinos and gambling are. When one tells them that from time immemorial there have been illegal casinos and SP bookmaking they suggest that they ought to be stamped out but never suggest a way in which they can be stamped out. In my view, they appear to have double standards. It is not as easy as some people make out. It is a very simplistic argument, to say the least.

Getting back to the card games, I believe that in the fullness of time with the casino coming on line they will be legalised - whether the Government does it in that form or uses the Californian model I have described to the Minister on several occasions, which I viewed in the Christmas-New Year period last year in the city of Los Angeles at clubs where it is lawful. The laws have been tested within the courts of that State. The gambling laws in the United States of America vary from border to border and in some States gambling is prohibited. There are unusual and quite hypocritical standards in some cases, to say the least.

We are not talking about fives and tens of millions of dollars; we are talking about three areas - SP bookmaking, prohibited amusement devices, linked with the card games, which are by far the most prolific money earner. I am talking about hundreds of millions of dollars in lost revenue to the State that could be used for a lot of worthwhile projects. Whichever party is in office, it has to come to grips with the problem. It is easy to talk about card games, but it is another thing to find a solution to the problem. Card games have existed for a long time. The Californian model allows different types of card games. The Asian community likes to play card games, and no alternative forms of gambling will do away with the problem. The gambling will continue to exist unless one comes to terms with the problem.

It is proposed to amend the Act to provide that SP betting, wherever it occurs, is an offence. That provision is necessary to overcome the problem of establishing at law whether the offence has occurred in a particular street or place. It will be unnecessary to show that the offence has occurred in a particular place or street in order to convict. First offences of unlawful bookmaking will be able to be prosecuted either summarily, before a Local Court magistrate, or on an indictment before a District Court judge. This option brings the provision into line with the provisions of the Confiscation of Proceeds of Crimes Act, which defines a serious offence as one that may be prosecuted on an indictment. The type of SP

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bookmaking that occurs today is of a serious nature, and the existence of the TAB since the 1960s has not deterred people from betting with SP bookmakers.

The New South Wales Crime Commission believes that the ability to confiscate the proceeds of unlawful

bookmaking will prove a useful measure in combating major SP bookmaking operations. Once again, only time will tell, but it is a step in the right direction. Once the bookmaking operations are made unprofitable, SP bookmakers may cease to operate. The final provision aimed at tightening controls over bookmaking relates to the forfeiture of unlawful betting aids. At present, police may seize unlawful betting aids such as ledgers, mobile telephones, tape recorders and the diverters that make it almost impossible to catch SP bookmakers. Police are required to return these items even if the owner is subsequently convicted of a bookmaking offence. The bill will allow the court to order the forfeiture of these devices. Once again, I believe that is a step in the right direction. If people continue to persist in SP bookmaking and expensive equipment is taken from them, the power of seizure will be a great deterrent, besides any monetary sanctions.

I have always been a great supporter of the TAB. I would be the first to admit that some review of its operations is needed in the 1990s. The TAB does not come under the jurisdiction of the Chief Secretary and Minister for Administrative Services, which makes the bill a little unusual. The Government and the Opposition have a variation in policy about ownership of the TAB, and I do not want to pre-empt any review that is taking place into the possible corporatisation or sale of the TAB, to which the Opposition has been, and will continue to be, totally opposed. Overall, the TAB has done a very good job. As with many other organisations that have existed for over 30 years, the TAB needs some sort of review. The crux of the matter is that the TAB has not stamped out SP bookmaking.

When the TAB was originally introduced, the spirit of the legislation was that SP bookmaking would be minimised, if not abolished. With more sophisticated equipment, 30 years later it still has not disappeared. I do not suppose it ever will completely disappear. There will always be people who get a thrill out of doing the wrong thing. Even if it were possible to do everything lawfully, some people would still do the wrong thing because they get some sort of petty thrill out of it. In a constructive manner, the TAB has to address the situation of ClubTAB and PubTAB. I will not say a lot more on that subject, because two of my colleagues have definite views on it.

Since I have been shadow minister and I have had an arrangement with the TAB that it will review cases involving people who cannot be granted a ClubTAB or a PubTAB licence, I have become aware that people are often refused these licences because they would not generate enough business to meet the criteria. The TAB is a business with a charter to make profits for the State, but if we are serious about getting rid of SP bookmaking, something has to be done to provide outlets for legal betting so that people do not persist in using SP bookmakers because they have no alternative. The 1960 legislation on the TAB provided that outlets were not supposed to be near a hotel. This provision was included to placate people with a simplistic view of life.

The TAB has a problem with agents. I am not decrying the agents because they have existed for a long time and still want to continue in business. The TAB must look at the criteria for placement of agencies, so that SP bookmaking can be minimised. It is no use introducing sanctions and not providing an alternative. Forget about telephone betting; it is on the decline. People in this day and age are not going to watch races on Sky Channel, then walk down the street to place a bet. As an example, the Grand Hotel in Church Street, Newcastle, is opposite the police station, the court house and the law centre. An SP bookmaker would be stupid to set up business across the road. However, the nearest agency to the Grand Hotel is in the Newcastle Mall, probably three or four blocks away. It would probably be almost a kilometre away. That encourages SP bookmaking, but the only probable reason it does not take place at that hotel would be because it is opposite a police station.

Mr Richardson: It is a commercial consideration.

Mr FACE: Commercial consideration or not, a service must be provided. It links in very heavily with SP bookmaking. The TAB must come up with some criteria and consider where agencies will be placed. A commercial decision may have to be made to buy out some agencies in these areas. Perhaps the agent would offer, as has occurred in some cases, to set up agencies in hotels or adjacent premises, perhaps by licensing a section of the premises for a TAB agency. It seems sensible to me that if anything is to be done

about unlawful bookmaking it should be done appropriately, and it is high time that the TAB considered this. There is no other matter about which I receive more representations in the whole of my shadow portfolio of sport, recreation and racing than that very issue. Though it is not within the Minister's portfolio, she has been round the same traps as I have and I guarantee that when she visits these clubs she is asked why they cannot get a TAB licence, because it involves no commercial return, et cetera. There must be a better way, and it is high time that we came to terms with it.

Another thing I want to say about unlawful bookmaking, and I have raised this issue in the House before, is that the Government must come to terms with picnic race days and sports days. To legalise them, as some people wish, will open a Pandora's box. The other day I spoke about Borambil, which I understand got a few police into trouble. That was not my intention, but they got a bung over it. I mentioned that because NRTV has been running a campaign on the North Coast, openly inciting people. Frankly, some genuine bookmakers, whose licences could be in jeopardy, believe as a consequence of the NRTV campaign and utterances from various people that picnic race days had become legal. I am satisfied

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from conversations I have had with people this week that for some unknown reason they believe this Parliament has passed legislation that makes those activities legal.

Charities and sports organisations depend very much on these games days, but they are either lawful or not. I believe the Minister agrees with me that the way in which NRTV has been inciting people is poor, to say the least. It is supposed to be a responsible media outlet, but it has said that two-up and betting on race-meetings on Sundays in a variety of locations should be legal, throwing the rule book out the door. As the Minister well knows, this issue involves the three portfolios of police; the Minister's portfolio of charities, lotteries and art unions; and racing. Frankly, word should be sent out as to what can and cannot be done. Picnic races should be conducted on properly constructed racetracks where the horses can run with a degree of safety.

I am not an alarmist, but the day will come when a horse will burst through a rope fence and someone will be injured or, even worse, be killed. I am not a spoilsport but I have received complaints from six race clubs on the North Coast complaining that their revenue has diminished, that they have had to play the game by all the rules, yet other people can do what they like. I raise that issue because the bill deals with unlawful bookmaking, and unlawful bookmaking is taking place at these events. It should either be made legal or ground rules should be set. From what I have learned as late as tonight at dinner from a person who lives on the North Coast, the police and the public generally are under a misapprehension that a bill has been passed that makes it lawful.

Prohibited amusement devices have come about as a consequence of the electronic age. The record will show that a former member for Liverpool, the Hon. George Paciullo, and I spoke about prohibited devices probably as early as the late 1970s. In the various fun parlours I came across amusement devices and the like that had been converted in some way so that they could be used for the return of money. It is obvious from an article by Martin Warneminde which appeared in the *Sun-Herald* of 31st October, 1993, headed, "Blitz on gambling racketeers". It reads:

NSW police are deploying fresh law enforcement muscle to combat organised crime gangs behind a booming new illegal gaming-machine racket. Hundreds of these illegal machines have flooded Sydney's ethnic clubs, pool halls, coffee shops and small retail businesses. More than 300 seized in police raids are stacked in a secret inner-city warehouse and they are believed to be responsible for raking in millions of dollars a year in illegal funds. Criminals are even targeting young teenagers by putting the machines in places such as milk bars. Detective Senior Sergeant Graham Trebley of the Organised Crime section of the police State Intelligence Group said these usually were confiscated quickly "because kids talk".

That was in response to the Minister making some statement about the machines. The article continues:

According to the NSW Chief Secretary's department, similar legitimate machines in pubs each make

an average profit of \$25,000 a year. This is after paying the Government 3 per cent of turnover up to \$2 million and 4 per cent above that.

That confirms what I said earlier about the rake-off of revenue from the State, which confirms my beliefs of the late 1970s that these were not the innocent machines they were purported to be. We have reached the situation where something needs to be done about them. Once again some people will want to find some way around it, though many large groups have an industry code of conduct and supervise their fun parlours or amusement parlours. I have two in my own electorate and despite everyone believing that they were on the road to ruin when they were established, I must say they are well supervised. If the patrons do play up, at least the police know where to go to. I see them as amenities that serve a useful purpose.

I am not talking about the innocent centres where kids play a few games on electronic machines. I am talking about machines specifically designed and made available for illegal purposes. It is not an offence to manufacture the machines, but it is an offence to use them. The task force ought to have a close look at this because the Minister would know that one must be licensed to do certain things with regard to machines that are available in hotels and clubs, yet this article vividly describes how certain people are manipulating the system. Obviously these machines return huge profits. It would be interesting to know the antecedents of the people behind them. I think they would probably fall into the category of many of the people I have described who engage in SP bookmaking on a major scale and, frankly, I would not be surprised whether they are not interlinked with a crime report that was released. They are of an ilk and once again will do anything to make a quid however they can.

Section 17A of the Gaming and Betting Act provides a maximum penalty of 10 penalty points, or \$1,000, or imprisonment for 12 months for possession of prohibited amusement devices. That is not a reasonable deterrent for the type of activity I have described. The bill proposes to introduce similar penalties for an offence of possessing a prohibited amusement device as currently apply to street betting. In other words, those penalties are being brought into line. That is commendable. The penalty will be a maximum of \$10,000 or 12 months' imprisonment for the first offence and a maximum of \$50,000 or two years' imprisonment for a second or subsequent offence. That is an adequate sanction and acknowledges the seriousness of these matters. I have discussed with the Minister's officers the Opposition's concern about the proposal to amend the Act to provide a maximum penalty of \$50,000 for corporations convicted of possession of prohibited amusement devices.

The task force is considering this matter and I have no doubt that the legislation will be returned for further amendment. With that in mind, the officers should examine the scale of penalties. The Attorney General's Department seems to take the attitude that the sanctions available to the Chief Secretary's Department should be limited and that the Attorney General's Department should impose any necessary
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sanctions above that limit. The Opposition will not move an amendment to the bill but is far from happy with the penalties that will apply to corporations. This is the core of the matters I have raised. Those who engage in these illegal activities are ripping the State off and depriving it of tens or hundreds of millions of dollars a year. A penalty of \$50,000 will be no deterrent to these types of offenders.

I suggest to the task force that the Act should prescribe considerably higher penalties for corporations - I would say twice the proposed penalty of \$50,000 would be reasonable, with higher penalties for repeat offences. These activities will continue, because the stakes are high. In my opinion consideration should be given to setting minimum penalties. I do not intend to knock the magistracy of the State, who have to deal with a wide variety of offences that come before the courts. However, possession of prohibited devices is a specialist area - and I do not think many members of the magistracy understand the seriousness of the offence. More often than not those who offend against this legislation spin a yarn about being a poor shopkeeper, a battler who was trying to make a quid but did not understand what was happening, who was only trying to help the kids who came to the amusement centre.

As a policeman I spent some time in the courts and have heard those stories before. They are called

the Kleenex tissue jobs. Those who spin the yarns are most convincing. Minimum penalties should be fixed to impress on those who are involved in these activities the seriousness of the Government's intentions. I raise this matter with the Minister so that the task force might examine the possibility of imposing minimum penalties for these offences. The bill will provide the court with the power to order a defendant to pay expenses incurred by the police in taking into possession, transporting, storing and maintaining a prohibited amusement device. I agree wholeheartedly with that proposal.

In many instances the penalties imposed do not take into account the cost involved in prosecuting the offences. If people engage in these operations and are convicted, the taxpayer should not have to pay for the cost of taking possession, removing, and storing of the prohibited machines. In 1989 the Gaming and Betting Act was amended to allow race clubs to conduct phantom race-meetings when they had been forced to abandon a meeting on the day it was to be held. Prior to the amendment of the legislation, betting was allowed to continue at a course only if the meeting had been abandoned after at least one race had been run. That was a sensible amendment.

Most members of the public were unaware of the extent to which the racing industry had been affected by off-course betting. The amendment to the Act was essential to ensure that racing clubs gained the benefit of the moneys invested on phantom race-meetings. The amendment was introduced in response to calls from the racing industry, which argued that clubs faced financial losses when race-meetings were abandoned on the morning of the meeting, especially if the meeting was abandoned after the public had been admitted to the course. Clubs were still liable to pay wages and catering charges and had to meet other expenses but were unable to keep the gates open to provide betting services. That caused great inconvenience for the racing public.

The 1989 amendment overcame the problems of the clubs to a significant degree. However, subsequently the industry has approached the Government and the Opposition with a request that the legislation be further amended to allow clubs to announce on the day preceding the scheduled meeting that a phantom race-meeting would be held. I can think of three racecourses where, if a substantial amount of rain fell two days before a race-meeting, one could be sure that it would not be possible to hold that meeting. The geographical location of those courses would not enable them to recover in time for the meeting to be held. It would almost take a flood to prevent a meeting from proceeding at the Newcastle racecourse, which is a sandy track with excellent drainage.

I doubt that clubs will take unfair advantage of this provision. It will still be advantageous for clubs to conduct meetings, if it is at all possible, because they benefit from the greater turnover generated from normal meetings, compared with that from phantom meetings. The industry has argued that when country races are covered by Sky Channel substantial associated costs are incurred by the clubs when a meeting is abandoned on the scheduled day. The ability to announce the abandonment of a meeting on the previous day and still be able to conduct a phantom meeting will save clubs a tremendous amount of additional expenditure. People in country areas engage in the industry for profit or as a hobby and incur expense in taking their horses to the course on the chance that a meeting will proceed. If they are aware the day before the meeting that their horses will not be required to run and that a phantom meeting is to be held, they will be able to avoid the additional expenditure involved.

This proposal will result in cost savings across the board. Earlier notification will be of assistance to trainers, who will not need to incur the cost of transporting horses, in some cases considerable distances, to an abandoned meeting. I emphasise that I am sure that phantom meetings will be conducted only when a legitimate programmed meeting is abandoned. I understand from officers of the Department of Sport, Recreation and Racing that the legislation will be policed by the controlling body of racing.

The final provision of the bill to which I refer relates to the validation of proceedings. Section 60 of the Act states that, except where otherwise provided, proceedings for an offence against the Act shall be dealt with summarily before a Local Court. Second or subsequent offences in respect of certain specified provisions are to be prosecuted on indictment and not otherwise. Some proceedings for second offences in

respect of the specified provisions were instituted and
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dealt with by a Local Court. I understand from the Minister's officers that there has been one such case, and perhaps more; it is not a frequent occurrence. The amendment to section 60 will validate what has happened in the past. In the one case to which I referred the prosecutor failed, through inadvertence, to inform the court that previous proceedings had taken place. The bill provides for the validation of such proceedings.

The Opposition has no problems with the bill. As I said earlier, there is no doubt in my mind that the legislation will come before the House after the task force has met. I hope it takes into account some of the constructive things I have said here today, in an endeavour to make gaming and betting more honest. Because of the very nature of the industry, people will always try out the law and have a preconceived idea that there is a hurdle to get over. I support the bill.

Mr NEILLY (Cessnock) [9.30]: I shall speak about the Gaming and Betting (Amendment) Bill rather than support it. The Government is barking up the wrong tree. It sees an increase in penalties as the answer to the problem of SP betting. Although I am not proud of the fact, I will be honest and say that I was introduced to SP betting when I was about nine years old. I used to collect beer bottles at four a penny and have a bet every now and then. I had a bit of a win. I had one and threepence each way on four horses all up. I ended up getting 50 quid back for it. The horses were Largo Supreme, Winchester and King Louis, and I cannot remember the name of the fourth one - there seemed to be a French connection about it. I was picked up for SP betting at school when I was about 13. If I had not been picked up I would probably be a wealthier and better man than I am now, instead of being in politics.

This bill does not solve the problem. We have an obligation to provide an appropriate alternative to SP betting. In 1963 Justice Kinsella conducted an inquiry into the alternatives for betting in this State. He made a number of recommendations in favour of establishing a Totalizator Agency Board in preference to other forms of betting. It was legalised SP betting. In the last 30 years we have lost sight of what Justice Kinsella envisaged. There are differences in the recommendations made by Justice Kinsella in 1963 and the way the Totalizator Agency Board operates today.

In 1963 Justice Kinsella made 14 recommendations. He favoured the establishment of a Totalizator Agency Board because it provided a reasonably adequate method of off-course betting. Another recommendation was that there be reasonable provision for the small bettor. We have not achieved those recommendations in the past 30 years. The Deputy-Speaker comes from the same town as I. He can probably remember that every pub in town had an SP operator. There would be prices on the wall or in the backyard. There was freedom to bet. Nowadays in New South Wales there are some 1,400 outlets - the equivalent of 14 per electorate. I used to have 14 outlets in the town in which I lived! We have not fulfilled the recommendation that we make provision for the ordinary bettor to make a bet. We are far from it. I read the Totalizator Agency Board's annual report for 1993. I then read the board's annual report for 1991. Page 15 of the 1993 report refers to PubTAB and ClubTAB. It states:

With the availability of new betting terminals this year the TAB has been able to expand its operations into 178 additional cash outlets on licensed premises of which 15 were conversions from agencies or sub-agencies.

In 1991 there were 1,255 outlets. There has been an increase of 144 outlets in two years. According to the 1993 report, the TAB had about 178 additional cash outlets. I think a bit of a con job has been done in the 1993 report.

Mrs Cohen: On a point of order. Much as I am fascinated by the growth of the TAB and the annual reports, that is not the subject of the bill and it is not part of my portfolio. I cannot address that issue. I will refer the concerns of the honourable member for Cessnock to the task force. I suggest that he addresses the bill.

Mr Neilly: On the point of order. The bill is about illegal betting and the penalties that should be imposed in that regard. I am showing that there are satisfactory alternatives and if they were adopted we would not have the problems currently being addressed by the bill.

Mr DEPUTY-SPEAKER: Order! The honourable member for Cessnock is probably alluding to the history of the bill. I can say, from our association in a previous town, that I understand his sentiments entirely. Having permitted the honourable member to make wide-ranging comments, I now ask him to confine his remarks to the narrow scope of the bill.

Mr NEILLY: Returning to the bill, the penalties should be imposed in line with the crime. If the crime is that people are providing a service that the Government should be providing, the crime is not that of the provider of the service but that of the Government. If in 1963 the Government said that something was illegal, by virtue of a determination by Justice Kinsella, but has failed to provide the service, is the penalty in relation to SP betting relevant? Should the penalty be imposed on the Government? I am not just referring to the government of today, but to previous governments. We have failed, and failed dismally, to provide certain services.

There are 2,000 pubs in this State and there are about 400 TAB outlets in those pubs. There are 1,500 registered clubs, with 260 outlets. We are not fulfilling the need of the public. If the Government does not provide that service the community will find a way to provide it illegally. I will bet the honourable member for Oxley as much as he likes that he will have more publicans and clubs in country New South Wales looking over his shoulder saying, "Why can't we get a service? Why is there a necessity for illegality?" I am sure the honourable member is not really happy about the way the system is operating, and I will leave my remarks at that.

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Mr RICHARDSON (The Hills) [9.40]: Apart from some of the comments made by the honourable member for Cessnock, I am delighted to note that there is a spirit of bipartisanship about the sensitive measures proposed in the bill. The Gaming and Betting Act was first passed by the New South Wales Parliament in 1912, as the honourable member for Charlestown pointed out, when it replaced the Games, Wagers and Betting-Houses Act 1902 and the Gaming and Betting Act 1906. I wish to take honourable members back to 1912. It was a time when women still wore short skirts and had only had the vote for 10 years in New South Wales. In fact, they were not to have the right to sit in this place for another six years. The Chief Secretary and Minister for Administrative Services will recall that fact. It was the year when the first domestic refrigerator was introduced but, more important, communication was primitive and unreliable, as evidenced by the great loss of life in the sinking of the *Titanic* that year. In that year the first automatic telephone exchange was opened in Geelong, Victoria. It was because of this that times have moved on. The bill is seeking to move with the times and to adapt the Act and the conditions under which gambling takes place to the technology of today.

There are two aspects to unlawful gaming and betting activities in New South Wales, two reasons for proposing this bill. First, those activities have been associated historically with major crime. If honourable members are not familiar with the activities of our more notorious home-grown criminals, I am sure they would be familiar with the Chicago mobsters of the 1930s and the activities of Al Capone. Even today standover tactics, murders and involvement with the drug trade are linked with unlawful gaming and betting operators. We are not talking here about the small-scale operator working out the back of a pub with a cockatoo posted to warn of the arrival of the police. We are talking about large-scale crime. It is essential that effective controls are in place to combat illegal activities, and to act as a deterrent to the establishment of any further operations.

Second, these unlawful gambling activities significantly reduce government revenue generated from lawful activities. The honourable member for Charlestown stated that hundreds of millions of dollars worth of revenue is being lost to the Government because of illegal gambling. Interestingly enough, the 1991

Queensland Criminal Justice Commission report into SP bookmaking in that State estimated a direct loss in government revenue of \$80 million and an indirect loss of \$50 million as a result of SP bookmaking activities. Given that New South Wales legal racing turnover is about three times that of Queensland, it is estimated that the total loss in revenue to this State attributable to illegal SP bookmaking would be as high as \$200 million. So the honourable member for Charlestown is correct when he refers to hundreds of millions of dollars worth of revenue being lost to the State as a consequence.

The Government has already introduced a range of amendments to the Gaming and Betting Act aimed at improving its effectiveness in combating unlawful gambling. These amendments were introduced early in 1989, shortly after the Government came into office, and significantly enhanced the sanctions against illegal betting activities. Despite these amendments, it has become apparent now that the legislation is largely in need of a complete overhaul, primarily, as I mentioned earlier, because of the march of technology. Notwithstanding this, the New South Wales Gaming and Betting Act is recognised as being of a superior standard to that in other States. The Queensland Criminal Justice Commission report said of the Act:

The provisions of this Act that have been provided for the suppression of unlawful bookmaking are, in many respects, substantially better than those contained in the equivalent Queensland statute.

Despite the praise from the CJC, it is clear that the Act still can and should be reformed even further. Rather than continue to amend the Act on a piecemeal basis to plug loopholes which have arisen through changes in the modus operandi of unlawful gaming and betting operators, the Government plans to review the Act in toto. I wish to correct something that the honourable member for Charlestown said. In fact, recently the Chief Secretary established a task force, as identified by the honourable member, to review the Gaming and Betting Act. However, that is for a total review of the Act and the amendments were not put forward by that task force but have been developed in isolation.

The bill introduces several new controls aimed at SP bookmaking. The introduction of the mobile telephone has been of immense benefit to business, but has meant also that SP bookmakers no longer need to set up a semi-permanent operation in one place. Instead of operating from the one set of premises with a large number of telephone lines connected, bookmakers can now move about more freely and need not have a fixed base. This is the major problem with attempting to enforce the Act. As the honourable member for Charlestown identified, at present it is necessary to actually prove a charge against an SP bookmaker to establish that street betting or place betting in a private place took place.

In a recent incident, despite an admission by the defendant that he had been working as an SP bookmaker and despite the seizure of cassette evidence indicating some 4,900 bets valued at \$3.9 million, the magistrate discharged the defendant at a committal hearing. It should be noted that we are not talking about chicken feed but about 5,000 bets worth almost \$4 million. This is certainly not some backyard operation; it is a major activity. The defendant was dismissed simply because the police could not nominate a "place" for each offence, although it was argued that the defendant had made admissions and was in a "place" at the time of taking the bets.

By introducing a new offence of unlawful bookmaking, it will be unnecessary to show that the activity occurred in a particular place or street in order to convict. It is a commonsense change to the

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law and one necessitated by technological change. A further new offence of having a financial interest in the business of bookmaking also is to be introduced, to assist law enforcement agencies to capture the principals behind large bookmaking businesses. Again, this is not aimed at the small backyarder but at major crime that has infiltrated this section of gambling. Section 15B of the current Act defines an unlawful betting aid as being any article prescribed and any money that is used for unlawful betting, while section 15C renders it an offence to possess unlawful betting aids. The current available maximum penalties are a fine of up to \$10,000 or imprisonment for 12 months for a first offence, and a fine of up to \$50,000 or imprisonment for two years for a second or subsequent offence.

These offences were part of the package introduced by the Government in 1989. It is interesting to note that the penal provisions were reintroduced by the Government following the actual decriminalisation of SP bookmaking in 1979 by the Wran Government. That is despite clear evidence, as the then Deputy Leader of the Opposition, Bruce McDonald, pointed out, of links between all areas of Australian organised crime. He said that the Government should be warned of the considerable risk in treating a single component like starting price bookmaking in isolation from narcotics and drugs.

It is interesting to note that the absence of default imprisonment was making New South Wales a haven for Victorian SP bookmakers, who were being driven north of the Murray River in fear of being subjected to further SP convictions that would result in their automatic imprisonment. These observations are made in the Queensland Criminal Justice Commission report on SP bookmaking. One of the effects of the present provision is that upon conviction and fine police are required to return to the offender the telephone, mobile phones, tape recorders, diverters, ledgers and other items seized to prove the offence, so the offender can actually pay his fine and get right back to running his operation the next day.

Under the amendments a court may order that unlawful betting aids will be forfeited to the Crown in cases where the aids belong to a convicted bookmaker. The bill also refers to section 60, "Proceedings for offences". Because of the possibility that some large-scale operators may escape prosecution for some time, the bill provides that first offences of unlawful bookmaking and having in possession unlawful betting aids shall be able to be dealt with on indictment. At present section 60 of the Act provides that further offences shall be dealt with summarily and only second or subsequent offences can be dealt with on indictment. Allowing first offences of unlawful bookmaking and the possession of unlawful betting aids to be dealt with on indictment where appropriate will allow the Confiscation of Proceeds of Crimes Act to be applied. The New South Wales Crime Commission believes this will provide a very effective deterrent in large-scale SP bookmaking operations.

I turn my attention to prohibited amusement devices. The existing penalty structure under the Gaming and Betting Act provides for a maximum penalty for possession of \$1,000, as the honourable member for Charlestown has indicated. We propose that that should be increased to \$10,000. Although there is evidence that such machines are being used to generate profit, a large number of them are in private homes. I saw one in a private home only last week. The increase in penalties and the publicity that will accrue from the bill might cause people to think better of having in their homes what they regard as a fairly innocuous device. I am not suggesting that these people are using the devices -

Mr Thompson: They might be consenting adults.

Mr RICHARDSON: They probably are. I am not suggesting that they are using them for any monetary gain, just using them for a bit of fun. It is illegal and some of the machines may find their way on to the replacement market for operators who are using them for profit. Many constraints operate on legal devices. For example, there are limits on the amount which can be risked on each play and limits on prize payouts. But no such constraints apply to the unlawful devices. We estimate that legal machines achieve average annual profits of about \$25,000 each but with the lack of limits the average profit per machine could be substantially higher than that, which makes a mockery of the idea that a \$1,000 fine should currently apply, with perhaps a cost to replace the machine of \$3,000.

The bill introduces the same penalties for prohibited amusement devices as currently apply to SP betting, a maximum of \$10,000 or 12 months' imprisonment for a first offence and a maximum of \$50,000 or two years' imprisonment for a second or subsequent offence. The penalties will be further examined as part of the overall review of the Act. I think this will take into account some of the concerns raised by the honourable member for Charlestown.

The penalty provisions of the Gaming and Betting Act in relation to prohibited amusement devices do not cover the commission of an offence by a corporation, which is why the amendments will include a maximum penalty of \$50,000 for corporations which are found to have contravened the relevant sections. The figure

has been set at that level because it is consistent with the maximum penalty imposed on corporations in disciplinary proceedings under the Liquor Act. Other aspects of the bill dealing with phantom race-meetings and proceedings for offences have been covered adequately already. The Minister may wish to address those matters in her reply. I support the bill.

Mr THOMPSON (Rockdale) [9.53]: More than 80 years have passed since the Gaming and Betting Act was drafted. Over that time the face of Australian society has changed in many respects. However, one aspect that has been very slow to change is starting price betting. Regardless of all the impediments and penalties, it seems from all reports

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that SP bookmaking continues to flourish. Certainly it was flourishing in my youth. I and most of my friends gained a good working knowledge of SP operations during the years immediately preceding the commencement of the New South Wales Totalizator Agency Board. Whilst everyone knew that SP betting was illegal, it was always regarded as being near the very bottom of the list in terms of seriousness. It was widely tolerated in the community. There was a wink and a nod arrangement about its operations and that was the way it had just about always been - certainly for at least the past 100 years.

Banjo Patterson referred to the reality of SP betting in this wink and nod fashion. Frank Hardy, in his most famous work *Power Without Glory*, wrote about the famous John Wren and his activities with his "tote" or SP operations. The SP or tote was part and parcel of every community in what I might refer to as the old Australia. It was part of the fabric of society in those days - illegal for sure, but just as certainly allowed to exist. Banjo Patterson's great poem "The Man From Ironbark" was first published in the *Bulletin* on 17th December, 1892 - 101 years ago. I shall quote the second verse, which is appropriate to this matter.

Mr Richardson: Sing it.

Mr THOMPSON: I would call upon the honourable member for Kogarah to sing the verse if it were within the standing orders, Mr Speaker. I will simply read it:

The barber man was small and flash, as barbers mostly are,
He wore a strike-your-fancy sash, he smoked a huge cigar:
He was a humorist of note and keen at repartee,
He laid the odds and kept a "tote", whatever that may be.
And when he saw our friend arrive, he whispered "Here's a lark!
Just watch me catch him all alive this man from Ironbark."

Everyone knew that the barber kept a tote. He was the SP operator in the town. But as in the verse, people feigned innocence and ignorance about it. Society turned a blind eye. Everyone knew it was there but people preferred not to publicly acknowledge its existence. That was the case in every suburb and town in Australia. It was commonplace for the barber, publican or someone else to run the tote or the SP. The most common types of SP operations that I came across during my misspent youth were individual agents operating in hotels or workplaces, often phoning the bets through to a main office. Betting shops were also set up in private houses and backyards or above commercial premises. Human ingenuity meant that the variations to the styles of SP operations were virtually limitless. Interestingly, the town of Ironbark referred to in Banjo Patterson's classic verse was renamed Stewart Town in 1902. Just seven years later, in 1909, Robin Askin was born in Stewart Town, which is located in the Orange-Wellington district near the Burrendong Dam.

When I left school at the end of 1961 I went to work in the Rural Bank of New South Wales, one of the great institutions of this State. In those days - and ever since - it was part of Rural Bank folklore that Robin Askin operated a very profitable SP business in the bank after the second world war. During the 1962 State election campaign Robin Askin strongly advocated the legalisation of SP betting. Bob Heffron and the Australian Labor Party won that election and set up the Kinsella inquiry, which the honourable member for Cessnock has already referred to. It dealt with the issue of whether off-course betting should be legalised

and, if so, what form it should take. The outcome of the inquiry was the creation of the New South Wales TAB, which is one of the great success stories of New South Wales.

It contributes a massive amount of income to the State and the people of New South Wales owe a debt of gratitude to the multitude of punters who, through the TAB, have contributed so much to the common good. Once we had a widespread network of TAB offices the official tolerance of SP betting ceased - and properly so. Back in the pre-TAB days SP betting had become part of Australian folklore, part of the Australian way of life. It was illegal but allowed to flourish. Anyone who wanted to have an SP bet could readily get set, no matter where that person was in Australia. The advent of the TAB changed all that. As long as the TAB was providing an off-course betting service there was no rationale for continuing to turn a blind eye to SP operations. To do so would be to sit idly by while revenue which would properly go to the TAB, and so on to the Government and the people of New South Wales, went into the pockets of SP operators.

Since the inception of the TAB, SP operators have become a drain on the finances and people of New South Wales. The bill will amend the Act to provide that SP betting, wherever it occurs, is an offence; and that in order to convict, it is unnecessary to show that it occurred in a particular place or street. First offences of unlawful bookmaking will be prosecuted either summarily or on indictment. The significance of this option is that it brings into play the provisions of the Confiscation of Proceeds of Crimes Act, which defines a serious offence as one that may be prosecuted on indictment. As the Minister said in her second reading speech, the New South Wales Crime Commission believes that the ability to confiscate proceeds of unlawful bookmaking will provide a useful measure in combating major SP bookmaking operations - a worthy objective.

The final measure contained in the bill and aimed at tightening controls over illegal bookmaking relates to the forfeiture of unlawful betting aids. The honourable member for The Hills has already alluded to that aspect, so I shall leave it. Finally, the Parliament is sending a clear message to SP operators - "The gloves are off, continue at your peril". Hopefully, the SP industry will close down as a result of this piece of legislation, but I am a realist and I do not seriously expect that result because someone will always be prepared to take on authority in the quest of a quick dollar. If we really want to stamp out SP betting, we must look more closely at how the TAB operates and decide whether it

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sufficiently takes account of providing a service to people. This point was stressed by the honourable member for Cessnock.

The TAB's *raison d'être* should be considered closely. Suggestions are that, instead of being service oriented, it has become firmly revenue oriented. In other words, if a venue was assessed as being unable to generate a certain level of income, it will not be approved as a TAB facility. Put simply, if a community, whether a suburb or large group of people, does not have a convenient TAB facility, the opportunity for an SP bookie to operate is obvious. I am mindful of the need for TAB agents to be able to make a decent living and I suspect the task to find the balance in this equation will not be easy. The Opposition supports the bill.

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [10.2], in reply: I thank honourable members for their support and contribution to the debate and for the poetry readings and anecdotes of ill-spent youth. This bill is dedicated to serious gaming and I am not trying to destroy the Australian dream. As has been said by all honourable members, these amendments arise out of an interdepartmental task force and comments by the Crime Commission about the need for urgent changes to deal with matters of a serious nature. I suppose these amendments are an interim measure while awaiting the full report of the task force, which I expect at the end of next year. At that time I am sure we will look at further amendments to the Act.

The provisions today really are aimed at the Government's commitment to establishing solid controls over serious, organised criminal activities. I thank the honourable member for Cessnock for his contribution and his support. I take on board the concerns expressed by members opposite about the TAB and the way it is set up. As I have said, it is not my portfolio but I will pass on those concerns for review by the task force in light of the investigations it is undertaking. Opposition members will be given the opportunity to pass on their

comments and concerns. It is interesting to note that with police and other portfolios, the racing portfolio is soundly represented on that task force.

The honourable member for Charlestown expressed concern about illegal card games, which is a matter that cannot be easily settled. Prohibited amusement devices and SP booking have been discussed in the bill, but the third major area of illegal activity to be examined by the task force for its comment and, hopefully, solutions to put forward to the House, relates to gaming houses, that is, places where illegal card games are conducted. Case studies from some court decisions are being prepared and will be forwarded to the task force for comment and perhaps the development of legislation to deal with the problem.

I expect to bring to the House next year specific proposals in relation to illegal gaming houses following receipt of the full report of the task force. Another concern was about penalties for prohibited amusement devices. The issue of adequacy of penalties under this Act relating to corporations, as the honourable member for Charlestown clearly pointed out, is one of the matters to be considered by the task force. It is accepted that penalties for prohibited amusement devices will need further consideration, perhaps to include provision for minimum penalties, as the honourable member for Charlestown specifically mentioned. A further matter that should be examined by the task force is the practical effect of section 17A(1) that deals with prohibited amusement devices. That subsection provides that in determining the amount of any penalty for an offence against this section, the court shall take into account the number of prohibited amusement devices involved in the commission of the offence.

I have asked the task force to review the history of this subsection and to examine how courts have interpreted it when establishing the appropriate penalty for an offence. The amount of the maximum penalty is just one matter that needs to be examined when looking at the whole penalty structure, and whether it provides sufficient deterrent for the seriousness of the offence. Other matters about whether there should be a minimum penalty and the calculation of the penalty in relation to the offence will be considered by the task force. I thank honourable members for their support and contribution to the debate. If they have any concerns, the task force is established to receive them.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Bookmakers (Taxation) (Bet Back) Amendment Bill
Land Acquisition (Just Terms Compensation) Amendment Bill
National Parks and Wildlife (Emu Licence) Amendment Bill

GOVERNMENT CLEANING SERVICE RETENTION BILL

Message

Mr Acting-Speaker (Mr Tink) reported the receipt of the following message from the Legislative Assembly:

Mr Speaker -

The Legislative Council acquaints the Legislative Assembly that it has this day discharged the Order of the Day for the second reading of the Government Cleaning Service Retention Bill.

BILL RETURNED

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

Coroners (Amendment) Bill

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LEGAL PROFESSION REFORM BILL (No. 2)

MAINTENANCE AND CHAMPERTY ABOLITION BILL (No. 2)

Second Reading

Debate resumed from 10th November.

Mr IEMMA (Hurstville) [10.10]: I have great pleasure in participating in debate on the main bill but shall restrict my remarks to those aspects that deal with discipline and investigation of complaints about the profession. The bill represents a major change to the structure and regulation of the profession in New South Wales, and is one of the most important measures this House has considered this year. The discipline and complaints provisions of the bill are most important. Most members would have received complaints from constituents about members of the legal profession and their frustration at having those concerns addressed in the current system.

An examination of the current system and how inadequate it has been in dealing with discipline and complaints against the legal profession would be useful in highlighting those problems. The major provisions under the current system for receiving complaints against the legal profession are sections 130 and 133 of the Legal Profession Act 1987. Those sections provide for members of the public to make complaints against a member of the legal profession. That complaint must be in writing, and the appropriate professional council or association must undertake the complaint. That system has created much frustration and lack of public confidence in current measures for discipline and complaints.

Those provisions in the present Act have shown themselves to be manifestly inadequate to address the concerns raised by many legal consumers over a number of years. For example, the provision under which professional councils carry out investigations has led to considerable concern within the community that the legal profession is looking after its own in its handling of complaints. There is constant criticism from members of the public and constituents that they are locked out of the current system, that they are unable to obtain adequate information about complaints, and that complaints against members of the legal profession take too long to be resolved. That difficulty, as the Law Reform Commission stated in its report, arises largely from the voluntary and part-time nature of the current system for complaints against lawyers.

Flaws in that system, as found by the commission, led to lack of public confidence. That lack of confidence continued to be reinforced by the small number of cases in which professional associations found that lawyers were guilty of professional misconduct or unsatisfactory professional conduct. Another major weakness of this system was that unless conduct complained of by a member of the public amounted to professional misconduct or unsatisfactory professional conduct the complaint was dismissed. No provision is made in the present system for conduct that does not amount to professional misconduct or unsatisfactory

professional conduct. No form of discipline against a member of the legal profession is provided. Frustration thus is reinforced.

The Law Reform Commission found in its investigation that an overhaul of the disciplinary system was needed to provide for a more arm's-length approach to handle complaints and provide some form of independent review mechanism apart from the professional associations when considering complaints lodged by members of the public against legal professionals. The Law Reform Commission report and its major recommendation that an independent review mechanism be established through a Legal Services Ombudsman form the basis of the moves for reform of disciplinary measures against legal professionals. The bill, in its present form, contains important consumer friendly reforms but unfortunately has not taken up the commission's recommendation for a Legal Services Ombudsman.

The bill provides for a Legal Services Commissioner and a right to make complaints to that commissioner, but unfortunately it then backtracks and allows for referral of complaints from the Legal Services Commissioner to legal professionals. The bill, rather than addressing criticisms of inadequacies in the current system in not having an arm's-length review mechanism, provides that complaints must be referred to the appropriate professional body within 21 days of complaints being made, and thus backtracks from that important commission recommendation. The Government would do well to take up the amendment that the shadow attorney general will move on behalf of the Opposition to make provision for an arm's-length independent review and the Legal Services Ombudsman's right to initiate investigation of complaints against legal professionals without the need to refer them to the appropriate professional body.

I hope the Government will support the shadow attorney general's amendment, which he will move on behalf of the Opposition, and return to the original draft bill, which contained much stronger provisions for independent review of complaints against legal professionals. The original draft took up the commission's recommendations in respect of complaints against those professionals. If the Government takes up the proposed amendment, that would go a long way towards satisfying the concerns of many members of the community about the bill not having gone far enough with a complaints mechanism and the need for an arm's-length independent review. Clauses 131, 142 and 149 of the bill cover complaints. There is a risk those sections will not be adequate to deal with an independent review if they are allowed to stand and if at the same time complaints are referred to the appropriate professional body.

The Law Reform Commission found that any mechanism or system that is put in place to look at complaints against legal professionals should have a number of aims. The commission found that the
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current system under the 1987 Act had only one aim, to ensure the competence and diligence of the legal profession, but left legal consumers out in the cold. The commission made strong recommendations that any new system proposed in any reform bill should have as one of its aims the safeguarding of interests of legal services consumers and not simply concentrate on the competence and diligence of the professional body itself.

In other respects the bill proposes some important reform provisions. Clause 170 contains some strong consumer-friendly provisions that are long overdue and are the result of many of the criticisms of the Law Reform Commission as a result of its investigation into the profession. For example, legal consumers will have the right to be given reasons for the decisions made following complaints lodged against legal professionals. They will be given an opportunity to be present during hearings, including those conducted behind closed doors. Complainants will have the right to be kept fully informed of the progress of investigations - a very important consumer friendly provision. Given the criticisms in the past from legal consumers and constituents to members of Parliament about solicitors and the mechanisms for lodging complaints against them, one of the most common complaints has always been that, once a complaint is lodged, constituents and legal consumers hear little about its progress and outcome. Clause 170 addresses that important issue, and legal consumers will be given the right to be kept fully informed and provided with much more information than has been the case until now.

Complainants will also have an opportunity to rebut statements of respondent legal professionals. That is an important right because it will give them an opportunity to put more information before the Legal Services Commissioner, although the Opposition hopes the position will be referred to as the Legal Services Ombudsman. This provision will tackle one of the major criticisms by consumers and constituents of the present system, that is, that they have little opportunity under the present system to have their concerns addressed. The bill represents long overdue reform of the profession. In relation to complaints and investigation of complaints against members of the profession, it is a significant step forward. It would be an even bigger step forward if the Government would embrace fully the recommendation of the Law Reform Commission in relation to the Legal Services Ombudsman, and if the Government accepts the amendment to be moved by the shadow attorney general.

Were the Government to accept those amendments, I believe the major criticism of the present system that regulates the legal profession, that is, that dealing with complaints, would be overcome and consumers and constituents would have a great deal more confidence in the legal profession. They would have more confidence that a mechanism is in place that they could use, that their complaints would be taken seriously and investigated. Much of the frustration and anger that constituents and legal consumers have expressed to their local members and others would subside.

Mr HATTON (South Coast) [10.23]: For many years it has been a dream of mine to do something about accountability of the legal profession. I have joked with fellow members about the legal profession, and some may perceive that I am anti-legal profession because of those jokes. I state upfront that I am not anti-legal profession. I acknowledge that there are many honest, sincere and hard-working people in the legal profession who, every day, work for impecunious clients. They are public-spirited and competent and, consequently, they deserve recognition. However, in my years as a member of Parliament I have had contact with many consumers who have had considerable problems with, and have been denied justice and have been frustrated by, the legal profession. That has driven me as a layman to ask what it is about the legal profession that allows it to control itself in the way it does. There is plenty of evidence in Law Reform Commission reports that the profession controls itself for its own benefit and not for the public benefit; that it operates in a closed market with a set level of fees, where access to justice is denied to many because of cost.

I have made a study of mechanisms and accountability in part of the legal profession in Sweden and Canada under a Churchill scholarship and the charter of reform, and looked at the proposed model of the Legal Services Ombudsman in Great Britain. I am pleased that my two Independent colleagues and the Government and the Opposition have embraced the idea of a Legal Services Ombudsman, now called the Legal Services Commissioner. What is needed is a public window, a public watchdog and a public advocate for the law consumer. The selection of the Legal Services Commissioner - the process and the person - will be vital to the success of the reform. Such reform is fundamental to me because access to the law and the operation of the law are about justice and a fair go. They are the things that underpin a truly democratic society.

Unfortunately, in my view, there is growing complexity in the British system of justice because it is adversarial. Because it works on precedent it is becoming more and more complex. Because the language and the practice of the law is complicated, a lay person cannot understand it. The practices are restrictive. Self-regulation has meant little regulation, unless the profession is dragged screaming to do something about the many gross inadequacies that were highlighted by Law Reform Commission reports. All these things lead to the consumer being captive and powerless. The consumer has no control over costs, does not understand the law, is a slave to restrictive practices and - in some cases, and in the minority - unscrupulous practices of some members the legal profession.

Professional fees are not the subject of any bargaining: you take it or leave it. That is why I think this bill is trying to break new ground in a very important area to introduce competition. Rules of the bar, rules of entry into the profession and rules of practice are all restrictive and self-serving. They are

not in the public interest. I am appalled at the way they have operated for many years. I emphasise that this is not an anti-legal profession bill. It is a pro-consumer bill and it is an attempt at ensuring a fair go for the consumer. It is pioneering and charter legislation, but in order to introduce this legislation there had to be a commitment from the Premier and of the Attorney General.

I have seen Attorneys General on both sides of the House give lip-service to reform of the legal profession, and I know why: they can hammer down your door. Honourable members know that there are lawyers on both sides of this Parliament and that they have access to the highest levels of power in this land. If anyone can argue that black is white, lawyers can. If anyone can swamp you in mountains of paper, lawyers can. If anyone can say why they should not be subjected to the provisions of the Trade Practices Act and why certain things should happen, "but not now, because of unforeseen complexities and unforeseen effects", lawyers can. Reform requires courage and commitment, and I pay tribute to the Premier and to the Attorney General in another place for introducing this legislation. In the 20 years that I have been in the Parliament they are the first members of Parliament who have been committed to reform in the legal profession. The Premier and the Attorney General will receive a lot of acclamation in "television-land" for that.

That commitment was well and truly needed. I am pleased to say that for the first time I have seen a majority view come from the Labor Party. Its members have not given in to the rearguard action; they have buckled as they have in the past to lobbying from the legal profession. Consequently, we will get a bill that will do something for the consumer. It will be pioneering and it will have faults. It will need amending. But it will make most important advances, and for that I thank the Government on behalf of the people of New South Wales.

This bill is about accountability, external scrutiny, and reduction of restrictive practices. It is about opening up the profession and the removal of the barriers between solicitor and barrister. It raises the possibility of multidisciplinary practices. It will give an opportunity for the honest, sincere and public-spirited competent members of the legal profession to blossom in the spirit of competition. I hope it will restrict the hired guns of the profession who will do anything for a quid. Many lawyers in large legal practices work for large firms and become involved in activities that are a disgrace to them. I hope also that the bill will restrict some of the excesses of the selfish, the unscrupulous, the pompous and the condescending. This bill contains some key provisions, and there are some tensions about them.

It is fundamental to the workings of our democracy that we have a Legal Services Ombudsman-type structure so that the consumer who is caught up in court land - with the swords of language and the complexities of the law - can take his or her complaints to a truly independent watchdog. A Legal Services Ombudsman could, I hope, under the provisions of this bill, intervene and take over the complaint, to ascertain whether the matter has been properly handled, without prevarication and lengthy delay - for months and sometimes years. The legal consumer has a right to be present when his or her case is being considered and to expect that he or she is getting a fair go.

I was not willing to go all the way, as suggested by the ALP, and require the removal of the profession's right to have some regulatory power. It is important that any profession has some involvement in its own disciplinary process. I believe that should apply also in the Police Service, though with that profession I have some grave concerns. You, Mr Acting-Speaker, in your former role as chairman of the Ombudsman's committee would know the work that was undertaken to enable the Ombudsman to say, "Yes please, deal with the complaints within the Police Service, but if you do not deal with them in a fair and honest manner then there will be room for the Ombudsman to come in and take over the complaint, supervise the process, sit in on the process and be a watchdog. You can expect disciplinary action if you do not toe the line".

That process is not perfect but it is a vast improvement on what existed in the past. That is the type of process I want to see operate for the legal profession. I hope the Government will support amendments that will allow the Legal Services Ombudsman to reach in and take over a complaint, to sit in on the process to ensure that the consumer gets a fair go. I was pleased to be invited, with my fellow Independent colleagues,

to draft the references to the Law Reform Commission. I commend the Law Reform Commission for examining this matter thoroughly and for presenting an excellent report. The report contained two principal features. First, it will be a guide for the future, although all of its recommendations will not be adopted. Second, the commission had, possibly for the first time, a real feeling of success that, with the support of the Government, the Opposition and the Independents, it was going to get something done about the grave inadequacies that it pointed out in the complaints mechanism and the restrictive practices within the profession.

I reject the notion - whether it is put forward by town planners, engineers, doctors or lawyers - that "things are so complex that lay people cannot understand it and, therefore, we are the best ones to control the profession". If that is the case, there would not have been a jury in the land that could have decided - in the old days - whether a person should live or die, or whether someone should be gaoled for the term of his or her natural life. Even the law recognises that 12 ordinary people, working together using their common sense and intelligence - even if they cannot understand the complexities of the law - can arrive at a reasonable decision. I believe that the involvement of lay people in the complaints and structural processes is very important, for example, in deciding what is fair so far as costs are concerned.

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I believe also that decisions about who should gain entry to the profession should not be left only to those in the profession. Lay people, or at least academic lawyers coming from outside everyday practice and with a different viewpoint, should have a role in deciding who can enter the profession. It is most important that those who are allowed to enter the profession are truly representative of the wide cross-section of the community. [*Extension of time agreed to.*]

Only by ensuring entry of a wide cross-section of people into the profession will we eventually get a wider cross-section of people sitting on the bench - and that is absolutely vital. In Sweden, for example, even in major court cases two lay people can sit on the bench with a judge, and they can out-vote the judge. That is an interesting concept. I realise that is more of an inquisitorial system than an adversarial system, although there is a quaint mix of both in the Swedish system. The Ombudsman in Sweden solved the problem for me of how to have scrutiny of judges without interfering with their independence. The Swedish Ombudsman is able to review the court system, but not the outcome of cases, obviously. If something improper takes place, that Ombudsman has the right to produce a public report and hang out a public sign stating, "Hey profession, there is something wrong here". Immediately the profession would have to react to such a report.

Sweden does not have the closed-shop system that we have with the Judicial Commission in New South Wales. Here the commission is internally accountable and its reports tell us absolutely nothing. Further down the line this Government should consider to what extent judges can be held accountable without interfering with the precious independence that they should continue to have. The involvement of an elected person in the setting of rules and regulations is important. This is a matter that the profession has contested. If the rules and regulations are so restrictive as to affect the trade and commerce aspects of trade practices, of course the Trade Practices Commission can have a say about that.

The Trade Practices Commission cannot interfere in the manner claimed by the Law Society in the note that it sent rather urgently to all honourable members tonight. I will deal with that in more detail in Committee. The publication of that note was a flagrant attempt by the society to mislead people like me, who are not supposed to understand the law, and to strike fear into the hearts of solicitors about these terrible amendments. I utterly reject those claims. I respect the importance of the independence of the bar. This legislation will interfere with the independence of the bar in the way that the barristers would have us believe. Barristers have been beating a track to our door saying that the world will fall in if we agree to these terrible things. I do not believe that is the case at all. I believe it will improve the operations of the legal profession.

I have some tensions with multidisciplinary partnerships, as I have with costs. For example, I understand the cases put forward that if one has an accountant, a lawyer and a real estate agent working

together in the one business, one could have a roundrobin situation. One can pass from one to the other, and it may not be in the best interests of the client. But I also see that under the present situation, that just as general practitioners have favourite specialists to whom they refer their patients, quite often many lawyers have favourite accountants and other professionals to whom they refer their clients, and vice versa. I can see the dangers, but I can also see the advantages. I can see the dangers and the advantages of joint advocacy. For example, large legal firms may take undue advantage of that.

By the same token, it is important that solicitors have the opportunity to work in courts with barristers and alongside barristers and, of course, to work in courts on their own. There are many solicitors I would rather have appear for me in court than many barristers I have seen. I would put a lot more faith in them. The fact that one is able to put on a gown and wig and float into court does not necessarily give one the mantle of wisdom, nor does it necessarily give one the mantle of common sense. It often means that barristers are one step removed from the client. On the one hand barristers argue that it is an advantage, that it gives them an independence and an ability to look at things with a more clinical eye. On the other side of things, many barristers do not really understand people's feelings, the consequences and the impact of events on individuals. The question of tension on costs is a matter I want to deal with in the amendments to the bill.

There is a tension about the open slather let's-have-an-estimate-upfront type of approach because it is difficult. I have had a lot of chats to country solicitors over the past six weeks, and they say it is very difficult to estimate. With a fiduciary responsibility, how are they to give an opinion without calling in a second opinion? That approach has a lot sincerity. On the other hand, I am most concerned that if we do away with the scale of fees - and I understand the complexities involved in the taxing court process and so on - and we do not have any indicative fee, a concept in which I am very interested, how is the consumer to have any sort of benchmark? The case put forward is that one does not really need a benchmark. If it is open slather and people can advertise and it is true competition, it will augur well. I am told that there may be up to 100 junior barristers around Sydney who are finding it difficult to get work, yet there is a perched level of fees. That is an interesting argument.

I favour an indicative fee. The contingent fee, with an additional 25 per cent on success, is an incentive. I have no particular bad feelings about that. I am certainly in strong support of full disclosure. It is not possible to go through all of the aspects of the bill in such a short time. However, I am in support of the review of the way this legislation will operate in two years. I am confident that we will have amendments because it is pioneering legislation. It will not solve all the problems, but it is a bill, the amendments to which we will disagree on. The basic framework is one of which the Government can be justly and rightly proud.

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Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [10.43], in reply: I have taken particular note of the contributions to this debate and I compliment the honourable member for South Coast, who recognises that the Government is prepared to make a move in the interests of the community. A particular theme seems to have run throughout the Opposition's debate, perhaps with the exception of the contribution of the honourable member for South Coast, that the legal profession is in all sorts of difficulties and is sadly in need of major overhaul. I reject that particular proposition because in many cases I have a clear and concise understanding of how the legal profession operates. Rarely do we have an opportunity to come before the House and speak on matters in which we have had some considerable experience, but I speak to the bill from experience.

I want to pay tribute to the contribution made by the legal profession, not in the silly way that certain contributions have been made by members of the Opposition which would suggest that in the event of the legal profession being interfered with in any shape or form the whole of society might break down, but in recognition of the numerous efforts made by so many members of the profession to ensure that many people in the community and in this State achieve things that would not otherwise be possible if it were not for compassionate, capable, sensible and practical people who carry their profession through in the true spirit of what that profession means - a contribution to the law and, of course, a duty to the law as well as a duty to the

community. Ultimately a lot of people in this State have benefited as a result of the manner in which the profession has operated for a long time.

Having said that, I want to make it clear also that it is now time - perhaps it is way beyond the point - for the legal profession to state where it stands, how it is operating and how it might perform in a better way in the interests of the community. I also commend the profession, particularly the solicitors' arm of that profession, for the manner in which it has embraced the debate following the announcement of the Government's intention to examine the workings of the profession. That has given many members of the community, the profession, Parliament and others an opportunity to consider, for several months, an appropriate response to providing services to the community that might be applicable to 1993. Whether it is not before time or whether it is perhaps way past the point when we should have addressed this is irrelevant.

The Government is prepared to face this, as it believes it is important to the community to achieve affordable justice and to achieve accessible justice. I ask the honourable member for South Coast and all other honourable members to consider that simple approach the Government has taken - accessible and affordable justice. That is what is driving the Government and that is what the bill seeks to achieve for the profession and for the profession in conjunction with the community. I am disturbed at what is happening to the bill. Only the Opposition could put itself in a position to be influenced in the manner it was over the past several weeks to take the retrograde step of endeavouring to pay homage again to Queen's Counsel. The confusion that exists in Opposition ranks, as was demonstrated in the upper House, must bring shame on the Opposition for a long time. Attempts by the Opposition to play around with the Trade Practices Act and the national agenda demonstrate clearly that the Opposition does not have the faintest idea of what is happening on the national scene. The Trade Practices Commissioner is seeking to achieve, and the Government is very much at the forefront of endeavouring to achieve, sensible, national competitive policy.

Honourable members might pay particular attention to the matters I shall raise in detail now and in even more detail in Committee. If we are to involve the Trade Practices Commission, honourable members should read the report released, not so long ago, by Professor Fels. It is clear so far from the debate that members of the Opposition have read the executive summary and drawn conclusions based on that summary that have no basis whatever when one goes to the detail of the report. The context makes it abundantly clear that to involve the Trade Practices Act in the legal profession at this time may well be a wrong step.

The responsibilities of the Parliament should be clear. From the point of view of playing politics in New South Wales in 1993, those responsibilities do not extend to the point of upsetting a national agenda, a national agenda that has been driven in many ways by the New South Wales Government. That national agenda, when it comes to the Trade Practices Act, the profession, many of the marketing boards and many of the monopoly authorities that exist in this State and elsewhere across Australia, is not to interfere in a manner that ultimately leads to a complete breakdown. The amendments proposed by the Opposition, put by the honourable member for South Coast, unfortunately, will achieve that. I would also point out the hypocrisy of the Opposition to suggest that the Government's reforms are not serious, will not achieve much and, in fact, will not bring to the consumer the benefits that the Government set out to achieve in the first place.

Time after time the Opposition has had the opportunity to examine reports brought down over a number of years by the Law Reform Commission, reports that have been placed before this Parliament and the public of New South Wales. In 1983 the New South Wales Law Reform Commission provided a substantial report that recommended comprehensive reform of the legal profession. The key recommendations of the commission at that time were ignored by successive Labor Attorneys General and only now have they been taken up by the Government and introduced into Parliament. I would have thought that, because of his length of service, the honourable member for South Coast, more than anyone else in this Parliament, would have realised, in the interests of the community, that the Opposition had its chance time and again to reform the legal profession and it

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failed miserably each time. As I alluded a short time ago, the height of the farce was reached in the Legislative Council when the Labor Opposition circulated, and spoke in favour of, amendments to retain

restrictive practices such as the title of Queen's Counsel.

Mr Whelan: That is untrue, false and wrong.

Mr FAHEY: The Opposition was a joke in the Legislative Council. The honourable member for Ashfield knows that, because the Leader of the Opposition had to apologise publicly in a bumbling way about what happened in the Legislative Council. No one knew, and many on the Labor side did not have the faintest idea, where it was all coming from. A number of matters have been raised in debate, which I will address when the House considers the amendments in Committee. The key issue is the proposal by the Labor Opposition which seeks to apply the Trade Practices Act to the legal profession. The Government strongly supports close scrutiny of the legal profession on the basis that it wants to ensure that there is proper and true competition in the profession.

The Government supports in principle the proposal to bring the legal profession under a national competition law. That proposal is now at a delicate stage. The Opposition's amendment is premature and, if adopted, will be counterproductive. The Government's credentials in relation to competition speak for themselves. The Government has been the national leader in introducing more competition into the economy and has been closely involved in the national movement to establish a new national competition policy regime. The pursuit of a sensible and robust competition policy is a major Government objective. Evidence of this commitment in the context of the Government's proposed reforms to the legal profession is that the bill before the House specifically provides that any rules made by the Bar Association or the Law Society must be reviewed by the Legal Profession Advisory Council.

The council will be obligated to recommend the repeal of such rules if they restrict competition or if they are otherwise not in the public interest. The council will not be dominated by the legal profession. It will include an equal number of lay and legal members. That deliberate decision on the part of the Government is certainly not supported wholeheartedly by the profession. It must be appreciated, however, that this reform is only one small part of a much bigger picture. Although the Government has been moving far ahead of any other Australian government to reform the legal profession, the Government has been working simultaneously with the Commonwealth and the other States to introduce a comprehensive national competition policy.

This work has included the development of a new national competition law, which will replace the Trade Practices Act, the Trade Practices Commission and the Prices Surveillance Authority. The Government was instrumental in setting up a national competition policy review committee chaired by Professor Hilmer. The Government worked closely with the committee during all stages of its deliberations. I met with Professor Hilmer on two occasions for lengthy discussions to affirm the Government's commitment to the process and ensure that the proposed reforms were workable and that they would achieve the objective of a more competitive economy. New South Wales officials have had numerous meetings with Professor Hilmer's working group, and its final recommendations have been substantially shaped by the New South Wales Government.

The Government is now working together with all governments to obtain agreement in principle to Professor Hilmer's proposals and to resolve outstanding issues raised by other jurisdictions. All States and Territories are working with the Commonwealth through the Council of Australian Governments' microeconomic reform working group. The group held its initial meeting on 19th October and all officials reported that their jurisdictions supported the general thrust of the Hilmer report, including the application of competition law to areas not presently covered. The group is now working to produce a draft position paper for consideration by heads of government at the next meeting of the Council of Australian Governments, which is expected to be in early 1994.

The importance of these competition policy proposals should not be underestimated. They go well beyond the legal profession and well beyond the relatively simple idea that the existing machinery of the Trade Practices Act can be applied to areas currently regulated by the States. I note that the honourable member for South Coast suggested that a document had been circulated by the legal profession this evening

and that he regarded that as an attempt to confuse himself and other members of Parliament into simply rejecting the amendment proposed by the Opposition to bring the legal profession under the control of the Trade Practices Act. The matter may be complicated, but I assure honourable members that there are many arguments in that document. I have not studied it in detail, but I can say that it touches on many matters on which I have spent an exhaustive amount of time to develop a true national competition policy.

Professor Hilmer said that if competition was to be properly investigated, monopolies and professions regarded by many as closed would have to be examined. I have had many years of experience in, and exposure to, the industrial relations system in this State. It might be said that the two professions to which the closed shop system is more applicable than any trade union are the medical profession and the legal profession. Time and again it has been said that those professions have remained closed and have prevented the exposure that is applicable to so many other areas of our society.

The bill is designed to ensure that if that belief is expressed, even in jest, the legal profession will be open to scrutiny and will be made accountable. The
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legislation is designed to remove any doubts in the community, if there were any, that there will be true competition, exposure and accountability. That is what the Government is about when it talks about competition. Competition should not be spoken about in the same way as the Leader of the Opposition talks about it in the boardrooms of this State. On Thursday night he told the Labor Council that the Opposition will not reduce the size of government and will not expose matters in the same way as the Government has done in relation to electricity and water, the Government Pricing Tribunal always being present to expose any weakness or any political manoeuvring involved in any pricing mechanism.

We talk about competition and about people in existing professions competing against one another in the market-place. Professions, like any other area of trade, should be in the market-place. That is what Professor Hilmer is seeking to achieve, with the support of all State governments. It is an absolute farce for the Labor Party to attempt to blow that out of the water by suggesting, in its amendment, that it will employ the Trade Practices Act when the Commonwealth enacts laws that are applicable to the legal profession. Before I conclude I will deal with that matter in more detail. The Opposition is attempting to destroy achievements in this area which are important to the future prosperity of this nation.

Competition policy is recognised by all serious observers as a key element in achieving real reform in this country. But the law is only one element of a large-scale integrated national policy. In addition to the law the Government is currently considering structural reform to public monopolies - a matter to which I have referred - access to essential facilities, monopoly pricing, competition neutrality and machinery for dealing with all these issues on a national basis. Make no mistake about it: this major set of intergovernmental reforms is at a delicate stage of negotiations. They will be scuttled if the Opposition attempts tonight to bring the legal profession within the Trade Practices Act.

The shortsightedness of this amendment is exposed by the fact that it will subject the legal profession to a law that will be substantially amended in the near future as a result of what we are trying to do nationally. If this amendment is carried the Parliament will not know what it has committed this State to doing. That is what has been suggested by the legal profession. It has suggested that many of the outcomes of this proposed amendment will be void because they will breach the Constitution and because we really do not know what area we are getting into. Professor Hilmer has recommended a range of amendments to the Trade Practices Act. If we in this State unilaterally surrender our position before negotiations are complete, we will not only lose our bargaining position; we will also lose our ability to lead other States to a national result. It is not important for us to lead other States just for the sake of it; it is important for us to lead other States to get where we want to go in the interests of the entire nation. We have continued to demonstrate that over a number of years.

I suspect that the Federal Treasurer is behind these amendments. I say that because it seems to me that he is seeking to undermine the State's position before we get to the serious part of the discussions that

must take place over the course of the next few months. If we are to achieve true competition in monopoly areas such as water and power generation we must look in detail at the revenue that many of those areas generate for the States. It is clear from our Budget that the dividend from power generation is equivalent to what a public company would pay. That dividend, which goes into the Budget, has been extremely beneficial in maintaining many core services which State governments have a responsibility to maintain. That is clear from our Budget over the past few years. This has come about through considerable reform in many of those areas.

If we concede that now, the Commonwealth Government will be able to walk away from any responsibility it might have to develop a national grid, which will benefit the entire nation over a period, if we can get that far. We will weaken our position in New South Wales. Wayne Goss in Queensland must be shuddering at what the Labor Party in New South Wales is doing. Then again, it would not surprise Wayne Goss - just as it does not surprise many Ministers in Canberra - what the Labor Party in this State frequently does. It still does not accept privatisation; it will not recognise that governments should not be in some areas; it does not recognise that it makes sense occasionally to get rid of those areas that are not core responsibilities; and it does not recognise that the Commonwealth Labor Government has divested itself of a considerable percentage of the Commonwealth Bank. The Commonwealth Government is talking about divesting itself of a considerable percentage of Qantas. No doubt it will do that at the appropriate time.

The New South Wales Labor Party is the one party that is out of step on these issues with everyone on both sides of politics. It does not surprise me that it is attempting to move in this area by advocating that there is a need to reform the legal profession. It then tries to scuttle what might be significant, landmark reform. This reform is being undertaken after considerable consultation with the profession because this Government is a consultative Government. It seeks to achieve reform that is meaningful and workable. We have demonstrated that time and again in other areas of significant reform, not the least of which was the industrial relations reform in this State.

I believe there will be an enormous backlash if the Opposition's amendment is carried. The Government will not support the Opposition's amendment. It is not that the Government wants to expose the professions to the Trade Practices Commission or the Trade Practices Act, although it may well be that that is appropriate at some point in time. It is not appropriate now. The Attorney General and all other Government members support me wholeheartedly on these reforms. Before the honourable member for South Coast suggests that I am saying it is not the right time to expose the

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professions, I indicate to him that I have spent many months seeking to develop proper competition in monopoly areas - in the professions, in marketing boards, et cetera. I will continue to advocate that legislation that pre-empts an outcome cannot be enacted. If the honourable member for South Coast wants to talk to me, he may do so in the middle of next year when I believe we will have achieved significant reform in competition. We may well have abolished, through the Commonwealth Government, the Trade Practices Act and replaced it with a far more workable system.

If we need to address competition in the true sense and the provisions of the Trade Practices Act in whatever form they may then be - I believe they will be in a much better form than they are today - I will be more than happy six or nine months down the track to work through a position that might develop for the legal profession when it is exposed to the Trade Practices Commission or its successor. As I said earlier, I will deal further with those matters in the Committee stage. It is a farce for the Opposition to seriously state that it believes in reform of the legal profession. It tries to put the cart before the horse by proposing an amendment that will make the Trade Practices Act applicable to the legal profession if and when there are amendments at the Commonwealth level. I wish to touch upon a juxtaposition that I just cannot understand - that is, the proposed amendment by the honourable member for South Coast to reintroduce scale fees.

This Government seeks to achieve an affordable and acceptable justice system that will serve consumers in this State and improve the current system. The Government wishes to achieve that by exposing professional people to competition to enable consumers to obtain an estimate of a particular service

and to compare that estimate with some other estimate that might be obtained elsewhere. We can call these fees indicative fees with a 25 per cent loading, but the simple fact of the matter is that if we do not remove this set of fees we will never achieve the affordability we seek through real competition, which is what will be achieved by this bill further down the track. We must expose the profession to the Trade Practices Commission to ensure that there is no unfair competition. That is a broad way of describing what the Trade Practices Commission does at present. At the same time we want to do a backflip and enshrine fees under whatever name people wish to describe them. Quite frankly, scale fees have not worked because there is no competition at present in many legal service areas. That makes a farce of our attempt to reform, which was the Government's motivation in introducing this bill in the first instance.

What we have achieved through this bill represents incremental change for the better. Many would argue - as many have - that we have not gone far enough. Of course, members of the bar have continued to say that all is well and that we should not touch the legal profession at all, certainly not where it applies to the bar. I do not go along with that. I noted with considerable interest the attempts that were made this year to shoot the messenger, to discredit me and to discredit many Government members simply because members of the bar were not happy with the legislation. Honourable members saw the schisms that developed within their own ranks as a result of that and meetings after meetings, which made it abundantly clear that it was very much a divided profession.

It may be that we have not gone far enough. One thing I have learned in the course of my five and a half years in this Parliament is that if governments make incremental change and continue to apply a proper scrutiny to the change that has been made, they will achieve a great deal more than simply overturning systems for the sake of doing so. It may be that I learned some valuable lessons through the industrial relations reform process which are somewhat applicable to the legal profession. I believe the Government has sensibly worked through this reform by addressing the concerns raised by both arms of the profession in a way which ultimately has achieved very significant change for the benefit of the people of this State; change which the great majority of the profession accepts willingly, as a responsibility that the profession has to the community.

I want to bring to the attention of honourable members a letter from the Chief Justice which was received by the Attorney General this afternoon. The Chief Justice said in the letter that he received this morning some amendments proposed by the Opposition. He said that he understood those amendments would be put to the Parliament in the course of the debate during the hours ahead. We are at that point now. He also indicated that his understanding was that the amendments expressed, in general terms, the wish of the Opposition to apply the Commonwealth Trade Practices Act 1974 to barristers and solicitors of the Supreme Court of New South Wales; and to make the rules governing the ethical standards and conduct of such barristers and solicitors subject to disallowance by either House of Parliament. The letter says in part:

When your Government introduced the Legal Profession Reform Bill the judges of the Supreme Court of New South Wales were given an opportunity to consider, and comment upon, all aspects of the bill. As you are aware, we took that opportunity.

I believe it was extremely important to ensure that the profession and all members of the community had ample opportunity to get into this debate at an early stage. The intention was not to simply throw the suggestion in and expect things to happen overnight. It was mentioned very early in the year in speeches I made and in the draft exposure bills, and there has been continual consultation to ensure that we pass a workable bill at the conclusion of the debate. The Chief Justice went on to say:

It is a matter of grave concern that we have had no similar opportunity in relation to the latest proposed amendments. On their face, these amendments have far reaching implications, some of which may not be apparent to those who proposed.

Well, why would they? The amendments have been rushed in by the Opposition for the sake of political expediency - as I have demonstrated in the course of my response tonight. The letter continues:

There is a serious risk that, in the absence of proper opportunity for consideration and consultation, legislation may be enacted which would have unintended and detrimental consequences. If it were desired to subject the New South Wales legal profession to a regime having many of the principal features of the Trade Practices Act, there would nevertheless need to be close consideration of the appropriate means to be employed to achieve that end.

In relation to the matter of parliamentary disallowance of the rules applicable to the conduct of barristers and solicitors of the Supreme Court of New South Wales, I would remind you again of the matter raised in our earlier submissions relating to the Legal Profession Reform Bill.

The Government has spent a lot of time with the judges, the lawyers and the consumers, and the Chief Justice is fully aware of that fact. Of course, he was given no opportunity by the Opposition to consider the matters that have been thrown before the House in the course of this debate. The letter from the Chief Justice continues:

. . . the Independent administration of justice -

That is a very important concept, the independent administration of justice:

- and the subjection of the rules relating to legal practice to Government control, including control by regulation, without any right of appeal to the court, has serious implications indeed.

I would urge you to take whatever steps are available to ensure that the judges of the Supreme Court of New South Wales are given a proper opportunity to consider and would comment on any proposed amendments of significance to this legislation.

I will tell the Chief Justice in a public way right now that the Government rejects the Opposition's proposals in respect of the Trade Practices Act for the very reasons that I have explained: because they are an attempt to doctor the bill or destroy it. There may be a day when we must subject the legal profession in this State - and many other professions - to that competition policy that is being developed and is at such a critical stage; and which has been pushed so hard by the Government because it is right for this nation, but not today. If the amendment is passed tonight I will go to an Australian Government Conference in Hobart in January to argue competition policy with two hands tied behind my back.

I want to touch briefly on the question of the Legal Services Commissioner. The Government believes there ought to be a perception in the community that the legal profession is seen to be doing justice to the complaints that are made. I have heard a litany of stories about how solicitors all around the State - I should say all in Labor electorates - have been ripping off the community by the manner in which they have conducted themselves. That appears to be the theme of many Opposition members in the course of their contributions to this debate.

It is fair to say that there have been problems. I can look back, as can other members in this Chamber, on years of practice in the profession and say that it was believed by many members of the profession that they were not prosecuted for complaints by their clients; but that in many cases they believed that the Law Society persecuted them. If anything, there was a feeling that in the manner in which self-regulation is applied to complaints about the profession in the past they have been awfully harsh on solicitors. Whether that is right or wrong is probably irrelevant. The important thing is that there be a perception by the public that they can obtain justice, and see that justice being delivered.

That is where the Government came from when it decided to establish an ombudsman. The only reason that word is not mentioned is because the Ombudsman we are all familiar with objected to its use. He did not

want that name used; he did not want confusion about the role that he plays - a very effective role in the perception of the public. He simply suggested that if there were to be a legal ombudsman people would not distinguish between that ombudsman and him, and the work that he does in so many other areas of public administration. That is why we did not use the word "ombudsman". The Government has the intent and the purpose that there should be an independent scrutiny of the complaint process. That is important. It is important for the members of the community to be able to go to someone and have confidence that when they make a complaint it will be considered - not on the basis of any degree of bias, and not on the basis of the suggestion that they are looking after themselves.

I have often heard it said that the medical profession buries its mistakes. In the days when I practised law at inquests I saw what occurred and the manner in which the legal profession gave its evidence. I do not support the theory, but there is a feeling in the community that the legal profession buries its mistakes. It is terribly important that, when a complaint is made, the legal profession deals with that complaint in a manner which gives confidence to the public. It is all about public accountability and confidence. All complaints are to be referred to the commissioner, who can direct; the complaint goes to the profession for examination and comes back to the commissioner for review. If we are to change that, as suggested by the amendments tonight, we are taking away that review process, that appeal process, that is currently available under the Act.

That is a significant step, which I believe will give the community that confidence. It will ensure that complaints are dealt with properly, and that when they are dealt with by the profession in the first instance there will not be any doubt in the minds of the complainant that justice has been done. That is what we all seek to achieve. The honourable member for South Coast has had an abiding interest in this matter. I have had many conversations with him over the years. He has an interest in ensuring that the profession has full accountability and will ultimately deliver justice to the community. If members of the

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profession are the instruments for providing that justice, they must do so in a manner which provides access for all members of the community.

There will always be a bad egg; that is so in any profession. In my years of practice, each time I saw a headline stating that a solicitor had defalcated in relation to a trust account, I felt personally offended that member of my profession had done that. These people are in the minority. I congratulate the profession for the significant reform that has occurred at its instigation in many areas of professional conduct. The Government has pulled away any veil of secrecy, any shroud of doubt that may have existed, and has opened up the profession in a way which no other State has dared to do and no other government has been prepared to do. I would hate to think that we will fail - and frankly, we will if the amendments are carried. Affordability will not be achieved and competition will not be achieved if confusion is created.

The honourable member for South Coast said, "We may not have got it right". That is a fair comment. I started addressing matters contained in the bill in a serious way in 1978, and I have continued to take an interest in them to the present time. I had a hand in the drafting of statements that have been made over a number of years by the Government. I have done so for no particular reason other than to say that I am proud to still hold a practising certificate as a solicitor in this State, and that I am proud to belong to an honourable profession. I want that profession to be an even better profession than it is today in the eyes of the public. If there is any doubt in the eyes of the public, I want to remove that doubt. I believe the bill achieves this, and if it is not quite right, that is what this Parliament is about. I believe the profession is willing, because it believes in the bona fides of the Government, to address these matters in a sensible, objective and consultative way. I believe progress can continue to be made.

If there is a change of government - which is unlikely on the demonstration shown on the amendments, on the futile attempts to preserve the status of certain Labor lawyers and the Queen's Counsel titles delivered by the upper House - it is clear that the legal profession in this State will return to its sad old ways. If there is such a thing as an old boys' network, we have seen it with the Labor lawyers, who prod, push and ultimately achieve certain things by presenting amendments in a manner designed to scuttle a bill, as they frequently do. The pious platitudes about serious reform that come from members opposite are part of a thinly veiled

process designed to destabilise Government in the first instance and to protect the vested interests of those whom they seek to protect.

Only a few lawyers are pushing the Opposition. They do not represent the bulk of an honourable profession, a profession which delivers a service in a way which is frequently not recognised. The amount of pro bono work that is handled day in and day out by members of the profession is something that few ever stop to recognise, because we seem to have developed a process of knocking tall poppies. Lawyers come into that category, though I do not know why. Many lawyers I know work in a very sincere and honest way and do not make a lot of money in the process. Let us achieve the incremental change for the better by passing a bill that achieves serious, genuine and landmark reform of the profession. The legal profession is not the only profession that needs to be tackled; it is not the only profession that this Government will tackle. The Government will continue to work in this vein in the interests of the community. Let us not scuttle that work. The amendments - and I do not say this on the basis of trying to get my own way - will scuttle the affordability and accessibility of justice to all members of the community, which is the underlying theme behind what the Government has sought to achieve and what I believe it will achieve if the bill is passed. A significant opportunity exists and I hope the Parliament takes it. I commend the bill.

Motion agreed to.

Bills read a second time.

In Committee

The CHAIRMAN: Order! The Committee will deal first with the Legal Profession Reform Bill (No. 2).

Schedule 1

Mr HATTON (South Coast) [11.26], by leave: I move the following amendments in globo:

No. 1 Page 5, Schedule 1(2) (proposed section 10(2)(b)), line 10. Omit "3 Judges", insert instead "1 Judge".

No. 2 Page 5, Schedule 1(2) (proposed section 10(2)). After line 14, insert:

(d) 2 persons for the time being nominated by the Committee of NSW Law Deans; and

These amendments alter the composition of the Admission Board. The number of judges - apart from the Chief Justice, who certainly should be on the board - is reduced from three to one. Two persons nominated by the Committee of New South Wales Law Deans are included. The purpose of the amendment is to increase the number of barristers on the committee, but to broaden the scope of those areas from which people on the Admission Board are chosen to include two academic lawyers. The Admission Board should be as broadly representative as possible. After all, it considers applications for admission to the bar, and should be broadly representative. Other than those who are practising within the profession, academic lawyers have a different perspective and consequently bring a new and different area of experience to the Admission Board. I commend the amendments.

Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [11.28]: The Government rejects these amendments. I am not sure what the honourable member for South Coast seeks to achieve. The amendments broaden the scope of those people who sit in judgment on admission applications. The applicants do not change. I noted in the second

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reading speech, although the honourable member for South Coast has not alluded to it in the course of his contribution on these amendments, that he was attempting to bring a broader cross-section of people into the legal profession.

The bill introduces a system of common admission as a legal practitioner. Legal practitioners will be admitted to the Supreme Court if approved by the Legal Practitioners Board. This proposed section seeks to amalgamate the current Barristers Admission Board and the Solicitors Admission Board. At present the Chief Justice and judges of the court constitute a majority on each board. Currently the separate admission boards often meet jointly, particularly when dealing with issues of admission policy as distinct from individual applications. The decision-making process rarely involves a divided vote. Differences of opinion are primarily resolved by discussion, and four of the nine members of the Admission Board will be judges. It is only in circumstances where the representatives of both branches of the profession and the Attorney General's representative take a position contrary to that of the judges that the judges could be outvoted on admission issues. Such a circumstance is highly unlikely. It must be recognised also that although admission carries with it the consequence that a legal practitioner is an officer of the court, it also involves education and practical training standards appropriate for legal practice.

That is an interesting point. Perhaps the honourable member for South Coast is seeking to change the matters concerning education and practical training to alter the standards to broaden, as it were, the manner in which ultimately there are admissions. That is not clear to me at this point. However, I believe that the Admission Board as constituted in the bill represents an appropriate balance between representatives of the court and those of the profession. It does not exclude an academic lawyer versus a practising lawyer. The abolition of the inherent power of the court to admit solicitors and barristers is a necessary consequence of the introduction of common admission, and this is because the inherent power is limited strictly to admission of solicitors and barristers. The court has no inherent power to admit legal practitioners. Practitioners will be a statutory creation through this process. Their status as officers of the court is specifically provided for in proposed section 5.

It would be anomalous to have a situation where, by introduction to common admission, lawyers were admitted as legal practitioners but it was left open to the court to otherwise admit persons as barristers or solicitors. It simply flies in the face of it all. I suggest that this does not achieve what I think are the objectives of the honourable member for the South Coast. The bill does not detract from the powers of the court to discipline legal practitioners, if that is what the honourable member for South Coast has in mind. The court remains the admitting authority.

Mr HATTON (South Coast) [11.32]: I agree with much of what the Premier has said. However, the vast majority of academic lawyers, and in particular those who are nominated by the Committee of New South Wales Law Deans, are not practising lawyers. This proposed section does introduce a different type of lawyer. The Premier did pick me up on a slip I made when I mentioned two barristers. It could be either barrister or solicitor, and I am grateful for that correction. The Admission Board is about suitability of applicants and, in judging the suitability of applicants, obviously their academic record and their suitability overall - their qualifications as well as character and a whole range of other things - will have to be looked at. If two people are nominated from an area of law that is not practising and people on the board are practising, then obviously it will widen the scope through another set of opinions. A better cross-section of people will sit on the admission board and, therefore, make those sorts of decisions.

Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [11.33]: That helps me a little. For the reasons I explained in my earlier remarks, I have difficulty with the concept of deleting "3 Judges" and inserting instead "1 Judge". That is amendment No. 1 standing in the name of the honourable member for South Coast. At the same time I do not see the importance of adding the two deans in amendment No. 2. I do not believe that adds anything. If I could put it in the form of a bartering proposition, I will accept the second amendment if the honourable member for South Coast is prepared not to force the issue on amendment No. 1.

Mr HATTON (South Coast) [11.35]: I thank the Premier for that conciliatory note. I seek leave of the Committee to ask the Premier's opinion on whether the board could be expanded to 11 by simply adding two nominees from the Committee of New South Wales Law Deans, and consequently leave the three judges in

place. I seek the leave of the Committee to amend my amendment.

The CHAIRMAN: Would the honourable member like to withdraw his first amendment?

Mr HATTON: Yes.

The CHAIRMAN: The question then is, That amendment No. 2 of the honourable member for South Coast be agreed to.

Mr HATTON: It is important to seek clarification. I sought to amend my first amendment. I now move:

That amendment No. 1 be withdrawn and that the amendment now read:

That the Admission Board is to consist of 11 members.

The CHAIRMAN: Leave is granted to withdraw the first amendment.

Mr HATTON: I now seek your guidance on whether my amended amendment is in order.

Mr WHELAN (Ashfield) [11.37]: My understanding is that the Premier indicated that the Government was happy for the first amendment of the honourable member for South Coast to be withdrawn, and accepted his second amendment.

The CHAIRMAN: The question then is, That amendment No. 2 of the honourable member for South Coast be agreed to.

Amendment No. 2 agreed to.

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Mr HATTON (South Coast) [11.37]: I move my amendment No. 3:

Page 7, Schedule 1(2) (proposed section 16). After line 16, insert:

(3) The applicant concerned in the matter before the Admission Board is also entitled to be represented and heard at the inquiry and to make representations.

The important thing here is that under the bill the Bar Council of the Law Society is entitled to be represented at any inquiry by the Admission Board and to make representations to the board. The amendment makes clear that the applicant has the same entitlements, and obviously this is a principle of common law that there should be equal opportunity for representation. Therefore I ask the Government to favourably consider this amendment.

Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [11.39]: I am not sure that that does not apply already, and I cannot argue with what the honourable member for South Coast seeks to achieve. Therefore the Government will not oppose the amendment.

Mr WHELAN (Ashfield) [11.40]: The Premier is correct. The amendment does remove any ambiguity. There is a clear legal history relating to the application of New South Wales law. This amendment will overcome that difficulty.

Amendment agreed to.

Mr HATTON (South Coast) [11.40]: I move:

That you do now leave the chair, report progress, and seeks leave to sit again.

Mr FAHEY (Southern Highlands - Premier, and Minister for Economic Development) [11.40]: I am somewhat perplexed that we are about to adjourn the Committee debate on this matter.

Mr Hatton: On a point of order. I understand that the question before the Chair does not permit of debate.

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

Progress reported and leave granted to sit again.

CORONERS (AMENDMENT) BILL

In Committee

Consideration of Legislative Council's amendments.

*Schedule of amendments referred to
in message of 11th November.*

No. 1 Page 7, Schedule 1(17)(f), line 26. Omit "as soon as practicable", insert instead "within 21 days".

No. 2 Page 7, Schedule 1(17)(f). After line 27, insert:

- (7) If a House of Parliament is not sitting when the Attorney General seeks to comply with subsection (6), the Attorney General is required to present a copy of the report to the Clerk of the House.
- (8) Material presented to the Clerk under this section:
 - (a) on presentation and for all purposes, is taken to have been laid before the House of Parliament; and
 - (b) is required to be printed by authority of the Clerk; and
 - (c) if printed by authority of the Clerk, is for all purposes taken to be a document published by order or under the authority of the House; and
 - (d) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after receipt of the material by the Clerk.

No. 3 Page 17, Schedule 1(33). After line 18, insert:

- (3) When an inquest or inquiry is held before a coroner with a jury:
 - (a) a person appearing, and a barrister or solicitor representing a person, at the inquest or inquiry is entitled to make an opening and a closing address to the jury; and
 - (b) the person assisting the coroner may make an opening and a closing address to the jury and in addition has a right of reply in respect of any closing address made pursuant to paragraph (a).

No. 4 Page 18, Schedule 1(34)(d). After line 16, insert:

(7) A direction by a coroner under subsection (6) must include a statement of the coroner's reasons for the direction. A copy of that statement is to be made available to any person who applies to be supplied with a copy of the coroner's file or any part of it.

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [11.42]: I move:

That the Committee agree to the Legislative Council's amendments.

Honourable members will be aware that when this matter was dealt with by the House a clear indication was given that negotiations would proceed between the interested parties. The amendments resolve the issue and to the best of my knowledge accord with the wishes of everyone concerned.

Mr WHELAN (Ashfield) [11.43]: As the Minister correctly said, the amendments relate to an arrangement and a subsequent agreement by the Government to the amendments and refinements sought by the Opposition. For those reasons the Opposition has no objection to the amendments.

Motion agreed to.

Legislative Council's amendments agreed to.

Resolution reported from Committee, and report adopted.

Message

Message sent to the Legislative Council advising it that the Legislative Assembly agrees to the Legislative Council's amendments.

ENVIRONMENTAL PLANNING AND ASSESSMENT (PART 5) AMENDMENT BILL

Bill received and read a first time.

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LETONA CO-OPERATIVE (FINANCIAL ASSISTANCE) BILL

Bill received and read a first time.

Second Reading

Mr J. H. MURRAY (Drummoyne) [11.46]: I move:

That this bill be now read a second time.

The Letona fruit cannery, which was placed into receivership by the State Bank with debts including \$7.5 million for State Government guarantees, will face a new life when this bill is passed. The Fahey Government's decision to reject a rescue plan put to it by the Leeton Action Group was shortsighted. The rejection created a choice between supporting enterprises in the country and a processing industry with assured overseas export markets or putting the knife into two major regional centres - Leeton and Batlow. Unfortunately the Government chose to dump on Leeton and Batlow.

The people of Leeton and the Murrumbidgee Irrigation Area have received no help whatsoever from their local member, Adrian Cruickshank, who has been critical of any Government intervention and was heard to

say on the steps of Parliament House only last week, "The sooner Letona closes, the better". The Letona cannery came about as a direct result of earlier New South Wales Government initiatives to develop a closer settlement program in country New South Wales. This legislation is about jobs and keeping people in rural industry in regional New South Wales. We do not need more people in Sydney. The Government is spending more money than is needed at the moment on infrastructure for Sydney. What the State needs is additional people in regional New South Wales.

It is canneries such as Letona that will provide people with jobs. The presence of Letona has a multiplier effect. Murrumbidgee Electricity provides power to the cannery for which it receives \$700,000 and the authority employs large numbers of people. The Batlow cannery pays \$240,000 to its county council. The economies of scale for the purchase of electricity in this part of the State will be detrimentally affected if Letona closes. New South Wales, with the lowest employment growth rate of any State, cannot afford to lose this vital industry, with its potential for future employment. The clean food image of Australian fruits has given us a huge advantage in current and future food markets in Asia. To this end Letona has a huge strategic advantage over other western suppliers in relation to time advantages and proximity to Asia and South-east Asia.

Food manufacturing is now the largest employer of all manufacturing in Australia, and hence Letona has great potential to provide for increased employment in the industry. At stake is the future of two large regional towns, Leeton and Batlow. The cannery employs more than 1,000 people, with a permanent work force of 240. The annual wages bill exceeds \$13 million and the cannery pays another \$3 million for local services, \$12 million to local fruitgrowers and \$2 million to public utilities. The receiver has indicated that the impact of the closure of the cannery will result in a loss to the district of more than \$200 million. In the past 10 years Letona has paid the State Bank about \$25 million in interest payments. The Government knows that a poor growing season in 1993 as a consequence of unseasonal heavy rains and flooding reduced the tomato crop from 31,000 tonnes to 19,000 tonnes. The Government knows also that in recent times Letona has undergone a major restructuring of work practices and management techniques, to the extent that its sales are now up nearly 30 per cent and its costs down considerably. It is, in fact, making a profit. There have been problems in the cannery - everybody admits that - but at least the people working in the cannery have understood these difficulties and have done something about it by addressing the problems with real workplace reforms.

The decision by the Government to walk away from the proposed rescue package bill for Letona was too hasty, and is the consequence of this bill being brought forward. In just over a month the local community, led by Mayor Peter Woods, has raised almost \$7 million to save the cannery. It has managed to achieve pledges of financial support from growers, workers, the local electricity authority and the council. I am informed that the receiver gave this initiative every encouragement in discussions with the local council. The claims of the Premier and Minister for Economic Development and the Minister for Agriculture and Fisheries and Minister for Mines that no money is available to assist Letona are wrong.

As I said earlier in the House today, if the Government can find \$34 million to help out the Baulkham Hills Shire Council; if it can find \$50 million in Roads and Traffic Authority funds to help a private road builder - Interlink - in the construction of the M5 missing link; if it can find \$36 million to help developer George Herscu; if it can find \$80 million to help the egg producers flowing from the deregulation of the egg market; if it can find \$250 million over five years paid as compensation to private coal companies; and if it can find \$98 million as stamp relief to John Fairfax, it can certainly find \$5 million to help the cannery at Leeton and \$2.5 million for the growers.

Letona is not a second-rate organisation; it is ranked in the top 350 export companies in Australia and exports 50 per cent of its product. Two years ago Letona broke into the Scandinavian market and now provides Scandinavia with one-third of its food imports. I know governments are strapped for cash and are subjected to a multiplicity of pressures. However, there are times when governments have to stand up and be counted - and in this case money was voted in the budget to cover the requirements of this bill. All that is needed is a little assistance and compassion from the Government.

A detailed and comprehensive business plan was prepared with the assistance of senior public servants. This business plan and restructuring document is endorsed in the bill, which recommends its
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implementation. The bill further recommends the provision of financial assistance to Letona by way of a \$5 million grant from the Industries Assistance Fund, which had at its disposal on the 30th June this year \$27.7 million. I emphasise it is only a matter of priorities in the selection of where these moneys are placed. The only thing lacking is a willing government.

A further provision of the legislation is a special scheme to be implemented under the Rural Assistance Act to assist growers who supply Letona until they can be paid. This money should come from the Rural Assistance Authority account, which had \$40.1 million as at 30th June this year. I understand only \$2.5 million would be required from this fund. The bill further recommends revocation of the appointment of a receiver and manager by the State Bank so that Letona can trade its way out of difficulties. The bill will also enable the Rural Assistance Authority to order the deferral of interest and principal under those loans.

Finally, the bill provides that the assistance proposed under the Act is to be funded by money to be appropriated by Parliament or out of money otherwise legally available. The closure of Letona would mean that the Murrumbidgee Irrigation Area, which was set up by the Government at great expense, would have no fruit or vegetable processing capacity, except wine production. All of the product grown in the MIA would have to be transported to other States for processing. This would be an absolute scandal. I commend the bill.

Debate adjourned on motion by Mr Kerr.

HONOURABLE MEMBER FOR SMITHFIELD POLICE INTIMIDATION

Privilege

Mr Scully: I rise on a point of privilege. Tonight a person whom I have known for some years, whom I trust implicitly and regard as reliable, brought to my attention that he had attended a funeral recently at which senior police were present - I will not identify the area. Words were used by a senior police officer to this person whom I know well that, "Scully better watch out; he better drive at the speed limit; he better not take a step wrong". A discussion then took place expressing some disquiet about the attitude of the police towards me arising out of the revelations I made in recent days concerning systemic racism, collusion, fabrication and incompetent investigations across the length and breadth of the Police Service.

This is the first time in my 3½ years as a member that I have raised a point of privilege. I was very concerned. I have just left the people concerned; they have just gone home. I am a little upset about this. One tends not to get too emotional in this place. But I raised those allegations in good faith, having discussed them with my colleagues. They suggested that I should put this occurrence on the record of the House immediately. I do not seek any more privileges than any other law-abiding citizen in this State; I do not seek any more privileges in this House than any other member in this House; I do not expect any better consideration in my dealings on behalf of my constituents than any member of Parliament will get. That constituent came to me in good faith in my capacity as a member of Parliament to pursue what he saw as improper police treatment.

Having raised those allegations, I now believe that an attempt is being made to intimidate me. I believe that that police officer knew that this person knew me very well and would, in a very short space of time, bring to my attention the conversation that took place tonight. I give a clear message to the Police Service: I will not desist from raising corruption and collusion when they are brought to my attention. These sorts of cheap shots at me about watching out, driving at the speed limit and things of that nature will not stop me from challenging the police culture.

The Police Service is trying to tell me that I have breached the code of silence - that I have breached the police culture. I am not a police officer; I am not a member of the Police Service. An attempt has been made to intimidate me in carrying out my duties as a member of Parliament. The message brought to me tonight was "Keep quiet Scully or the Police Service will take a strong interest in you". That is an outrageous breach of my privilege. The message has to go out to the Police Service that I am not going to cop it. No one on either side of the House should have to cop that sort of rubbish.

Mr SPEAKER: Order! The Speaker's role is to determine whether a prima facie case of breach of privilege has been made out. The usual consequence of an affirmative determination by the Chair is that the member moves a motion, asserting the rights of members, regarding privilege. The House then decides whether there has been a breach of privilege. I rule that a prima facie case of breach of privilege is established. It is therefore within the rights of the honourable member to now move such a motion. Because of the lateness of the hour I suggest that the honourable member see me in my chambers between now and Tuesday to discuss whether or not he wishes to move a substantive motion.

Mr Scully: I am happy with that, Mr Speaker.

House adjourned at 12 midnight until Tuesday, 16th November, 1993, at 2.15 p.m.

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QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

BERESFIELD TRAFFIC LIGHTS

Mr Price asked the Minister for Transport and Minister for Roads -

- (1) When will the traffic lights recommended by Newcastle City Council for the intersection of Anderson Drive and Lawson Avenue, Beresfield, be installed?
- (2) What is the anticipated cost of this project?

Answer -

- (1) The project is at the intersection of two local roads and is therefore primarily a matter for council. The project does not have a high priority among other more important works.
- (2) Not applicable.

ILLAWARRA REGION ORTHODONTIST SERVICES

Mr Rumble asked the Minister for Health -

- (1) Currently how many children are on the waiting list for orthodontist services in the Illawarra area?
- (2) How many children were on the waiting list 12 months ago for orthodontist services in the Illawarra area?
- (3) To what extent will orthodontist services be improved for the ensuing 12 months?

Answer -

- (1) As at 30 September 1993 there were 195 children on the orthodontic waiting list.

- (2) In September 1992 there were 198 children on the waiting list.
- (3) In the next 12 months the area will introduce an orthodontic service at the Nowra Hospital Dental Clinic 1 day per week for the community of the Shoalhaven.
- The area will continue to provide the service 2 days per week at the Port Kembla Hospital Dental Clinic with a Staff Dental Officer and continue using a locum orthodontist for assessing and prioritising patients and another for undertaking actual treatments 2 days per month.

ROOTY HILL RAILWAY STATION TICKET SALES

Mr Amery asked the Minister for Transport and Minister for Roads -

What is the number of rail tickets sold at the Rooty Hill Railway Station for the years:

- (a) 1992?
- (b) 1991?
- (c) 1990?
- (d) 1989?
- (e) 1988?

Answer -

Ticket sales are shown below for the financial years 1988/89 to 1992/93. Unfortunately, figures for 1987/88 are not readily available.

(a) 1992/93	197,342
(b) 1991/92	194,250
(c) 1990/91	188,503
(d) 1989/90	171,939
(e) 1988/89	162,205

BATHURST RAILWAY STATION REFURBISHMENT

Mr Clough asked the Minister for Transport and Minister for Roads -

- (1) How much is being spent on refurbishing Bathurst Railway Station?
- (2) (a) Who is paying for the work?
- (b) Who is doing the work?
- (3) What is the future use of the station?
- (4) How many station staff will be employed at the station?
- (5) (a) How many of these will be CountryLink personnel?
- (b) How many will be station staff?

Answer -

- (1) The total project cost is \$493,000 for the station refurbishment and \$250,000 for the car park and forecourt.
- (2) (a) CountryLink, as part of the \$36 million Station Upgrading Programme.
- (b) Steve Watt Constructions and P. W. Hogan & Sons.
- (3) To provide a modern passenger terminal including a travel centre and facilities for station staff.
- (4) A total of 20 staff are employed at the station.
- (5) (a) 3 CountryLink personnel.
- (b) 17 station staff.

WESTERN RAILWAY LINE

Mr Clough asked the Minister for Transport and Minister for Roads -

- (1) Why is the SRA reluctant to accept any additional freight from western New South Wales?
- (2) What are the terms of the agreement with National Freight concerning track maintenance?
- (3) Is the SRA deliberately avoiding a situation where they would become the major user of the railway line west of Bathurst?
- (4) Why will the SRA not make a decision on the Oberon-Tarana line and the Blayney Container Terminal?
- (5) Does the recent substitution of a bus service, because of track maintenance on the Blue Mountains, constitute a threat to the continued operation of the daily XPT to and from Dubbo?
- (6) Will the Indian Pacific continue to go via Lithgow to Parkes and on to Perth?
- (7) Will he instruct the SRA to actively seek freight business west of Lithgow and offer competitive rates to prospective users?

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Answer -

- (1) State Rail welcomes the opportunity to carry any additional freight on a commercial basis and negotiations are underway to gain additional business in the container, timber and waste transport areas.
- (2) State Rail does not have an agreement with National Rail concerning track maintenance.
- (3) No.
- (4) The Department of Transport is responsible for calling expressions of interest to reopen the Oberon-Tarana line and CRI and Silverton Tramways have been announced as the preferred proponents. FCL has been announced as the successful proponent to operate the Blayney Container Terminal.
- (5) No.
- (6) As the Indian Pacific is fully operated and managed by Australian National, any questions about its future should be addressed to Australian National.
- (7) State Rail actively seeks commercial business anywhere in the State. In addition, the Government provides CSO funds of \$130 million for non-commercial freight in New South Wales.

KOORAGANG ISLAND LOCOMOTIVE MAINTENANCE FACILITY

Mr Gaudry asked the Minister for Transport and Minister for Roads -

- (1) How many direct jobs will be created in Newcastle by the Ready Power project now being undertaken by Clyde Industries?
- (2) What is the break-up of these jobs by contracting firm and job classification?
- (3) Will there be additional jobs or jobs absorbed by existing staffing levels in Clyde and its subcontractors?
- (4) How many jobs will be shed from Cardiff and Broadmeadow Workshops as a consequence of this move to Ready Power?

Answer -

- (1) It is understood that the short-term construction of the Kooragang Island Locomotive Maintenance Facility by Clyde Industries, from March 1993 to January 1994, will create an average of 60 positions during construction and that when the facility is fully operational, about 70 full-time positions will be created.
- (2) This question should be directed to Clyde Industries.
- (3) This question should be directed to Clyde Industries.
- (4) Total job reductions resulting from the scaling down and closure of Broadmeadow and Cardiff locomotive facilities are:

Cardiff	100 positions.
Broadmeadow	230 positions.

 Staff have known of the "Ready Power" impact for several years and staff numbers are being progressively reduced as the workload decreases.

MOOREBANK ELECTORATE AUTOMATIC RAIL TICKET MACHINES

Mr Knowles asked the Minister for Transport and Minister for Roads -

- (1) Which railway stations in the electorate of Moorebank will see a reduction in staff as a result of the installation of automatic ticket machines?
- (2) Where staff are retained, what shifts will they be required to work?
- (3) Will there be any periods where any station in the electorate of Moorebank will be unattended?

Answer -

- (1) and (2) Staff reviews are to be carried out to determine staff levels and shifts required at Holsworthy, Glenfield, Macquarie Fields, Ingleburn and Minto Railway Stations.
- (3) The hours during which stations are currently staffed will not change as a result of the introduction of automatic ticketing.

EPPING ROAD, LANE COVE, TRANSIT LANE

Mr Langton asked the Minister for Transport and Minister for Roads -

Given that the RTA has changed the transit lane policy on Epping Road, Lane Cove, dropping the number of occupants required to travel in a vehicle from three to two -

- (1) What is the rationale for the policy change relating to Epping Road, Lane Cove?
- (2) Is the transit lane policy relating to numbers of occupants required in all areas of Sydney under review?
- (3) (a) Is the RTA planning to significantly change transit lane policies in regard to number of occupants required in a private vehicle?
(b) What is the policy rationale for such changes?

Answer -

- (1) The two person (T2) transit lane on Epping Road was introduced to reduce traffic delays. The change has allowed more vehicles to use the transit lane and this has improved traffic flow generally, even on sections of the route beyond the T2 lane.
- (2) The effectiveness of traffic management measures is kept under constant review by the RTA to ensure that the controls used at individual locations are best suited to current conditions.
In this regard, the introduction of the T2 transit lane provides greater flexibility for traffic control. The RTA intends to use T2 lanes at locations where a degree of high occupancy vehicles is needed but where three person (T3) lanes are not warranted.
- (3) (a) There are no current plans to change significantly transit lane policy. However, the use of T2 or T3 lanes at specific locations will depend upon traffic conditions, which may change from time-to-time.

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The lane category for a given road will be determined having regard to the need to achieve the best transport flow, balancing the priority for buses and other high occupancy vehicles against the competing needs of other vehicles.

- (b) See (3) (a) above.

PACIFIC HIGHWAY MOONEY MOONEY VALUE MANAGEMENT SEMINAR

Mr McBride asked the Minister for Transport and Minister for Roads -

- (1) What criteria was used by the RTA to determine who was eligible to attend and/or address a 2-day seminar in the week of 18 April to 25 April as part of a value management study of the Old Pacific Highway's closure at Mooney Mooney?

- (2) Which groups, organisations, representatives or individuals were invited to the seminar?
- (3) When were these invitations issued?
- (4) Who issued these invitations?
- (5) Where was the meeting held and when?
- (6) Which elected Local, State or Federal representatives or their nominees were invited to the seminar?
- (7) Where should application be made to obtain the recommendations of the seminar referred to in local Central Coast newspapers?

Answer -

(1) The criteria used for selecting invitees were based on the need to provide a study team which had sufficient knowledge to ensure that all relevant issues, including community concerns, could be covered in depth at the study.

(2) The invitation list included the following:

Community

Mayor of Gosford City Council (Alderman R. Bell).

Mr J. Lloyd.

Cheero Point Progress Association (represented by Mr J. Lloyd).

Gosford Chamber of Commerce.

Emergency Services

Police Service.

Fire Brigade.

Tourism

Gosford City Council Tourism Association.

Central Coast Tourist Board.

Local Government

Director, Technical Services, Gosford City Council.

Technical Experts

RTA, including the Manager, Newcastle Zone Consultants.

- (3) From 25 March 1993.
- (4) The RTA Zone Manager, Newcastle.
- (5) Central Coast Leagues Club, Gosford, on 20 and 21 April 1993.
- (6) The Mayor of Gosford City Council.
- (7) The Zone Manager of the RTA at Newcastle.

CENTRAL COAST TOURISM PROMOTION

Mr McBride asked the Minister for Transport and Minister for Roads representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

(1) With regard to funds provided for tourist promotion on the Central Coast and its environs, to what promotion projects were the monies allocated to in:

(a) 1988?

(b) 1989?

(c) 1990?

(d) 1991?

(e) 1992?

(2) What promotional projects are being funded in 1993?

- (3) What promotional projects are being considered for funding beyond 1993?
- (4) What specific tourist promotion plans has the Government prepared for the Central Coast region of New South Wales?

Answer -

- (1) (a) The NSW Tourism Commission provided funds towards the operation of the Tourist Information Centres at Gosford and The Entrance.
- (b) The NSW Tourism Commission provided funds towards the operation of the Tourist Information Centres at Gosford and The Entrance.
- (c) The NSW Tourism Commission provided funds towards the operation of the Tourist Information Centres at Gosford and The Entrance.
- (d) The NSW Tourism Commission provided funds towards the operation of the Tourist Information Centres at Gosford and The Entrance. The Commission also allocated funds towards the construction costs of the new Terrigal and The Entrance Tourist Information Centres.
- (e) The NSW Tourism Commission provided funds towards the operation of the Tourist information Centres at Gosford and The Entrance. The Commission also allocated funds for the preparation of a Central Coast Region Tourism Development Strategy.
- (2) The NSW Tourism Commission has provided \$100,000 funding per annum to each of 11 strategic tourism marketing zones established for the State to develop and implement marketing strategies that will benefit the zone. The Central Coast is included in the Hunter/Central Coast zone. This represents a doubling of funding for regional tourism. The Commission also co-ordinates a strategic marketing program with industry operators to promote New South Wales, including the attributes of its regional centres, in intrastate, interstate and overseas markets.
- (3) As (2) above.
- (4) The NSW Government through the NSW Tourism Commission has established a Hunter/Central Coast Zone Marketing Committee to plan, prepare, present for endorsement, implement and review a Marketing Strategy for the zone. The Commission has allocated \$100,000 to the Committee to undertake its plans. The NSW Government has called for a Tourism Masterplan to be developed - to guide the industry over the next decade. The Central Coast will be an integral part of that Masterplan. The largest ever promotional campaign for NSW Tourism is due to commence in the next month. The Central Coast will benefit from this television and newspaper blitz aimed at promoting New South Wales' diverse tourist product.

INTERSTATE FREIGHT CONSIGNMENTS

Mr Martin asked the Minister for Transport and Minister for Roads -

- (1) Why does the SRA refuse to accept freight for consignment interstate?
- (2) Are SRA staff advising people with interstate freight consignments they must approach private companies?
- (3) Is it possible to consign freight to a border station and then have the freight reconsigned from that border station on an interstate rail authority?
- (4) If so, would the consignee be required to pay freight charges in two amounts, as a component for New South Wales and for the other state rail authority?
- (5) If so, is the consignee required to pay the interstate freight charge component direct to the interstate authority?
- (6) Have other states stopped providing customers with interstate freight facilities?
- (7) If not, why is New South Wales not providing such a service?

Answer -

- (1) Freight Rail is continuing to operate interstate services until the transfer of responsibility for interstate

freight to the National Rail Corporation is finalised. However, TrackFast no longer operates an interstate service for small freight.

During 1992/93, TrackFast was restructured as a small freight service to the rural communities of New South Wales. Interstate services were withdrawn as they were incompatible with this and as they were a low volume, high cost component of TrackFast's business.

(2) TrackFast staff have been instructed to advise customers to contact private companies for interstate consignments.

(3) Yes.

(4) Yes.

(5) Yes.

(6) Western Australia and South Australia do not have interstate small freight facilities, while Queensland and Victoria use private contractors for the transportation of interstate freight.

(7) Not applicable.

HOMEFUND LOANS FOR PEOPLE OVER 60 YEARS OF AGE

Mr Page asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

(1) How many people 60 years of age and over were given HomeFund loans?

(2) How many were for home purchase?

(3) How many were for renovation or updating purposes?

(4) What is the total value of the loans?

(5) How many are in arrears?

(6) How many have been terminated?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:

(1) Based on available recorded information relating to ages on FANMAC's database, 791 households, comprising one or more applicants of 60 years of age or over, were given HomeFund loans.

(2) 476.

(3) 315.

(4) \$44.5 million.

(5) Arrears for reporting purposes are classified as three payments or more in arrears. 11 of the 791 loans were three or more payments in arrears as at 31 August 1993.

(6) 207 of the 791 loans have been discharged.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT SENIOR EXECUTIVE SERVICE

Mr Martin asked the Minister for Land and Water Conservation -

(1) Has he approved of the upgrading of SES positions in the Department of Conservation and Land Management?

(2) What extra duties are undertaken by these SES officers to warrant the upgrading?

(3) How many SES officers have received an upgrading in positions since the creation of the Department in 1991?

(4) What are the names of the officers who have had their SES position upgraded?

(5) What are the SES positions that have been upgraded?

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Answer -

(1) to (5) The situation is that no SES positions have been upgraded since the SES positions in the new CALM structure were created.

In the case of the positions of Regional Director - Northern, Southern, Sydney/Hunter and Western, these positions were initially evaluated by the SES Unit, Premier's Department and formally created and gazetted as SES Level 2 (General Administration).

Following the appointment of the then Director-General, Mr A. J. Powell, he, in making the appointments to these four SES positions, determined that the initial contract appointment would be at SES Level 1 subject to review after an initial period. The Director-General, Premier's Department, approved of these positions being temporarily allocated back to SES Level 1.

In April 1993, Mr Powell, with the approval of the then Minister, approached the Premier's Department seeking the reinstatement of the four Regional Director positions to SES Level 2.

In a letter dated 28 July 1993, the Director-General, Premier's Department, advised that since the responsibilities of the Regional Director positions are as originally evaluated, approval is given to the positions of Regional Director - Northern, Southern, Sydney/Hunter and Western being restored to SES Level 2 (General Management).

This approval has been acted upon and the SES officers advised. They are as follows:

Regional Director, Northern Region

Mr John Butcher

Regional Director, Southern Region

Mr Axel Tennie

Regional Director, Sydney/Hunter Region

Mr Ian Melville

MINISTER FOR INDUSTRIAL RELATIONS AND EMPLOYMENT AND MINISTER FOR THE STATUS OF WOMEN OVERSEAS TRIPS

Mr Amery asked the Minister for Industrial Relations and Employment and Minister for the Status of Women -

- (1) How many ministerial overseas trips has she made?
- (2) What were the purposes of these trips?
- (3) What was the cost to the State of these trips for:
 - (a) The Minister?
 - (b) Other persons travelling with her on these trips?

Answer -

- (1) One.
- (2) Attendance at the Commonwealth/State Women Ministers' Conference in New Zealand.
- (3) (a) \$1947.64
(b) Costs for three officers travelling with the Minister was \$5833.23.

COMPENSATION CLAIM BY ALEXANDER LINDSAY

Mr Anderson asked the Minister for the Environment representing the Attorney General and Minister for Justice -

- (1) Was Alexander Lindsay arrested and charged on 28 September 1964 with the attempted murder of his wife?
- (2) Was Mr Lindsay refused bail and did he remain in custody pending his trial?
- (3) Was Mr Lindsay convicted on 5 March 1965 and sentenced to penal servitude for 18 years, such sentence to date from 27 September 1964?
- (4) Was Mr Lindsay released on parole on 3 August 1973?
- (5) On 29 July 1991, did Mr Justice Loveday issue a report which resulted in His Excellency, the Governor,

granting Mr Lindsay an unconditional pardon on 21 August 1991?

(6) Did the Legal Aid Commission submit an application for compensation dated 20 December 1991 on behalf of Mr Lindsay to his predecessor?

(7) Why is Mr Lindsay's claim for compensation being delayed?

(8) When were the applications for compensation from Mr Lindsay's children and former wife received?

(9) Why do these other applications cause a delay in dealing with Mr Lindsay's application?

(10) Why has 16 months elapsed without a determination of Mr Lindsay's claim?

Answer -

(1) Yes.

(2) Yes.

(3) Yes.

(4) Yes.

(5) Yes.

(6) Yes.

(7) The matter has been determined and an offer made to Mr Lindsay.

(8) Pamela Parsons (formerly Mrs McLeod-Lindsay) submitted an application on 11 August 1992.

The Lindsay children submitted an application by way of an undated letter received by my predecessor on 21 November 1991.

(9) All applications by Mr Lindsay and his children have now been addressed by the Government.

(10) See question (7) above.

LITTLE BEACH FISHERMAN RESCUE

Mr Crittenden asked the Minister for Health -

(1) Why was Mr John Ciganek, a fisherman of Tascott, exposed on a rock shelf after an accident at a location south of Little Beach on the Central Coast from early afternoon on 4 March 1993 until his rescue at approximately 9 a.m. on 5 March 1993?

(2) Why did Superintendent Morris travel from Sydney to the accident scene to take personal charge of the rescue?

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(3) Why weren't Special Casualty Accident Team (SCAT) officers called out to abseil down the rock face to assist the injured patient on the afternoon that the accident occurred?

(4) Did Superintendent Morris request non-SCAT trained ambulance personnel at the scene to be winched from a helicopter and did those officers refuse because they were not helicopter-trained?

(5) On the morning of 5 March 1993, was one SCAT officer called out to attend the patient after being winched from a helicopter?

(6) Why weren't two SCAT officers called to the accident on the afternoon or night that same occurred?

(7) Why was Mr Ciganek's condition never ascertained by ambulance personnel until the morning of 5 March 1993?

(8) Why did Superintendent Morris rely on the medical report of Mr Ciganek's friend which was non-professional and several hours old at the time Superintendent Morris received same?

(9) Why did the Ambulance Service endeavour to save \$300 in overtime payments to two SCAT officers which not only unnecessarily endangered the life of Mr Ciganek, but also eventually cost the Police Service a \$2.8 million helicopter?

(10) (a) Has a debriefing on this issue occurred?

(b) If so, when?

(c) If not, why not?

Answer -

(1) to (10) The Ambulance Service received a call at 7.51 p.m. on 4 March 1993 to "a man injured on rocks 1600 metres out to sea from Little Beach".

Upon receipt of the call, an Ambulance Rescue unit and another Ambulance vehicle were despatched to the beach where Police, National Parks and Wildlife volunteers and Ambulance officers liaised.

Upon arrival at Little beach it was ascertained that the patient was approximately 1600 metres south of the beach under a ledge. It was understood that the patient had shelter. Rescue services had been alerted by the fisherman's friend.

Mr Ciganek was unable to be rescued until the following morning even though many attempts were made to get to him by appropriate rescue personnel. Various plans were discussed but ruled out due to hazardous conditions and the dangerous position that rescue personnel would have been placed in.

Mr Ciganek's injuries and condition were ascertained from detailed questioning of his friend which identified the following:

- (a) He was mobile and able to walk.
- (b) He had warm clothing.
- (c) He had minor grazing and lacerations of the skin.
- (d) He had been moved to a safe location that was partially protected.

Following his rescue, Mr Ciganek was treated in the Accident and Emergency Department and discharged from hospital shortly after arrival.

An operation debrief has been held within the Ambulance Service. This also involved peer debriefing. This was done over a 48-hour period, on an individual basis.

COMMONWEALTH-STATE HOUSING AGREEMENT FUNDING

Mr J. H. Murray asked the Premier and Minister for Economic Development -

(1) Did the previous Minister for Housing successfully alter the Commonwealth-State Housing Agreement to a ratio of 75%:25% for capital works construction and HomeFund home loans.

(2) If so:

- (a) When did this occur?
- (b) What ratio was proposed by the Federal Government at the time?

Answer -

(1) When the Commonwealth-State Housing Agreement was renegotiated effective from 1 July 1989 the former Minister for Housing and the Ministers for Housing from other States convinced the Federal Government that the CSHA should be made more flexible to permit up to 25 per cent of funds to be used for non-capital purposes. This 25 per cent is not available for direct home lending but can be utilised for a variety of recurrent purposes including subsidy support for home lending.

(2) (a) Effective from 1 July 1989.

- (b) This detail should have been asked of my colleague the Minister for Land and Water Conservation, who represents the Minister for Planning and Housing in the Legislative Assembly.

AMP SOCIETY HOMEFUND RESTRUCTURE

Mr Neilly asked the Premier and Minister for Economic Development -

(1) Is the Government considering a package of measures proposed by the AMP Society in regard to the HomeFund scheme?

(2) What are these measures?

(3) What will they cost the Government?

(4) Who is in charge of the design of the measures?

(5) Has approval been sought or obtained under the terms of the Commonwealth State Housing Agreement?

(6) If not, is approval likely to be required?

Answer -

- (1) The Government is considering a proposal by the AMP Society in regard to restructuring of the HomeFund scheme. The Secretary of Treasury has submitted a preliminary report to the Government and has recommended that the AMP proposal and others submitted by major financial institutions be subject to further evaluation. The Home Purchase Assistance Authority is undertaking this further work with the assistance of consultants and will be reporting to the Minister for Housing.
- (2) The package involves refinancing of HomeFund loans.
- (3) At this stage it is too early to indicate whether the package will involve a cost to the Government.

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- (4) The AMP proposal has been developed by the society and its advisers.
- (5) Until the proposal has been fully evaluated it is not appropriate to approach the Commonwealth for approval.
- (6) The State will provide the Commonwealth with full details and seek any necessary approvals under the Commonwealth/State Housing Agreement if the proposal is determined to be worthwhile.

**MINISTER FOR POLICE AND MINISTER FOR EMERGENCY SERVICES CHIEF OF STAFF OFFICE
EQUIPMENT**

Mr Sullivan asked the Minister for Police and Minister for Emergency Services -

With reference to the Minister's Chief of Staff -

- (1) Does his immediate staff have the use of a photocopy machine?
- (2) If yes, what is the brand and model?
- (3) Who is responsible for:
 - (a) The selection of the photocopier?
 - (b) Determining the time of replacement?
 - (c) The payment of servicing and maintenance and other associated costs?
- (4) Does the present photocopier have:
 - (a) Automatic document feeder?
 - (b) Duplex document feeder?
 - (c) Large capacity cassette - if yes, what capacity?
 - (d) Duplex unit - if yes, what capacity?
 - (e) Paper size selection - if yes, what range of paper sizes?
 - (f) Magnification selector - if yes, is it automatic?
 - (g) Reduction and enlargement?
 - (h) Interruption capability?
 - (i) Page by page copying?
 - (j) Frame erasure?
 - (k) Punch hole erasure?
 - (l) Cover mode?
 - (m) Image shifter?
 - (n) Program memory?
 - (o) Built-in editing?
 - (p) Multiple sheet bypass?
 - (q) Bin sorter - if yes, what capacity?
 - (r) Other than black colour copying - if yes, what colours?
- (5) Does the Minister's Chief of Staff have the use of:
 - (a) A modular phone?
 - (b) A car phone?
- (6) If yes, in each or either case, what is the brand name and model of the phone(s)?
- (7) If yes, in each or either case, who pays for:

- (a) The purchase and installation costs?
- (b) Each call made?
- (c) Repairs and maintenance costs?

Answer -

- (1) Yes.
- (2) to (4) Not relevant.
- (5) (a) Yes.
(b) Yes.
- (6) Not relevant.
- (7) (a) to (e) The cost of official phones is met by the Government.

HOMEFUND AND APARTMENTS

Mr Knowles asked the Premier and Minister for Economic Development -

- (1) How many HomeFund loans were used to purchase homes or apartments built by Harry Triguboff or Meriton Apartments?
- (2) Where were these homes?
- (3) What was the total value of these HomeFund loans?
- (4) How many are in arrears?

Answer -

This question should have been directed to my colleague the Minister for Land and Water Conservation representing the Minister for Planning and Housing in the Legislative Assembly.

BUS DESTINATION SIGNS

Mr Davoren asked the Minister for Transport and Minister for Roads -

- (1) Is he aware that bus destination signs are largely illegible and difficult to read?
- (2) What steps is he taking to remedy the matter?

Answer -

(1) Within both the State Transit Authority's and private bus operators' fleets, different makes and models of bus have different styles of destination signage, some of which are easier to read than others.

(2) Under the Passenger Transport Act 1990, all bus operators are required by their Commercial Service Contracts to ensure that all vehicles used to provide those services display an illuminated destination sign that indicates the Route number and the destination for each separate destination.

State Transit has also introduced two new forms of destination signage; Colour and Dot Matrix Electronic Destination signs.

Colour Destination signs have already been introduced in the South and West Metropolitan areas, and surveys show that they have been well received, particularly with the elderly. Destinations and Routes can be distinguished from longer distances by colour alone.

The 50 new 14.5 metre buses on order for a delivery completion date of February 1994 are installed with Dot Matrix Electronic Destination Signs. Six of these buses are already in the service. The front display is much larger than on existing buses and has the ability to scroll to a second screen providing more information without affecting print size.

The first 6 of the 50 new 14.5 metre buses already commissioned have been surveyed amongst various peak groups and their response has been extremely favourable.

BEGA HOSPITAL REFURBISHMENT

Dr Refshauge asked the Minister for Health -

- (1) When will Bega Hospital refurbishing be complete?
- (2) How many patients are waiting for elective surgery at Bega Hospital?
- (3) What alternatives are being offered for those patients who are waiting?

Answer -

- (1) Bega District Hospital Theatre was re-opened on 10 July 1993.
- (2) The Bega District Hospital was part of the former South Eastern Health Region. At the last Booking List Survey for November 1992, published in January 1993, the then Region's total core booking list of people awaiting admission for treatment was 494.
- (3) Whilst Bega Hospital was being refurbished, urgent elective surgery was carried out at the Bega Valley Day Surgery Centre under contract to Bega District Hospital.

LIVERPOOL HOSPITAL EMERGENCY UNIT

Mr Anderson asked the Minister for Health -

- (1) How many persons sought treatment at Liverpool Hospital's emergency (casualty) unit in:
 - (a) 1988?
 - (b) 1989?
 - (c) 1990?
 - (d) 1991?
 - (e) 1992?
- (2) What staffing levels were provided in the emergency (casualty) unit at Liverpool Hospital in these years?

Answer -

- (1) The total number of people seeking treatment at Liverpool Hospital's emergency unit include:
 - (a) 1988 not available.
 - (b) 1989/90 financial year - 46,388
 - (c) 1990/91 financial year - 44,618
 - (d) 1991/92 financial year - 45,249
- (2) Staffing levels provided in the emergency unit over these years include:

	1988	1989	1990	1991	1992
Medical Staffing					
Staff Specialist	1	1	1	1	2**
Registrars	2	2	4*	4	4
Residents	4	4	4	4	4
Interns	3	3	3	3	4
Part-time	6-10	6-10	6-10	6-10	8-10
Nursing Staffing	23	28	30	30.4	33.5
Clerical Staffing	8.4	8.4	9.4	9.4	9.4

* increased to 4 following establishment of Trauma Unit

** increased to 2 in second half of 1992

LIVERPOOL HOSPITAL MACQUARIE PSYCHIATRIC CLINIC

Mr Anderson asked the Minister for Health -

- (1) (a) On how many occasions in 1992 did police convey a person to the Macquarie Clinic at Liverpool seeking the person's admission due to mental illness?
(b) On how many of the occasions was the admission of the person refused?
- (2) (a) On how many occasions in 1993 have police conveyed a person to the Macquarie Clinic at Liverpool seeking the person's admission due to mental illness?
(b) On how many of the occasions was the admission of the person refused?
- (3) (a) What facilities are provided in Liverpool for people requiring short-term accommodation due to their mental condition which precludes them from returning home?
(b) If no such facilities exist, what plans does he have to provide them?

Answer -

- (1) (a) These data are not available.
(b) These data are not available.
- (2) (a) These data are not available.
(b) These data are not available.
- (3) (a) Macquarie Clinic, an inpatient 30-bed psychiatric unit within Liverpool Hospital is available for people requiring short term accommodation.
(b) Not applicable.

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RAYMOND TERRACE AMBULANCE STATION STAFFING

Mr Martin asked the Minister for Health -

- (1) Is the additional ambulance officer on Wednesday day shift and Friday evening shift at Raymond Terrace Ambulance Station called upon to relieve other officers in the district on sick or recreational leave?
- (2) If so, how many days has the additional officer from Raymond Terrace been required to relieve at other stations since the commencement of this roster system?
- (3) How many days has the additional officer been able to perform his allotted duties at Raymond Terrace Ambulance Station since the inception of this roster system?
- (4) Does the ambulance officer/officers from Raymond Terrace attend sporting functions and shows?
- (5) (a) Has the officer/officers been required to attend special functions such as the Newcastle Show, Motordrome, etc.?
(b) If so, for how many days?
- (6) How many cases attended by Raymond Terrace and Nelson Bay Ambulance Stations in the past 12 months involved treatment or transportation for:
(a) Casualty?
(b) Medical?
(c) Convalescence?
(d) Day treatments?
- (7) Of the medicals, how many from Raymond Terrace were stretcher cases that required assistance in carrying the patient?

Answer -

(1) to (5) The rostering system is satisfactory and allows the additional officer to carry out relief duties when required to do so.
The bulk of this officer's time is spent at Raymond Terrace. The position the officer fills allows for sick leave relief when required at Nelson Bay and Stockton ambulance Stations.

Ambulance officers at Raymond Terrace attend sporting fixtures when required to do so. Station staffing is not affected by their attendances as sporting fixtures are covered by overtime shifts.

(6) The workload analysis for the period 1 July 1992 till 31 May 1993 for Raymond Terrace and Nelson Bay stations for the categories in Question 6 are:

Raymond Terrace		Nelson Bay	
(a) Casualty		Casualty	
(b) Medical	213	Medical	504
(c) Convalescence	43	Convalescence	59
(d) Day Treatment	386	Day Treatment	142

(7) Ambulance Service co-ordination of the Raymond Terrace area is not computerised which means that in order to provide this information it would be necessary to take an operational officer off the road and have them review all medical case sheets manually. To do this has the potential to compromise the service to the public.

AUBURN ELECTORATE HOSPITALS NEWSPAPER INSERT

Mr Nagle asked the Minister for Health -

- (1) Is he aware of the 8-page insert in the "Auburn Review" newspaper regarding hospitals in the electorate of Auburn?
- (2) (a) How much did this insert cost?
(b) Why was it not stated that it was an advertisement?
- (3) Why was Lidcombe Hospital left out of the insert?
- (4) Is Lidcombe Hospital effectively closed?
- (5) Will he ensure that funds are made available for me to respond to the insert?

Answer -

- (1) Yes. The insert was placed by Western Sydney Area Health Service as part of its customer information program for the Auburn community, outlining local health facilities in Western Sydney Area Health Service.
- (2) (a) \$5,338 for publishing and consultant costs, for a circulation of 20,000 copies.
(b) This is a matter of the Auburn Review's editorial policy, outside the responsibility of the Western Sydney Area Health Service.
- (3) It is not within Western Sydney Area Health Service.
- (4) No.
- (5) The insert was part of the Western Sydney Area Health Service's customer focus program and not politically directed or related. This is an inappropriate request.

FAIRFIELD HOSPITAL DENTAL SERVICES

Mr Scully asked the Minister for Health -

- (1) What is the current delay at Fairfield Hospital in authorising treatment for dental work?
- (2) (a) Has the South West Area Health Service claimed the delay at Fairfield Hospital for approval of dental work is between 7 and 8 months?
(b) Have some constituents of the electorate of Smithfield had to wait over 12 months for dental work?
(c) Why is there such a delay?
- (3) What are the delays for approval for dental work at each hospital within the South West Area Health Service?

Answer -

- (1) and (2) Holders of the Health Benefit Card, the Pensioner Health Benefit Card and the Health Care Card

who reside within the Fairfield Local Government Area are eligible to receive free dental treatment from the Fairfield Hospital Dental Service.

Patients requiring attention are dealt with on a clinical priority basis. Those requiring emergency dental
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treatment and relief of pain are usually treated on the day of presentation or very soon thereafter. Patients with less urgent work are required to wait. However, if at any time the clinical condition of these persons deteriorates, they are reassessed to determine if they should be treated immediately.

The Fairfield Hospital Dental Service also administers the Denture for Pensioners Scheme. Again, authorisation of provision of dentures is made having regard to clinical priority. Currently there is a 7-8 month waiting list for denture service and urgent cases are dealt with immediately.

South Western Sydney Area Health Service regularly reviews times eligible persons have to wait for treatment. The waiting times vary depending upon such factors as number of persons seeking care, and whether all staff positions are filled.

It is stressed that no delays occur for persons requiring urgent care and relief.

There has been a considerable increase within the Fairfield Local Government Area of persons eligible for free dental work caused by the current economic recession, the aging of the population and the growth generally in the population of the Local Government Area. These factors have increased demand upon the Fairfield Hospital Dental Service.

(3) There are no delays at any of the hospitals within the South Western Sydney Area Health Service in the treatment of eligible persons requiring urgent work and relief of pain. Delays for patients requiring urgent work and relief of pain. Delays for patients requiring less urgent work and where clinical priority is lower varies between hospitals and fluctuates.

A detailed review is presently being made by South Western Sydney Area Health service of dental services provided with a view to examining what improvements can be made.

When the recommendations of the Working Party are available the Area Health Service will be in a position to make appropriate informed decisions to improve the service.

The strategic plan for dental health in New South Wales has recently been approved. As part of this strategy an additional \$215,000 has been made available to South Western Sydney AHS which will be used to enhance dental services at Fairfield, Bankstown and Picton.

The Federal Government, as part of its election policy statement, announced a Commonwealth Dental Program to assist States to provide dental care for eligible persons. As part of the Commonwealth Dental Health Program the Area Health Service should receive funds in 1993/94 to provide additional dental services throughout the Area.

However the introduction of this program has been deferred by the Commonwealth from July 1993 to January 1994.

LAKE MACQUARIE AND HUNTER FRINGE SEWERAGE PROJECTS

Mr Hunter asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

- (1) (a) Is the Hunter Fringe Area Sewerage Scheme currently running ahead of schedule?
(b) What is the current estimated completion date?
- (2) (a) Is the Lake Macquarie (Westlakes) Sewerage Project currently running ahead of schedule?
(b) What is the current estimated completion date?
- (3) Have there been any cost savings to date?
- (4) What is the order of priority of towns listed on the Priority 2 list under the Hunter Fringe Area Sewerage Scheme?
- (5) Does the Hunter Water Corporation believe Cooranbong should be at the top of the Priority 2 list?
- (6) (a) Has the Hunter Water Corporation completed the review referred to in the answer to Question on Notice No. 865 of 1992?
(b) Have recommendations been made?
(c) What were the recommendations?
- (7) (a) Has approval been given to expand the scheme?

- (b) If not, why not?
- (c) If so, what areas will be seweraged?
- (8) If Cooranbong is to be seweraged, what is the schedule of works?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:

- (1) (a) Yes.
- (b) The current estimated completion date for construction works is June 1997.
- (2) (a) Yes.
- (b) June 1997.
- (3) When adjusted for inflation the anticipated final cost for the Hunter Sewerage Project is less than the revised budget for the Project when approved in 1990. However, the project still has four years to run and the final outcome is not known.
- (4) There is no official Priority 2 project priority listing.
- (5) The Government is in the process of examining preliminary costing. The Government will have to assess the merits of allocating a subsidy for this purpose against the competing demands placed on the state budget.
- (6) (a) An initial review has been completed based on preliminary estimates of costs.
- (b) No recommendation has yet been received by the Government because detailed feasibility studies of all the projects have not been completed.
- (c) Not applicable.
- (7) (a) No.
- (b) It is envisaged that this matter would be considered by the Government in the near future.
- (c) Not applicable.
- (8) Not applicable.

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MURRINGO EARTH DAM

Mr Martin asked the Minister for Agriculture and Fisheries and Minister for Mines -

- (1) Has Mr D. F. Barrett made representations to him concerning the construction of an earthen dam on Mr Barrett's property situated at Murringo?
- (2) (a) If so, when were such representations made?
- (b) Who made those representations?
- (3) Has Mr Barrett complained about the lack of co-operation and communication by officers of the Forbes office of the Department of Agriculture?
- (4) Did the Department of Agriculture carry out tests in relation to the suitability of the soil before construction of the earthen dam commenced?
- (5) What were the results of those tests and did the tests indicate the site was suitable for the construction of an earthen dam?
- (6) Did the Department of Agriculture approve the plans and specifications of the earthen dam prior to commencement of construction?
- (7) Did the specifications call for at least 300 mm of impervious material, such as clay, to be used if rock, sand or gravel was apparent in the foundation of the dam?
- (8) Did the specifications call for a cut-off trench?
- (9) Did the specifications state that sand was not to be used in the construction of the dam walls?
- (10) Was an overflow pipe called for in the specifications?
- (11) Did officers of the Department of Agriculture inspect the earthen dam on completion of construction?
- (12) Were officers of the Department of Agriculture satisfied that construction had been carried out in

accordance with the plans and specifications?

(13) Did officers of the Department of Agriculture approve the work?

(14) Did the Department of Agriculture approve a low interest loan for this work?

(15) Did the Department of Agriculture approve payment to the contractor?

(16) If so, was payment authorised on the basis of satisfactory completion of the work in accordance with plans and specifications by the contractor?

(17) If not, why was payment to the contractor authorised?

(18) Is the Department of Agriculture aware of claims by Mr Barrett that construction was not carried out in accordance with the plans and specifications?

(19) If so, was the Department of Agriculture aware of Mr Barrett's claims prior to approving payment to the contractor?

(20) If so, why did the Department of Agriculture pay the contractor for the work before the problems were resolved?

(21) Will the Department of Agriculture consider compensating Mr Barrett for his financial loss as a result of the earthen dam being constructed on a site chosen as a result of tests undertaken by departmental officers?

(22) Will the Department of Agriculture consider compensating Mr Barrett for his financial loss as a result of the Department approving payment to the contractor for construction of the earthen dam when it was not built in accordance with plans and specifications approved by the Department?

Answer -

(1) Yes (to the honourable Ian Armstrong - previous Minister)

(2) (a) 20 November 1991; 20 November 1991; 30 March 1992.

(b) Mr Barrett (replied on 7 February 1992); Mr Alby Schultz, M.P. (replied on 7 February 1992); Mr B. Martin, M.P. (replied on 2 June 1992).

(3) Yes. Minister's reply of 7 February 1992 to Mr Barrett explained that Ian Smith from Forbes Office had inspected the dam in February and May 1991, discussed the situation over the telephone on several occasions with Mr Barrett, and had followed this up with a letter to him in August 1991. This advised him of the results of the inspections, how to arrange a part payment for the dam from the Rural Assistance Authority loan and offering to carry out a further inspection of the dam to recommend remedial measures to seal the "apparently" leaking storage. As Mr Barrett had not replied to this letter, a copy was enclosed with the Minister's reply (of 7 February 1992 to Mr Barrett) and the offer to carry out the inspection was renewed.

The inspection was ultimately arranged in April 1992 following a telephone call to Mr Barrett's solicitors. Mr Barrett is difficult to communicate with as he is not on the telephone and usually writes through his solicitors at Young.

In these circumstances, it is difficult to justify the complaint of lack of co-operation and communication from the Forbes office.

(4) No. Soil tests were carried out by the Soil Conservation Service and the results forwarded to NSW Agriculture.

(5) The soil samples tested showed the soils to be clayey sands and clays. The soil tests indicated that the material from the sites the samples were taken was suitable for the construction of the earthen dam. However, the specification called for the contractor to satisfy himself of the nature of the material to be used in the construction of the dam.

(6) Yes. Plans and specifications were prepared at Forbes Office.

(7) Yes. However the area in the excavation of concern to Mr Barrett was inspected by Mr Smith, who determined that the sandy material was not part of a previous layer. As such, it was considered not to be necessary to cover it with clay.

(8) Yes. Cutoff trench constructed as reported by the contractor.

(9) Yes. However, some sandy material was placed in downstream section of the embankment as agreed with Mr Barrett. This does not effect the water holding ability of the embankment.

(10) No. Reference to an outlet pipe is made in the standard specification, but is not shown on the plans, and is not required.

- (11) Yes. However, the dam was not inspected during construction.
- (12) Yes. This statement was made in the August 1991 letter to Mr Barrett, with the qualification that no comment could be made on the cut-off trench or method of construction, as this work was not witnessed.
- (13) Yes. Subject to monitoring the performance of the dam.
- (14) No. The Department recommended the loan to the NSW Rural Assistance Authority, who approved the loan.
- (15) Yes. The Department approved of part payment for the dam to be made to the contractor. Payment of \$13,500, the maximum amount of the loan, was arranged to be paid by the RAA to the contractor's solicitors, in accordance with Mr Barrett's signed authority to do so.
- (16) Yes, the Department was satisfied that more than \$13,500 worth of work had been satisfactorily completed, so the part payment, up to the maximum of the loan, was arranged.
- (17) An additional loan of \$9,500 was arranged for Mr Barrett to assist in paying for the remainder of the cost of the dam. Any further payment would be subject to a satisfactory demonstration of the water holding ability of the dam, and could only be made with Mr Barrett's signed authority, as for the first payment.
- (18) Yes. A report on the claims by Mr Barrett was prepared and forwarded to him in May 1992. The report itemises each claim by Mr Barrett and discusses the implications. Mr Barrett was convinced that large volumes of water had entered the dam and had leaked through. The Department could find no evidence that any significant volume of runoff had entered the dam. The report concludes that the dam should be monitored until a significant runoff event occurs, so that the water holding ability of the dam can be demonstrated.
- (19) Yes. However, the Department was satisfied that more than \$13,500 worth of work had been satisfactorily completed, and that the contractor was legally entitled to payment.
- (20) The payment arranged was only part payment for the construction of the dam. Any further payment will be subject to a satisfactory demonstration of the water holding ability of the dam.
- (21) No. Monitoring of the storage after recent run-off will determine the water holding ability of the storage. The dam is constructed on the only site on the property with a catchment area larger than about 10 ha, and as such, is located on the best available site. The Department believes there was insufficient rainfall since the dam was completed to produce runoff, until heavy rainfall in August and September this year. It is only from now that the performance of the dam can be assessed.
- (22) No. Construction of the dam was generally in accordance with the plans and specifications, although the dam was enlarged without the knowledge or advice of the department. This, however, has no bearing on the water holding ability of the dam.

BEACHWATCH PROGRAM

Mr E. T. Page asked the Minister for the Environment -

- (1) For what purpose was the Beachwatch Program established?
- (2) What was the annual budget for the Beachwatch Program in each of the following years:
 - (a) 1989?
 - (b) 1990?
 - (c) 1991?
 - (d) 1992?
 - (e) 1993?
- (3) Is it possible for sewage discharged via the deepwater ocean outfalls to surface in certain weather or marine conditions and to form a visible plume on the surface of the water?
- (4) In what weather or marine conditions is such surfacing of sewage likely to occur?
- (5) Is it possible for sewage pollution which has surfaced in this manner to affect water quality at any of Sydney's ocean beaches?
- (6) What health or environmental standards are used by Beachwatch to determine whether or not water quality at ocean beaches is fit for bathing?
- (7) How is the data collected to determine whether or not water quality meets these standards?
- (8) Has Beachwatch ever used helicopter surveillance flights to monitor the deepwater ocean outfalls and to detect any visible surfacing of sewage-related pollution?
- (9) Has Beachwatch discontinued helicopter surveillance of the deepwater ocean outfalls?

- (10) If so, when were flights discontinued and for what reason?
- (11) Is he aware that between 28 April 1993 and 2 May 1993 there were ten incidents on Sydney's northern beaches where significant amounts of sewage-related pollution was observed?
- (12) Were the deepwater ocean outfalls inspected to determine whether they were causing or had contributed to this pollution?
- (13) If not, why not?
- (14) Is he aware that on 5 March 1993 and 18 March 1993, faecal coliform counts taken at ocean beaches in the Sutherland Shire were over three times the standard recommended by the NSW Department of Health?
- (15) Was the health of people who were bathing in these waters at that time at risk?
- (16) Did the March 1993 Beachwatch monthly report make mention of these high pollution incidences in the Sutherland Shire?
- (17) If not, why not?
- (18) When Council Lifeguards advise in their beach assessment reports to the Beachwatch Manager that a beach should be "closed" for either public safety or health reasons, does the Minister consider that this information should be accurately communicated to the public?
- (19) If not, why not?
- (20) Is he aware that on 20 February 1993, Council Lifeguards decided to close South Steyne Beach because of the presence of high levels of sewage-related pollution?

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- (21) Is he aware that when this information was communicated to Beachwatch, the Beachwatch Manager omitted the fact that the beach was "closed" from the reports released to the public?
- (22) Is he aware that similar failures to properly inform the public occurred in relation to public health or safety risks on 12 March 1993 at Queenscliff, 16 March 1993 at Bronte, 18 March 1993 at Warringah and 19 March 1993 at nine of Sydney's northern beaches?
- (23) Has Beachwatch adopted a policy of not using the word "closed" when issuing public bulletins about potential public health or safety risks for swimmers at Sydney's ocean beaches?
- (24) If so, why does such a policy exist when Council Lifeguards are in the best position to judge whether or not a beach should be closed?

Answer -

- (1) The Beachwatch program was established to provide reliable daily reports on ocean beach pollution and suitability for swimming.
- (2) The following are the actual expenditures for the fiscal periods from 1989/90 to 1992/93 and the budget for 1993/94.

	1989/90	\$ 95
Actual	1990/91	\$1,917
(,000)		
	1991/92	\$2,060
Budget	1992/93	\$1,704
(,000)		
	1993/94	\$1,700

- (3) Yes.
- (4) Sewage is most likely to surface when there is not temperature stratification in the ocean water column. Normally plumes from the deepwater outfalls do not rise to the surface but are trapped at an intermediate depth by the temperature stratification in the water column, both in summer and winter. Absence of stratification, leading to the surfacing of the plumes, is more likely to occur in winter when the water temperature at the surface can be the same as at the bottom. Absence of stratification is rare in summer.

Storm events involving winds, high waves and currents also cause loss of stratification.

(5) Yes, though the dilution level is such that any effects would be minimal.

(6) The bathing water guidelines of the Department of Health.

(7) Water samples are collected by Beachwatch and the samples are analysed for water quality in an authorised laboratory.

(8) Yes.

(9) Yes.

(10) Routine flights were discontinued in October 1992 because the program was costly and provided little additional information to the Beachwatch program. In the event of a report of an unusual discolouration offshore then an inspection flight may include the region of the deepwater outfall to establish if that is what prompted the report.

(11) Yes.

(12) No.

(13) Aerial inspection of the deepwater outfalls would not have provided additional useful information. Refer question (10) answer.

(14) It is not unusual for the faecal coliform levels to be higher than the Health Department guidelines at the northern Cronulla beaches because of their proximity of the Cronulla sewage treatment works shoreline outfall.

(15) According to the information supplied by the Department of Health, there is some level of health risk associated with any bathing. There is a marginal increase of risk associated with swimming at the reported contamination levels.

(16) No.

(17) The monthly reports provide only a general summary of conditions at the 34 beaches. The daily reports provide details of pollution at each beach. The results of water quality analysis are provided to councils and are generally available.

(18) Beachwatch reports on the public health condition of beaches so it is not essential for reports to indicate whether some beaches are closed. However, Beachwatch has arranged with the Sydney Coastal Councils to include a statement in the daily bulletin advising when a Council reports a beach is "closed". Lifeguards are discussing the criteria, implications and responsibilities for beach closures. Beachwatch began announcing beach closures on 1 October 1993.

(19) See question (18) above.

(20) Yes.

(21) Yes. Beachwatch reported "a high level of sewage pollution is affecting South Steyne Beach" in two sections of both the 7.30 a.m. and midday reports and deleted South Steyne from "suitable beaches" in both reports.

(22) Beachwatch did not fail to properly inform the public on health issues on the dates mentioned. Pollution levels and public health risks are reported in daily bulletins when notifications are made by contracted lifeguards. The precision is better than 99.8 per cent.

(23) Beachwatch has always reported on pollution levels and evident public health status of beaches and now also passes on information provided by councils on beach closures.

(24) See 23 above.

HUNTER REGION RESIDENTIAL WATER RATE DEFAULTERS

Mr Face asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

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(1) What is the total number of residential water ratepayers within the Hunter Water area?

(2) How many ratepayers have defaulted in payment for each year since 1988?

(3) How many defaulters have had their water supply restricted in each of those years?

Answer -

(1) to (3) Hunter Water is now a State-owned corporation, fully accountable and responsible for determination of operational matters such as this. All matters concerning its operations should therefore be referred to the Corporation.

TROPICAL FRUIT RESEARCH STATION STAFFING

Mr Martin asked the Minister for Agriculture and Fisheries and Minister for Mines -

(1) How many professional officers have retired or resigned from the Tropical Fruit Research Station at Alstonville in:

- (a) 1987?
- (b) 1988?
- (c) 1989?
- (d) 1990?
- (e) 1991?
- (f) 1992?
- (g) 1993 to date?

(2) What were the names and positions of these officers?

(3) What were their respective duties?

(4) Is it intended to fill the positions that have become vacant as a result of retirement or resignation, and if so, when?

(5) If not, why not?

Answer -

- (1) (a) 1987 - 0
- (b) 1988 - 0
- (c) 1989 - 0
- (d) 1990 - 0
- (e) 1991 - 1
- (f) 1992 - 2
- (g) 1993 - 0

- (2) Jonathon Lloyd, Research Horticulturist
Frederick Chalker, Principal Horticulturist (Tropical Fruits)
Tim Trochoulis, Research Horticulturist

(3) Jonathon Lloyd

In this position Mr Lloyd was responsible for:

- undertaking research into low chill deciduous fruits including varietal and rootstock selection, nutrition, irrigation management, pruning techniques, fruit crop regulation, and pest and disease control.
- developing, planning and recommending the research program by consulting with specialist officers, reviewing developments reported in scientific literature and defining problems for investigation.
- implementing approved research projects by supervising the application of trial treatments, collection, recording and analysis of experimental data, and preparing reports, scientific papers and extension articles for publication.
- maintaining liaison with Divisional extension officers, industry and other research organisations.

Frederick Chalker

In this position Mr Chalker was responsible for:

- all matters of Departmental interest connected with the tropical and subtropical fruit industries.
- was the State authority in this field, maintaining liaison between the industries involved and the Department and promoting the statewide policies of the Chief, Division of Plant Industries.
- reporting on developments and recommending or initiating Departmental action as required, including developing the potential for tropical fruit.

- co-operating with Divisional Directors of Plant Production Research, Advisory Services and Regulatory Services and Regional Directors in the planning, supervision and conduct of Departmental activities related to the industries.
 - acting on committees and representing the Department at meetings and conferences with the industries and other State and Commonwealth Departments, and assisting such bodies in inquiries, compilation of reports, etc.
 - preparing reports, collating statistics and handling Ministerial and Director-General correspondence.
- Research
- defined and directed attention to problems requiring investigation.
 - advised on research projects and assessment of results.
 - organised the interchange of technical information and of plant material with overseas authorities and oversaw the management, evaluation and adoption of new varieties, new techniques, plant improvement schemes, etc.
 - was responsible for supervision of Technical Officer (Sc.) (F).

Advisory

- guided and co-ordinated District Horticulturists in the selection and conduct of their planned objectives.
- provided specialised advice on industry matters to district officers, industry organisations, commercial growers, etc.
- ensured promulgation of industry developments and research results.
- prepared advisory bulletins, press and radio materials, attended and addressed field days and dealt with personal, telephone and letter inquiries.

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Regulatory

- proposed and assisted in the preparation of amendments and regulations and proclamations of Acts administered by the Division.
- provided specialised technical advice to regulatory officers and on products nominated for registration under the Pesticides Act.
- liaised with Supervising Inspector on conduct of pest and disease control programs, etc.

Tim Trochoulis

In this position Mr Trochoulis was responsible for:

- a) Developing and recommending research programs;
 - (i) Considered latest developments reported in scientific journals with a view to adaptation to local problems.
 - (ii) Assessed the suggestions and problems referred by other officers.
 - (iii) Conferred with specialist officers on lines of research to be undertaken.
 - (iv) Defined problems submitted for investigation.
 - (vi) Collected relevant information on projects.
 - (iv) Devised treatments.
 - (vii) Prepared experimental designs.
 - (viii) Planned programs of observations.
- b) Implemented approved research projects
 - (i) Arranged necessary equipment.
 - (ii) Attended to and/or supervised application of trial treatments as required by the experimental program and arranged for uniform application of other treatments associated with orchard management.
 - (iii) In the field, inspected, measured, assessed, counted, sampled, classified, photographed, or otherwise recorded information indicating response treatments.
 - (iv) In the laboratory analysed and tested plant parts, fruit and soil as required by the research programs and devised testing procedures and equipment.
 - (v) Recorded, collated and analysed data, interpreted and summarised results, prepared reports and recommended further action.
 - (vi) Published scientific and extension articles.

- (c) Maintained liaison with Divisional extension officers, industry and research organisations
- corresponded, interviewed and attended and addressed meetings, field days and conferences, with a view to extending research findings, defining problems and improving research methods.
- (4) and (5) It is not intended to fill the positions vacated by Dr Lloyd and Mr Trochoulis. The position occupied by Mr Chalker was deleted during the restructuring of the Department's management and a new position of Program Leader, Tropical Fruit was created based at Alstonville.
- Dr Lloyd's duties related to research into low-chill stonefruit. This work is now being continued by two other officers - Dr D. Huett, Senior Research Scientist - Plant Nutrition and Mr J. Slack, District Horticulturist. Mr Trochoulis' research in the macadamia industry has been transferred to Dr D. Batten, Senior Research Horticulturist, whose previous research into lychees has been completed. Mr D. Peasley, formerly District Horticulturist (Murwillumbah) was appointed to the new position of Program Leader, Tropical Fruit.

BATHURST ELECTORATE RAILWAY STATION STAFF

Mr Clough asked the Minister for Transport and Minister for Roads -

- (1) How many redundancies have been achieved in railway staff since 1988 at:
 - (a) Lithgow?
 - (b) Bathurst?
 - (c) Blayney?
 - (d) Kandos?
- (2) What has been the total "payout" figure with regard to the redundancies?
- (3) As at 11 May 1993, what is the total railway staff employed in the electorate of Bathurst?
- (4) What was the total railway staff employed in the electorate of Bathurst in July 1988?

Answer -

- (1) Redundancy figures are only available from 1989. The total number of redundancies from State Rail since 1989 are:
 - (a) Lithgow-70.
 - (b) Bathurst-130.
 - (c) Blayney-3.
 - (d) Kandos-6.
- (2) Based on the average redundancy package payment to State Rail staff, an estimated \$16 million has been paid in the Bathurst electorate. Each redundancy payment includes leave entitlements and superannuation entitlements as well as a redundancy component.
- (3) The total number of railway staff employed in the Bathurst electorate at 11 May 1993 was 530. Since 11 May 1993, the decision has been made to decentralise the State Rail Authority's workshops. Up to 150 new jobs will be created in Bathurst and Goulburn, of which around half will be located in Bathurst. It is important to note that private sector jobs have replaced some State Rail Authority jobs in Bathurst. 129 jobs have been created in Bathurst through various contracts to Clyde Industries.
- (4) Railway staff employed in the Bathurst electorate in July 1988 totalled 713.

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TANGARA WINDOW TINTING

Mr Davoren asked the Minister for Transport and Minister for Roads -

- (1) Is he aware that difficulty is experienced by passengers in Tangara carriages to read station signs at night due to the tinted windows?
- (2) What steps are being instituted to solve this problem?

Answer -

(1) Yes.

(2) Lighting and signage at stations have been improved. In addition, it is proposed that train guards will make a short announcement prior to arriving at each stopping station during the heavily patronised period of the evening darkness until 9.00 p.m.

CO-ORDINATED TRAIN SCHEDULES

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) Is it the Government's policy as far as possible to co-ordinate train schedules so that when one train arrives at a station it can meet another train so that changing passengers can meet the connecting service?

(2) If so, why could not the 8.45 a.m. Bondi Junction train connect up with the 8.46 a.m. train to St James Station from Central Station on 11 May 1993?

Answer -

(1) Yes.

(2) The frequency of services on the City Circle makes it unnecessary to provide scheduled connecting services.

RAIL FARE EVASION

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) What revenue was gained through legal action against fare evaders from 1988 to 1993?

(2) Is there a report and/or memoranda on fare evasion?

(3) (a) Does not this report and/or memoranda set out the estimated loss on fare evasion?

(b) If so, what is the annual loss of revenue through fare evasion from 1988 to 1993?

Answer -

(1) \$6 million.

(2) Yes.

(3) (a) Yes.

(b) \$8 million.

TANGARA SEATING

Mr Price asked the Minister for Transport and Minister for Roads -

(1) What type of seating is proposed for the last 25 Tangara rail cars?

(2) Is a fixed seat to be fitted?

(3) If so, are the seats to be arranged facing one direction only or will they be placed in the same split configuration that exists on the Tangara cars already in service.

(4) Is a revolving seat to be fitted?

(5) Is a reversible seat to be fitted?

Answer -

(1) Seating will be high backed, well padded and reversible in a 3 + 2 configuration.

(2) No.

(3) Not applicable.

(4) No.

(5) Yes.

M4 MOTORWAY CUMBERLAND HIGHWAY SIGNAGE

Ms Allan asked the Minister for Transport and Minister for Roads -

- (1) Is he aware of the inconvenience being caused to motorists due to the lack of directional signs to Wentworthville and Greystanes at the M4 off-ramps to the Cumberland Highway?
- (2) Is he further aware that the Roads and Traffic Authority excuse for not providing such signposting is that the Cumberland Highway is a Metroad and the Roads and Traffic Authority principles of signposting precludes installation of the required signs?
- (3) Why are there no signs to give motorists directions to their destination?
- (4) Will he instruct the Roads and Traffic Authority to erect directional signs at the M4 off-ramps at the Cumberland Highway?
- (5) If not, why not?

Answer -

(1) to (5) The honourable member may recall that the position concerning this matter was outlined to her in Ministerial correspondence dated 25 February last.

As previously indicated, the Roads and Traffic Authority has determined that certain major roads should be specially designated as through-traffic corridors. The six routes of this kind which comprise the Sydney Metroad system include the M4 Motorway and the Cumberland Highway. The intersection of these two Metroads consequently assumes particular importance as a central point in the system.

The signposting principle adopted for the Metroad system requires that where two Metroads intersect, a major Sydney metropolitan destination and select "route function" destinations be shown in each direction.

Therefore, at the intersection in question, Hornsby and North Coast have been signposted to the north, with Liverpool and Canberra indicated to the south. Also, Westmead Hospital has been shown as a destination for eastbound traffic. Accordingly, the intersection has been correctly signposted.

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Nevertheless, the Authority is negotiating with Holroyd City Council on the question of providing direction signs to the Wentworthville/Greystanes area.

OLYMPIC GAMES SITE DEVELOPMENT AND RECYCLED COMPOST

Ms Allan asked the Minister for Transport and Minister for Roads -

- (1) Can he verify that the Olympics 2000 project will use recycled compost products, soil and mulches?
- (2) Can he assure the House that he will seek an assurance that such recycled products will have been subjected to rigorous testing to ensure the safety of the community and the environment?
- (3) Will he consult with his ministerial colleagues to ascertain whether problems have occurred through the use of recycled compost products utilising treated sludge?
- (4) If not, why not?

Answer -

The construction of sporting facilities at Sydney Olympic Park, Homebush, remains the responsibility of the Public Works Department. Therefore, this question should be referred to the Honourable I.A. Armstrong, M.P., Deputy Premier, Minister for Public Works and Minister for Ports.

SEVEN HILLS RAILWAY STATION COMMUTER CAR PARK

Ms Allan asked the Minister for Transport and Minister for Roads -

- (1) Is he aware that a commuter car park is being built at Seven Hills Railway Station?
- (2) Is he further aware that no toilet facilities are to be provided in the development?
- (3) Is the lack of toilet provision a policy aimed at reducing costs due to vandalism?
- (4) (a) Is possible damage to an amenities block considered more important than vandalism of commuters' vehicles and risk to commuters' welfare through lack of security?
(b) If so, why?
- (5) Will he intervene in the building process and insist that adequate toilet facilities are provided for commuters, bus passengers and drivers of buses and taxi cabs?
- (6) If not, why not?

Answer -

- (1) Yes.
- (2) Yes.
- (3) No.
- (4) (a) No.
(b) Not applicable.
- (5) No.
- (6) There is no reason to interfere in this project. Commuters can access toilet facilities that are already freely available to them on the station.

M4 MOTORWAY PROSPECT TWIN SERVICE CENTRES

Mr Amery asked the Minister for Transport and Minister for Roads -

- (1) Have any funds from the M4 toll been used for the construction of service stations and take-away food facilities along the M4 Motorway?
- (2) What arrangements have been entered into between the Government, Statewide Roads and other companies for the provisions of service facilities along this motorway?

Answer -

- (1) No.
- (2) Twin service centres have been constructed on the Motorway at Prospect on land leased for 25 years to Statewide Roads Properties Pty Ltd (SWRP), which is a subsidiary of Statewide Roads Ltd. SWRP sub-leases parts of the land to McDonald's Family Restaurants, Caltex Oil (Aust) Pty Ltd and Oak Restaurants. Financial arrangements require SWRP to pay rent of \$50,000 (CPI indexed) to the Roads and Traffic Authority for the first 10 years and then \$100,000 per year (CPI indexed) plus additional rental based on gross sales for the following 5 years. Over the final 10 years of the term, SWRP will be required to pay 50 per cent of the net profit of the Centres to the Authority. At the end of the 25-year term, ownership of the Centres will pass to the Government at no cost to the State. All costs and risks associated with the Centres are the responsibility of SWRP. There is no proposal to provide similar facilities on other sections of the Motorway.

M4 MOTORWAY MAINTENANCE

Mr Amery asked the Minister for Transport and Minister for Roads -

- (1) Is Statewide Roads contracted to maintain the M4 Motorway out of the toll?
- (2) Do persons serving community service/weekend detention sentences in the Department of Corrective Services undertake maintenance work along the motorway?
- (3) If so, are any funds received by the RTA from Statewide Roads for the provision of this service?

Answer -

- (1) Yes, on the Motorway section between Silverwater Road and James Ruse Drive, and the section between Mays Hill and Prospect.
- (2) No. However, I understand that Statewide Roads Ltd has an arrangement with the Department of Corrective Services for prisoners to undertake litter collection during the week.
- (3) No.

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GOSFORD NORTH PACIFIC HIGHWAY ROADWORKS

Mr McBride asked the Minister for Transport and Minister for Roads -

With reference to the widening, reconstruction and improvements of intersections on the Pacific Highway between 1.3 km and 7.9 km north of Gosford -

- (1) How much money has been spent on the roadworks in the 1992/93 financial year so far?
- (2) How much money does he anticipate will be spent on the roadworks in the rest of the 1992/93 financial year?
- (3) On what particular works will the money be spent?
- (4) (a) Have there been any shortfalls in spending commitments announced in the 1992/93 Budget Capital Works Program?
(b) If so:
 - (i) By what amount has there been a shortfall?
 - (ii) Why has there been a shortfall?
 - (iii) What works will not be completed in the 1992/93 financial year as a result of the shortfall?
 - (iv) Does he have any plans to fast-track work in future years to ensure the roadworks are completed by the promised date of July 1994?
- (5) When will the roadworks be completed?

Answer -

- (1) and (2) \$2,092 million for the financial year 1992/93.
- (3) Manns Road Roundabout.
Completion of Henry Park Drive Roundabout.
Property Acquisitions.
- (4) (a) No.
(b) Not applicable.
- (5) Current work will be completed by December 1993.

DARLING HARBOUR GOODS LINE TRACK

Ms Nori asked the Minister for Transport and Minister for Roads -

- (1) Why is the second track on part of the Darling Harbour goods line being removed?
- (2) Will the track be relaid?
- (3) If not, why not?
- (4) If not, how is it proposed to run an effective light rail system if the second track is not relaid?

Answer -

- (1) The section of the Darling Harbour Line between the Powerhouse Museum (Ultimo) and the Fishmarkets (Western Pyrmont) is being handed over for the development of the Ultimo/Pyrmont Light Rail system, under

the Government's City West Redevelopment Project.

- (2) Yes.
- (3) Not applicable.
- (4) Not applicable.

NEWCASTLE TO MAITLAND RAIL SERVICES

Mr Price asked the Minister for Transport and Minister for Roads -

- (1) Is the State Rail Authority considering removing local passenger services from the Newcastle-Maitland line between 9 p.m. to 5 a.m.?
- (2) Will there be a reduced frequency timetable serviced by buses, and not necessarily stopping at each railway station en route, implemented?
- (3) Does the State Rail Authority intend running coal trains and/or general freight on this passenger line during the 9 p.m. to 5 a.m. period?

Answer -

- (1) No.
- (2) Not applicable.
- (3) There are no alterations proposed to the current arrangements.

LIVERPOOL ELECTORATE RAILWAY STATION STAFFING

Mr Anderson asked the Minister for Transport and Minister for Roads -

- (1) Which railway stations in the electorate of Liverpool will see a reduction in staff as a result of the installation of automatic ticket machines?
- (2) Where staff are retained, what shifts will they be required to work?
- (3) Will there be any periods where any station in the electorate of Liverpool will be unattended?

Answer -

- (1) and (2) Staff reviews are to be carried out to determine staff levels and shifts required at Liverpool and Warwick Farm railway stations.
- 3) The hours during which stations are currently staffed will not change as a result of the introduction of automatic ticketing.

SOUTH WESTERN SYDNEY MENTAL HEALTH FUNDING

Mr Anderson asked the Minister for Health -

- (1) In 1991/92, did the South Western Sydney Area Health Service (SWSAHS) receive less than \$10 million in operating funds to provide Mental Health Services to a population of more than 600,000 people?
- (2) Why did the Central Sydney Area Health Service receive four times the funding of the SWSAHS to service only 300,000 people?
- (3) Why did the Northern Sydney Area Health Service receive more than four times the funding of the SWSAHS for approximately the same number of people?
- (4) Why does the Eastern Sydney Area Health Service receive more funding than SWSAHS for half the number of people?

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- (5) Why does the Western Sydney Area Health Service receive more than three times the funding to SWSAHS for a slightly lesser population?

- (6) When and how will the above be redressed?
- (7) When will the Liverpool Mental Health Team be fully staffed to provide a 24-hour per day Mental Health Service?
- (8) When will the Liverpool Mental Health Team be provided with additional qualified bilingual resources to provide mental health services to the many people of various non-English speaking backgrounds?

Answer -

- (1) Yes. The financial allocation to South Western Sydney Area Health Service under Program 2.8 (services mainly for the psychiatrically ill) in 1991/92 was \$8.953 million.
- (2) The allocation to Central Sydney Area Health Service reflects the high morbidity of its population and the cross Area and State wide services provided from facilities such as Rozelle Psychiatric Hospital, Rivendell Child and Adolescent Psychiatric Unit and the Royal Prince Alfred Hospital Psychiatric Unit.
- (3) The allocation to Northern Sydney Area Health Service reflects the presence of two psychiatric hospitals within its boundaries and the current out of Area role of these facilities.
- (4) Eastern Sydney Area Health Service does not receive more than three times the funding of SWSAHS for mental health services. In 1991/92 the allocation to this Area was \$13.082 million. The Area's allocation reflects the morbidity of its population and the existence of three hospitals with psychiatric units within its boundaries. It also administers the Neuropsychiatric Institute through Prince Henry Hospital, which provides a State wide service.
- (5) Western Sydney Area Health Service, in addition to servicing the mental health needs of its population, is funded to provide out of Area services through facilities such as Cumberland Psychiatric Hospital and the Redbank House Child and Adolescent Psychiatric Unit at Westmead Hospital.
- (6) The Government acknowledges that it inherited a mental health system with an inequitable distribution of services and resources. The problem is being addressed through the direction of enhancement funds for mental health to under resourced areas of the State including SWSAHS.

Mental Health Enhancements to SWSAHS have included:

- Funding an Area Director of Psychiatry (an academic co-appointment) to provide leadership, to help develop services and to attract high calibre staff to the Area.
- Funding for the establishment of an Extended Hours Community Mental Health Team in the Area.
- Funding for the establishment of a Child and Adolescent Community Mental Health service in the Area.
- Funding for the provision of additional Supported Accommodation for the mentally ill in the Area.
- Funding for the provision of a work program for the mentally ill in the Area.
- Funding for the acquisition of a new Community Mental Health Centre in the Area.
- Funding (\$450,000 in 1992/93) for the provision of an extended hours service to the southern zone of the Area.

Additional funds will continue to be provided to the Area until its resourcing is brought up to a more appropriate and equitable level. This will be achieved through a redistribution of resources in accordance with Government policy of providing care in the least restrictive environment and is provided for in the State Mental Health Strategic Plan.

- (7) The Liverpool Community Mental Health extended hours service currently operates to 10.00 p.m. on week days and from 10.00 a.m. to 6.00 p.m. on weekend and public holidays in addition to the inpatient service provided through Macquarie Clinic at Liverpool Hospital.

A 24 hour call back service in community mental health for the Liverpool sector is proposed for 1994/95.

- (8) The Liverpool Mental Health Team has access to four ethnic health workers and additionally to interpreter services to provide resources to the non-English speaking background clients in mental health. Enhancement to the service will occur during 1993/94 through a proposal for the development of a special team concentrating on mental health problems for people of non-English speaking backgrounds in terms of rehabilitation and those suffering from chronic trauma syndrome.

NON-FATAL GUNSHOT WOUNDS TO POLICE

Mr Anderson asked the Minister for Police and Minister for Emergency Services -

- (1) What was the name, rank and station or branch of each member of the Police Service suffering a non-fatal gunshot wound between 1 January 1991 and 7 April 1993?
- (2) Regarding each incident referred to above:
 - (a) Who was the person who discharged the firearm?
 - (b) Was the person discharging the firearm a member of the NSW Police Service and if so, what was the rank and station or branch of the person?
 - (c) What was the date and location of the incident?
 - (d) Who were the police in charge of any investigation?
 - (e) What was the action taken, if any, and the outcome of any departmental or other proceedings?

Answer -

- (1) (i) Detective sergeant C.L. McDonald, Major Crime Squad, Region South.
- (ii) Constable P.B. Johnson, Ashfield Police Station.

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- (iii) P.C. constable S.P. Greig, Hornsby Police Station.
- (iv) Constable 1st Class A.J. Bourke, Frenchs Forest Police Station.
- (2) Relating to question (1) (i):
 - (a) Mr Jim Tousanis.
 - (b) No.
 - (c) 22 July 1991 - Hilton Hotel, Sydney.
 - (d) Detective senior sergeant T. Shepherd, Regional Crime Squad, South.
 - (e) Armed hold-up investigation - offenders, Jim Tousanis and Fred Abdul Massih charged - trial date pending.
- Relating to question (1) (ii):
 - (a) Constable P.B. Johnson.
 - (b) Constable Johnson, Ashfield Police Station.
 - (c) 7 September 1991 - Ashfield Police Station.
 - (d) Detective senior constable W. Murray, Mount Druitt Police Station.
 - (e) Internal investigation - constable Johnson was paraded before his District Commander and reminded of his obligations under the provisions of Police Instruction 22.01. No departmental or criminal proceedings were commenced.
- Relating to question (1) (iii):
 - (a) P.C. constable S.P. Greig.
 - (b) P.C. constable Greig, Hornsby Police Station.
 - (c) 17 February 1992 - Glenorie.
 - (d) Detective senior sergeant J. Tripp, Hornsby Police Station.
 - (e) Internal investigation - no discipline action taken.
- Relating to question (1) (iv):
 - (a) Unknown offender.
 - (b) Unable to determine as at 27 September 1993.
 - (c) 22 June 1992 - Frenchs Forest Police Station.
 - (d) Senior sergeant Dennis O'Toole, Homicide Unit, Major Crime Squad, North Region.
 - (e) Criminal investigation - unfinalised.

CASINO CONTROL DIVISION DEPUTY DIRECTOR

Mr Face asked the Minister for Police and Minister for Emergency Services -

- (1) Did a police officer, Ken Drew, have lunch with the former Director of the Casino Control Division?
- (2) At that lunch, did Drew intimate to the then Director of the Casino Control Division that he would like to have Sergeant Bob Clark as the Deputy of the Casino Control Authority?
- (3) Did officer Ken Drew do this with former Police Commissioner Avery's authorisation and knowledge?

- (4) If not, was he doing this bidding for Sergeant Clark of his own accord?
- (5) Did Drew tape the conversation?
- (6) Did the Director of the Casino Control Division at that time approach Assistant Commissioner Col Cole with complaints about Bob Clark?
- (7) Will he instigate inquiries by Police Commissioner Lauer and the Ombudsman into the matter of actions by police against the then Director of the Casino Control Authority as reported to Col Cole and of any action taken or not taken?

Answer -

(1) Chief Superintendent Drew has reported that an invitation was extended to him by Mr Shields who had been appointed Director of the Casino Control Division of the State Treasury. According to Mr Shields, the meeting was desirable in order to discuss Service co-operation with the Control Division away from office interruption.

The Director had previously visited the Commissioner seeking Service co-operation and assistance to the Control Division. As Chief of Staff, Chief Superintendent Drew has left to follow-up and discuss logistics.

Chief Superintendent Drew also advised that the lunch took place at the City Tattersalls Club which was equidistant between their offices. It was not in the dining room but in a small bistro area. He does not believe liquor was consumed and the cost was met by Mr Shields.

Chief Superintendent Drew further states that he has never been a member of the City Tattersalls Club and as such, could not have been the meeting facilitator.

(2) Chief Superintendent Drew denies intimating to Mr Shields that he would like to have detective sergeant Clark as the Deputy of the Casino Control Authority.

(3) and (4) See answer to question (2).

(5) Chief Superintendent Drew has reported that he did not tape the conversation.

(6) Assistant Commissioner Col Cole is suspended from duty and is presently suffering an illness which prevents him being interviewed. Accordingly, this question is unable to be answered at this time.

(7) The concerns raised in this question have been brought to the attention of Commissioner Lauer. See response to answer (6).

ST MARYS HOME BURGLARIES

Mr A. S. Aquilina asked the Minister for Police and Minister for Emergency Services -

- (1) What is the total number of home burglaries reported in the St Marys Police District in 1988-92 inclusive?
- (2) How many of these reported burglary cases in each year since 1988 have been successfully solved?

Answer -

(1) To assess police performance concerning the issue of break and enter - dwellings, it is more productive to examine the trend of the issue over a period of time.

The number of break and enter - dwelling offences reported to police in the St Marys Patrol has decreased 28.5 per cent over the last 5 years. A list of the offences for St Marys Patrol for the last 5 years is attached:

NSW Police Service - Crime Statistics

Patrol: St Marys

Recorded Offences					
Offence Classification	1988/89	1989/90	1990/91	1991/92	1992/93
Offences against the person	147	178	190	209	231
Steal with violence	77	62	63	61	71
Break and enter - dwellings	618	615	490	447	442
Break and enter - other premises	574	404	378	378	398
Stealing	883	679	774	799	919
Fraud, false pretences	215	223	201	516	117
Sexual offences	38	34	35	45	35
Motor vehicle theft	866	803	869	705	740
Drug offences	111	117	153	138	129
Arson offences	32	23	53	40	28
Other offences	591	600	630	738	798
Total offences	4152	3738	3836	4076	3908

- * Data extraction dates: 1988/89 extracted 13 August 1990; 1989/90 extracted 28 July 1991; 1990/91 extracted 26 July 1992; 1991/1992 extracted 27 July 1993; 1992/1993 extracted 28 July 1993.
- * Produced by Statistical Services Section, Quality & Review Branch, Office of Strategy and Review: 29/7/93.

DEPARTMENT OF HOUSING AMERICAN EXPRESS CREDIT CARD

Mr Clough asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

- (1) Who in the Department of Housing held American Express Credit Card Number 3760 218289 81003?
- (2) When was the card in effect?
- (3) How much was charged to the card?
- (4) What items were purchased or paid for using the card?
- (5) When was the card cancelled?
- (6) Why was it cancelled?

Answer -

The Minister for Planning and Minister for Housing has been advised by the Department of Planning that the answers to the honourable member's questions are:

- (1) American Express Credit Card number 3760 218289 81003 was held by Annette Simpson, Principal Private Secretary to the former Minister for Housing.
- (2) The card was available for use from May 1989 to July 1990.
- (3) and (4) The card was initially issued to cover expenses incurred during an overseas trip in June/July 1989 by the former Minister for Housing, a former Director of Housing and Annette Simpson. A total of \$7,815 was debited to the card.
- (5) and (6) The Department of Housing rationalised the number of cards on issue and cancelled this card in July 1990.

LITHGOW AND BATHURST AMBULANCE SERVICES

Mr Clough asked the Minister for Health -

- (1) Will he guarantee that the mining and industrial community of the City of Greater Lithgow will have instant access to ambulance services in the event of an industrial accident?
- (2) Is he aware of current delays in obtaining ambulance services through the "000" network?
- (3) Is Bathurst Ambulance Station currently understaffed?
- (4) Is the transfer of the communication centre a means by which staffing can be returned to normal?

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Answer -

(1) The Ambulance Service in Lithgow is provided by a complement of 14 full-time staff using five ambulance vehicles operating from a modern station located in Railway Street, Lithgow. The station is manned on a 24 hours per day, 7 days per week basis.

The Lithgow Ambulance Service has always provided an immediate and appropriate response to emergency incidents in Lithgow. This service has not and will not be diminished.

(2) "000" emergency calls within the 063 area code are directed through the Telecom network to the Manual Assistance Centre at Orange. "000" emergency calls are assigned priority status by Telecom.

Upon receipt of a "000" call the operator connects the caller to the required emergency service, which, in the case of the Ambulance Service, is via dedicated tie lines. The "000" facility is a service provided free of charge by Telecom to the community.

The Ambulance Service is working closely with Telecom to ensure "000" network continues to be the most effective and reliable way of summoning ambulance assistance in an emergency.

(3) No. The Bathurst Ambulance Station has a staffing complement of 20 officers comprising of 2 station officers and 18 ambulance officers.

There are no staff vacancies at the Bathurst Ambulance Station at this point in time. One officer is currently on leave without pay.

(4) The current 14 officer roster at the Bathurst Ambulance Station was enhanced by 2 officers upon the closure of the Co-ordination Centre on 25 June 1993.

This resulted in the provision of an extra double crewed ambulance vehicle on the afternoon shift 7 days per week.

WYONG HOSPITAL REDEVELOPMENT

Mr McBride asked the Minister for Health -

(1) How much money has been spent so far on the Stage 2 redevelopment of Wyong Hospital in the 1992/93 financial year so far?

(2) How much will be spent on the redevelopment in the rest of the 1992/93 financial year?

(3) (a) On what services will the money be spent?

(b) How will this improve the operation of and services at Wyong Hospital?

(4) (a) Have there been any shortfalls in spending commitments announced in the 1992/93 Budget Capital Works Program?

(b) If so:

(i) To what amount has there been a shortfall?

(ii) Why has there been a shortfall?

(iii) Does he have plans to fast-track work in future years to ensure the redevelopment is completed by the promised date of July 1994?

(iv) What services are affected by the shortfalls?

(5) When will the redevelopment be completed?

(6) When will all new services included in the redevelopment be available to the public?

(7) How much will be spent by the redevelopment's completion?

Answer -

(1) and (2) A total of \$7,554,004 was spent on the program in the 1992/93 financial year.

(3) (a) Inpatient services.

(b) This has allowed for full operation of the stage 2 development and 85 of the 100 beds to be operational.

(4) (a) No.

(b) Not applicable.

(5) The stage 2 development is completed and additional projects planned for Wyong have been additionally funded.

(6) August 1993.

(7) Approximately \$21.5 million.

INNER CITY LIGHT RAIL PROPOSAL

Ms Nori asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

(1) Does he stand by his comments in September 1992 that the light rail will be extended to Balmain?

(2) If so, when will the extension be commenced/completed?

(3) Why have consultants, recently appointed for the Central Railway to Pyrmont light rail EIS and for "demand assessment" and "route proving", not been given a brief to look at extension of the line to Balmain?

(4) Will the light rail link directly to the Central Business District and not just to Central Railway?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:

(1) to (4) The Light Rail proposal will commence its operations on the route proposed to service Ultimo-Pyrmont, and will run between Central Station and the Fishmarkets in Pyrmont. The initial phase does not propose any extension beyond those stops.

The terms of reference for the expressions of interest from the private sector regarding this light rail project provide for suggestions for extension of this route to be put forward for consideration. Any decision to extend the light rail will have to be based on a full evaluation of demand including financial feasibility. The Minister for Transport will be responsible for any such decision.

DONATED BLOOD SCREENING

Dr Refshauge asked the Minister for Health -

(1) When was the NSW Health Department first aware of the technology for the screening of donated blood products to prevent Hepatitis C contamination?

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(2) When did the NSW Health Department start testing blood donations in the New South Wales hospital system?

(3) How many patients contracted Hepatitis C between the time when the Department was aware of the new technology and when the new technology was introduced?

(4) Is the Department planning on compensating these people in any way?

Answer -

(1) In answering this question it should be remembered that there is a clear distinction between the discovery of a virus, in this case Hepatitis C, and the ability to do mass screening for blood donations.

The NSW Blood Transfusion Service first learnt of the discovery of the virus in an issue of the journal "Science", received by the Service on 21 April 1989. It was not until 10 November 1989 that the NSW Blood Transfusion Service was advised that Ortho Diagnostics, an American company, had received an export permit to supply Hepatitis C antibody kits for screening to countries outside the United States including Australia.

(2) Testing of all blood donations collected in New South Wales commenced in February 1990. This followed advice by Ortho Diagnostics of their ability to export kits to Australia on 10 November 1989. February 1990 was the earliest that general screening could have commenced. Even though the Department had approved funding in November 1989, following an enhancement request from the Red Cross in October, testing could not commence immediately because the kits were simply not physically available. In fact, even though advised by Ortho that they would be able to supply in February that company remained unable to supply kits and testing was only able to commence because a second company, Abbott, also became able to supply kits. Testing was in place in all Blood Banks in New South Wales, both country and metropolitan by 19 February 1990.

(3) The question cannot be answered specifically. The incidence of post-transfusion Non-A, Non-B Hepatitis, of which Hepatitis C makes up approximately 90 per cent was approximately 1 per transfusion episode. This figure includes clinical and subclinical cases and is derived from a study performed by the NSW Blood Transfusion Service, the Western Australian Blood Transfusion Service and Professor Yvonne Cossart, Professor of Infectious Diseases at the University of Sydney.

(4) The Department of Health introduced blood screening at the earliest possible time. The Department will not consider the payment of compensation unless there can be established legal liability on behalf of the Department. Any claim for compensation would need to be pursued through the normal legal processes, with the Department assessing each case on its particular legal merits. As the Department believes that it has acted reasonably, and as quickly as possible, there are no plans to compensate the persons who received hepatitis C prior to the introduction of blood screening on 19 February 1990.

MINISTER FOR PLANNING AND MINISTER FOR HOUSING CHIEF OF STAFF STAFF EQUIPMENT

Mr Sullivan asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

With reference to the Minister's Chief of Staff -

- (1) Does his immediate staff have the use of a photocopy machine?
- (2) If yes, what is the brand and model?
- (3) Who is responsible for:
 - (a) The selection of the photocopier?
 - (b) Determining the time of replacement?
 - (c) The payment of servicing and maintenance and other associated costs?
- (4) Does the present photocopier have:
 - (a) Automatic document feeder?
 - (b) Duplex document feeder?
 - (c) Large capacity cassette - if yes, what capacity?
 - (d) Duplex unit - if yes, what capacity?
 - (e) Paper size selection - if yes, what range of paper sizes?
 - (f) Magnification selector - if yes, is it automatic?
 - (g) Reduction and enlargement?
 - (h) Interruption capability?
 - (i) Page by page copying?
 - (j) Frame erasure?
 - (k) Punch hole erasure?
 - (l) Cover mode?
 - (m) Image shifter?

- (n) Program memory?
- (o) Built-in editing?
- (p) Multiple sheet bypass?
- (q) Bin sorter - if yes, what capacity?
- (r) Other than black colour copying - if yes, what colours?
- (5) Does the Minister's Chief of Staff have the use of:
 - (a) A modular phone?
 - (b) A car phone?
- (6) If yes, in each or either case, what is the brand name and model of the phone(s)?
- (7) If yes, in each or either case, who pays for:
 - (a) The purchase and installation costs?
 - (b) Each call made?
 - (c) Repairs and maintenance costs?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:

- (1) Yes.
- (2), (3) and (4) Not relevant.
- (5) (a) No.
- (b) Yes.
- (6) Not relevant.
- (7) (a), (b) and (c) The cost of official phones is met by the Government.

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ST MARYS ELECTORATE DRUG AND ALCOHOL AUTHORITY PROGRAMS

Mr A. S. Aquilina asked the Minister for Health -

- (1) What funding was provided for the Drug and Alcohol Authority programs in the electorate of St Marys in:
 - (a) 1988?
 - (b) 1989?
 - (c) 1990?
 - (d) 1991?
 - (e) 1992?
- (2) What is the expected funding to be provided for the next year in the electorate of St Marys?

Answer -

(1) Drug and Alcohol Services to the St Marys electorate are provided as part of the services provided to the Penrith Local Government Area by the Wentworth Area Health Service. Details of funding provided for these services in the Penrith Local Government Area for the relevant financial years are as follows:

- (a) 1988/89 \$62,715.
- (b) 1989/90 \$65,328.
- (c) 1990/91 \$68,050.
- (d) 1991/92 \$73,443.
- (e) 1992/93 \$73,457.

(2) In August 1993 the Wentworth Area Health Service completed a detailed review of the provision of Drug and Alcohol Services. The findings of the review relate to the entire Area Health Service. While the electorate of St Marys is just one area within the Health Service the recommendations of the review which aim to facilitate access to appropriate services will have an impact on the local residents of St Marys.

Recommendations for the future planning of drug and alcohol services in the Wentworth Area Health Service

(WAHS) are:

- * That there will be a change in the way the funding is distributed to improve the range and mix of services available;
- * That discussions be conducted between the Directorate of the drug offensive and the 3 non-government organisations within the WAHS to ensure that services are being provided to those residents within the WAHS;
- * That the Wentworth Area Health Service, along with the South West Sydney Area Health Service and the Western Sydney Area Health Service, be involved in the development of a plan for detoxification services for the western areas of Sydney.

DEPARTMENT OF TRANSPORT TENDERING PROCEDURE

Mr Gaudry asked the Minister for Transport and Minister for Roads -

- (1) Does the Department of Transport apply conflict of interest provisions to individuals or groups tendering for Department of Transport projects?
- (2) If so, what are these provisions?
- (3) If not, why not?
- (4) Were these provisions applied to tenderers for the Lower Hunter Integrated Transport Study involving future public transport services?
- (5) Were any persons involved in the successful consortium associated with transport companies or consortia who could potentially benefit from its conclusions?

Answer -

- (1) Yes.
- (2) The provisions require tenderers to lodge a statement that undertaking the tasks in the project brief will not result in any conflict of interest, or to identify any existing or potential conflict of interest and the steps proposed to be taken to address that conflict of interest.
- (3) Not applicable.
- (4) Yes.
- (5) A person associated with a group that had submitted a proposal in 1991 for a regional light rail network, and who had therefore been identified in the successful tenderer's submission as having a potential conflict of interest, was removed by the Department from the study team before that person commenced work on the study.

HAMILTON TRANSPORT HIRE CENTRE VEHICLES

Mr Gaudry asked the Minister for Transport and Minister for Roads -

- (1) Has the General Manager of State Rail Internal Business Unit ordered the return of four of the Hamilton Transport Hire Centre vehicles to Sydney?
- (2) When were these vehicles reclassified from "transport fleet" to "relief"?
- (3) Was this reclassification a clerical error?
- (4) What was the turnover of the Hamilton Transport Hire Centre in the years:
 - (a) 1990?
 - (b) 1991?
 - (c) 1992?
- (5) Will the removal of these four vehicles impact on the viability of the Hamilton Transport Hire Centre as an internal business unit?
- (6) Why has this decision been taken by State Rail?

Answer -

- (1) Yes.
- (2) The vehicles have been classified as "day hire/relief" since about 1984.
- (3) No.
- (4) (a) 1990 - not available, as the centre was only established in 1991.
(b) 1991 - \$684,000.
(c) 1992 - \$1,203,000.
- (5) No, as the prime function of the centre is to provide trucks with drivers.
- (6) The four vehicles were withdrawn from the Hamilton Transport Centre as part of all an overall reduction in the size of State Rail's road vehicle fleet.

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DEPARTMENT OF LOCAL GOVERNMENT AND OFFICE OF ENERGY PROTOCOL PROCEDURES

Mr Rogan asked the Minister for Energy and Minister for Local Government and Co-operatives -

- (1) Do departments and authorities under your administration have in place protocol procedures and arrangements when new buildings or facilities are opened by the Premier or Ministers?
- (2) If not, why not?
- (3) In regard to the opening of Mount Piper Power Station recently, why was the local member, Mr M. Clough, not accorded the proper respect for his position by being placed on stage and given the opportunity of welcoming guests and dignitaries to his electorate?
- (4) Was this lapse in protocol referred to in Question (3) the responsibility of the Electricity Commission or your office?
- (5) Is it a fact that Mount Piper Power Station was commenced by a Labor Government?
- (6) Will you now review protocols for such openings with the view to properly recognising the office of the local member?

Answer -

PACIFIC POWER

- (1) Pacific Power seeks guidance, when considered necessary, relating to protocol procedures and arrangements for opening ceremonies as mentioned.
- (2) See answer to Question (1).
- (3) At the opening of Mount Piper Power Station by the Premier on Friday 2 April 1993, Mr Clough was accorded respect throughout the occasion. The honourable member was seated in the VIP section in front of the stage area during the opening ceremony.
In keeping with the occasion, the speeches were purposely kept to a minimum, with only the speakers taking the stage. There were just four speakers, these being the Premier, Pacific Power's Chairman, Pacific Power's General Manager and myself.
All guests were warmly welcomed by the Premier of New South Wales, as well as myself and the other speakers.
In my speech I said "... as one of the state regional representatives of this part of the State, along with the Member for Bathurst, Mr Clough who is here today".
- (4) Pacific Power was responsible for the official arrangements and every effort was taken to ensure that proper procedures were maintained. It is considered that the Member for Bathurst was given due respect at all times.
- (5) Site preparation started in October 1981, with construction works commencing in December 1983 to meet the original in-service date of 1987. However, due to a downturn both in the economy and the demand for electricity, the in-service date was postponed to 1989, with subsequent extensions to 1991 and then 1993.
- (6) Pacific Power has, and always will, give due recognition to Local Members at official openings.

SYDNEY ELECTRICITY

- (1) Yes.

Sydney Electricity properly recognises the office of the Local Member of Parliament and it is Sydney Electricity's standard practice and custom to invite the local State Member(s) of Parliament and local government representative(s) to official functions, regardless of political party.

(2) See answer to question (1).

(3) to (6) Not applicable to Sydney Electricity.

DEPARTMENT OF LOCAL GOVERNMENT AND CO-OPERATIVES AND OFFICE OF ENERGY

(1) Both agencies seek guidance, when considered necessary, relating to protocol procedures for opening ceremonies as mentioned.

(2) See answer to question (1)

(3) to (6) Not applicable.

NEWCASTLE HOSPITALS ELECTIVE SURGERY CANCELLATIONS

Mr Price asked the Minister for Health -

(1) Were some 180 patients requiring elective surgery subject to bed cancellation at the John Hunter Hospital?

(2) What was the total number of cancelled elective surgery patients for the three hospitals within the Newcastle City boundary, viz.:

(a) John Hunter?

(b) Mater?

(c) Royal Newcastle?

(3) What are the waiting times and number of patients for the following:

(a) Elective dental surgery?

(b) Elective ear, nose and throat surgery?

(c) Elective urologic surgery?

in the abovenamed hospitals for:

(i) January 1993;

(ii) February 1993;

(iii) March 1993;

(iv) April 1993.

(4) Following the closure of Wallsend District Hospital, will he now confirm that there has been no loss of services within the Hunter Area Health Service and that there remains a small excess of beds in the Greater Newcastle area?

Answer -

(1) For the period January 1993 to April 1993 inclusive, a total of 28 elective surgical patients were deferred by the John Hunter Hospital due to bed or operating theatre time unavailability. This represented 0.8 per cent of all scheduled operations and was caused by emergency cases having to be dealt with immediately.

(2) For the period January 1993 to April 1993 the following elective surgical admissions were cancelled by the patient or their doctor:

John Hunter Hospital	125
Royal Newcastle Hospital	169
Mater Hospital	28

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(3) Elective dental surgery is undertaken at John Hunter Hospital, elective urology at the Royal Newcastle Hospital and elective ENT surgery at the John Hunter Hospital. The Hunter Area Health Service allocated additional funding to the John Hunter Hospital to increase the number of elective ENT operations with an additional 114 operations being performed in the first 2 months of this programme.

The Area Health Service has also been working with surgeons to ensure that all patients requiring surgery are

booked with the hospital rather than patient names being held in surgeons' rooms as in the past. The co-operation of most surgeons has been excellent resulting in a more complete booking list.

The waiting time varies according to the nature of the patient's condition, the priority allocated by the surgeon and the time for admission preferred by the patient.

(4) The number of acute patients treated by the Hunter Area Health Service in July to May (1992/93) has increased by 2.8 percent over the comparable period in 1991/92. Since September 1991 the John Hunter Hospital has been fully commissioned and additional beds have been opened at the Mater Hospital.

HEALTH WARNINGS ON CIGARETTE PACKETS

Mr Mills asked the Minister for Health -

(1) Did the Ministerial Council on Drug Strategy agree unanimously at its meeting in April 1992 to a proposal to upgrade health warnings on cigarette packets?

(2) Was the council then chaired by the Honourable John Hannaford M.L.C.?

(3) Has Western Australia implemented the proposals already?

(4) Have Ministers in South Australia and the ACT made public statements recently indicating their intention to implement the proposal?

(5) If so, when will they implement the proposal?

(6) Did the Ministerial Council on Drug Strategy agree on a timetable for implementation of the health warnings proposal?

(7) If so, what timetable was agreed to or suggested?

(8) Did the Ministerial Council make the proposal in the belief that stronger health warnings would help reduce juvenile smoking?

(9) What factors have prevented New South Wales from announcing our intention to implement the proposal?

(10) Will the proposal be implemented in New South Wales?

(11) If so, when?

(12) If not, why not?

(13) Has the Premier or any other New South Wales Minister met with the Tobacco Lobby on this subject?

(14) If so:

(a) With which tobacco body did the meeting take place?

(b) When was the meeting?

(c) Where was the meeting?

(d) Was the Victorian Premier or any other Minister also involved?

(e) What was the outcome of the meeting?

Answer -

(1) Yes.

(2) Yes.

(3) Yes.

(4) Yes.

(5) No decision on the date had been made.

(6) Yes.

(7) 1 July 1993 or earlier.

(8) Yes.

(9) Since the MCDS decision in April 1992 some States had introduced the new systems while others were considering alternative systems. The effectiveness of the tobacco labelling system is highly dependent upon uniform standards being introduced by all States and Territories. To ensure that a nationally uniform system is in place, the NSW Government referred the matter to the meeting of the MCDS in July 1993.

(10), (11) and (12) The July 1993 MCDS meeting confirmed its commitment to a strengthened system of health warnings on tobacco products. The system will be implemented in New South Wales by the target date of 1 April 1994.

(13) and (14) As part of the community consultation process, the Premier of New South Wales and the NSW Minister for Health have met with representatives of the tobacco manufacturing industry on this issue. Similar meetings have been held with representatives of the health lobby. Neither the Victorian Premier nor any other Ministers were present.

FESTIVAL OF SYDNEY FUNDING

Ms Allan asked the Treasurer and Minister for the Arts -

- (1) How much funding has been provided by the State Government to the Festival of Sydney in:
 - (a) 1991?
 - (b) 1992?
 - (c) 1993?
- (2) How much money will be provided to the 1994 Festival of Sydney by the Government?
- (3) Is the 1994 Festival facing a shortfall of funding due to financial problems currently being experienced by Sydney City Council?
- (4) Are the Domain concerts, traditionally provided to the public at no cost, at risk of not proceeding because of these cuts?
- (5) If so, what assistance will he provide to ensure these concerts proceed?
- (6) Does the Sydney Festival receive less funding from the Government than arts festivals in Melbourne and Adelaide receive from the Victorian and South Australian Governments respectively?
- (7) If so, why?

Answer -

- | | | | |
|-----|----------|-----------|------------------------------------|
| (1) | (a) 1991 | \$564,000 | Ministry for the Arts - Festival. |
| | | \$180,000 | Premier's Department. |
| | | \$ 46,156 | Ministry for the Arts - Carnavalé. |

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- | | | |
|----------|-----------|------------------------------------|
| (b) 1992 | \$564,000 | Ministry for the Arts - Festival. |
| | \$355,000 | Ministry for the Arts - Carnavalé. |
| | \$ 90,000 | Ministry for the Arts - Carnavalé. |

State-wide community grants.

- | | | |
|----------|-----------|------------------------------------|
| (c) 1993 | \$564,000 | Ministry for the Arts - Festival. |
| | \$355,000 | Ministry for the Arts - Carnavalé. |
| | \$ 90,000 | Ministry for the Arts - Carnavalé. |

State-wide community grants.

(2) The budget for 1993/94 provides the Ministry for the Arts with an allocation of \$919,000 for the 1994 Sydney Festival and Carnavalé. In addition \$90,000 is provided by the Ministry for the Arts for State-wide community arts events as part of Carnavalé. Support in kind (advertising promotions) to the value of \$200,000 has also been promised by the NSW Tourism Commission. The Government's overall contribution to the Festival and Carnavalé therefore exceeds \$1.3 million.

(3) In March 1993 the board of the Festival of Sydney was advised by the Sydney City Council that it would cut its funding to the 1993 Festival by \$110,000 and that the maximum assistance the Council would be able to provide to the 1994 Festival would be \$400,000. The Festival is working within its budget.

(4) and (5) There is no risk of these concerts being abandoned. They are the central attractions of the Festival and the Government has made it clear they will continue. If necessary we would earmark a Festival subsidy for this purpose. The Domain concerts stamp the Sydney Festival as a unique popular celebration for the whole community, catering to all tastes and interests, as distinct from the more narrowly-focussed arts festivals staged in Adelaide, Melbourne and Perth. They are appropriate events for one of the world's great multicultural cities.

(6) and (7) The Sydney Festival and Carnavalé operate efficiently and cater to larger audiences than other festivals. They have been more successful in raising corporate sponsorship for programs of popular and

community events. The Government has moved to ensure that the board and management structure of the Festival and Carnavalé remain flexible and responsive to community needs. Recent changes agreed with the Lord Mayor and adopted by the Festival members will ensure changes to board membership and advertising of all senior management positions. This process is now being handled by a firm of management consultants. The Government and the city council, as principal sponsors, are confident that future festivals will be even more cost-effective and successful. A new position of artistic director will work alongside the general manager to bring a fresh stamp to the program, planning and content. I look forward to even brighter and bigger festivals in future years.

LIDCOMBE HOSPITAL UNIT CLOSURES

Mr Nagle asked the Minister for Health -

- (1) What units at Lidcombe Hospital are scheduled for closure in 1993 and 1994?
- (2) Where will they, if at all, be transferred to?
- (3) What transport facilities will be made available for patients to get to these transferred units?

Answer -

(1) I have approved as of 17 June 1993 the consolidation of the Bankstown/Lidcombe Hospital on to the one site at Bankstown and the consequent eventual closure of the Lidcombe Campus. The Bankstown/Lidcombe Hospital will be redeveloped to 454 beds on the Bankstown site.

It should be noted that the Lidcombe Campus is not programmed to close until 1997, when the redevelopment is scheduled for completion.

Issues related to the amalgamation of the hospitals and the redevelopment of the Bankstown Hospital site were fully documented in the report by the Bankstown/Lidcombe Community Consultative Committee Views on the proposals for the Bankstown/Lidcombe Health Services.

Acute services located at the Lidcombe Campus will be progressively relocated to other hospitals commencing in 1993/94. Nursing home beds are proposed to be allocated to other hospitals and the non-government sector.

(2) (a)Beds

As veterans will be given private patient status in public hospitals, additional beds and services at the Repatriation General Hospital Concord will become more available for non-veteran patients, including those who to date may have sought care at Lidcombe.

(b)Other services

The Bankstown/Lidcombe Hospital will operate as one hospital on two sites and, as such, there will be one admission service, one Intensive Care Unit and the roles of each campus have had to be redefined so as to reduce duplication and achieve a sensible service mix. Doctors have now been appointed to both campuses.

(3) There should be no need for patients to travel further as a result of these initial changes. District hospital services to be retained at Lidcombe until the redevelopment of the Bankstown Campus is completed and/or to be provided from Bankstown will be adequate to meet the needs of persons living in the Bankstown/Lidcombe area, especially as some living in the Lidcombe area may wish to utilise Auburn or the Repatriation General Hospital Concord, for hospital services.

The South Western Sydney Area Health Service is currently negotiating with local bus companies to discuss transport services with a view to improving access to the redeveloped hospital at Bankstown.

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CABRAMATTA AND WETHERILL PARK MOTOR VEHICLE THEFT

Mr Newman asked the Minister for Police and Minister for Emergency Services -

- (1) What number of motor vehicles were reported stolen to the Cabramatta and Wetherill Park Police

Stations in:

- (a) 1990?
- (b) 1991?
- (c) 1992?
- (2) (a) What number of stolen vehicles were recovered by police?
- (b) What number of charges were laid for vehicle theft at these police stations?
- (3) What ranking in the State statistics do Cabramatta and Wetherill Park Patrols have with respect to vehicle number thefts?

Answer -

(1) to (3) See attached schedule.

Issue	Year	Cabramatta	Wetherill Park
Motor vehicles stolen	1990	1397	391
	1991	1244	775
	1992	1172	673

Issue	Year	Cabramatta	Wetherill Park
Motor vehicles recovered	1990	1116	352
	1991	969	766
	1992	847	701

Note: * Boundary changes to Wetherill Park in 1991.

* Figures for the number of charges and ranking are not available.

* Data extracted on 11 October 1993 from the stolen vehicle index system.

HUNTER REGION PSYCHIATRIC BEDS

Mr Price asked the Minister for Health -

- (1) When will the 36 psychiatric beds proposed for general hospitals in the Hunter Area Health Service be provided?
- (2) (a) Which hospitals will accommodate these beds?
- (b) How many will be allocated to each nominated location?
- (3) What has caused the delay since the announcement in February this year?
- (4) Will these beds be allocated from existing acute care beds?
- (5) If not, what capital allocation for new dedicated ward provision has been made in the existing budget or is intended in the 1993/94 Hunter Area Health Service Budget?

Answer -

(1) and (2) The draft Hunter Area Health Service Mental Health Services Strategic Plan was released for

public comment in late 1992. There was a very pleasing response to the draft plan and submissions received were considered by the Strategic Planning Committee of the Hunter Area Health Service Board. The final Plan was adopted by the Board at its meeting of 5 October 1993. A series of workshops and seminars are to be held to fully acquaint people with the contents of the Plan. The inclusion of an acute psychiatric unit in the Maitland Hospital redevelopment has been endorsed. The future general hospital location for acute psychiatric inpatient beds in Newcastle will be the John Hunter campus.

(3) There has been no delay. The Hunter Area Health Service wishes to ensure extensive consultation occurs before adoption of a final plan.

(4) It is intended that the development of acute inpatient psychiatric beds in general hospitals will occur though a re-distribution of existing mental health beds to better meet the needs of Hunter area residents. This is in accordance with the principle of mainstreaming of mental health services as contained in the National Mental Health Policy.

(5) Funds will be allocated for the construction of a new psychiatric inpatient unit at Maitland Hospital as part of the hospital redevelopment. Planning is nearing completion and it is expected that the redevelopment will be completed in 1996/97.

PRAIRIEWOOD AMBULANCE STATION PROPOSAL

Mr Scully asked the Minister for Health -

(1) When will a 24-hour fully operational ambulance station be built at Prairiewood in the grounds of the Fairfield Hospital?

(2) (a) Is he aware the Department of Health had proposed that the existing Fairfield Ambulance Station would be sold to a developer in return for the construction of new ambulance stations at Prairiewood and at Carramar?

(b)(i) Is he aware that the Department has withdrawn the proposal on the grounds that tender documents were not available to all potential tenderers?

(ii) What other reasons are there for the withdrawal of the proposal?

(c) Is there only one serious potential tenderer?

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Answer -

(1) and (2) The proposed new ambulance station to be built at Prairiewood and the second ambulance station to be built at the former Fairfield Hospital site together with an ambulance vehicle workshop, are to be financed through disposal of the existing Fairfield Ambulance Station property.

The Ambulance Service decided to defer the package of works because it was likely that some prospective tenderers may have been disadvantaged and the deferral allowed the Service time to undertake a review of its workshop facilities.

Tender documents for the project were updated and tenders were re-invited in July 1993. On the basis that tender action will be successful, the facilities should be operational by mid 1994.

There has been substantial developer interest in the present ambulance station site for many years. The Ambulance Service has no reason to believe that the situation has altered.

STATE RAIL AUTHORITY EMPLOYEE Mr PETER VINCENT

Mr Face asked the Minister for Transport and Minister for Roads -

(1) Has State Rail Authority employed at any time, or is still in the employ of State Rail Authority, a former police person, Peter Vincent, who had adverse findings made against him in an Ombudsman's report involving a Mr Ainsworth?

(2) If so:

(a) When was Vincent employed by SRA?

- (b) What is his position?
- (c) What are his duties?
- (3) Who were his referees, or persons who gave him references, verbal or in writing, to obtain such position?
- (4) Were any of those referees or references, verbal or written or otherwise, given by a current serving member of the NSW Police Service or any past member of the NSW Police Service?
- (5) Who was the previous employer of Vincent prior to his joining the SRA Security?
- (6) (a) If he holds a position with SRA, or has ever held a position with SRA, was such position advertised?
- (b) If so:
 - (i) Where?
 - (ii) When?
- (7) Was Vincent's background investigated at the time of his employment?
- (8) If an investigation was held, is he satisfied it was sufficient and did it reveal any of the remarks made by judges in court proceedings about Vincent?
- (9) If there was an investigation into his background, who did it?
- (10) In the light of the revelations of the Ombudsman's report involving Vincent along with a Detective Sergeant Clark and a Mr Prehn, is his position under review and could he be considered to be a fit and proper person to be holding a position at the SRA in the area in which he has been employed.

Answer -

- (1) Mr Peter Vincent is currently employed by the State Rail Authority.
- (2) (a) 27 September 1990.
- (b) Manager, Fraud Prevention and Anti Corruption Unit.
- (c) Management and leadership of a unit which undertakes investigations into allegations of fraud or corruption within State Rail; referral of the results of these investigations to the appropriate authorities.
- (3) An executive search firm, Michael Page International, assisted State Rail in the selection process for this position and I am advised that the firm routinely destroys its selection process records after 3 years. Accordingly, the firm does not have details of any of Mr Vincent's referees.
- (4) Refer to answer (3).
- (5) Prior to joining State Rail Mr Vincent was self employed.
- (6) (a) Yes.
- (b)(i) As mentioned previously, the position was advertised externally by Michael Page International. Advertisements were placed in the financial and local press.
- (ii) August 1990.
- (7) It is standard practice in such matters for exhaustive discussions to take place with applicants and their referees.
- (8) Refer to answer (7).
- (9) Refer to answer (7).
- (10) Mr Vincent's position is not under review. State Rail management has advised that it has confidence in Mr Vincent's integrity and competency. He has made a significant contribution to overcoming fraud and corruption within State Rail, many of his investigations have led to and been used in support of court action or hearings before ICAC and he has made a major contribution to the development of an ethical work environment within State Rail.

AUSTRALIAN DEFENCE INDUSTRIES SITE LIGHT RAIL PROPOSAL

Mr A. S. Aquilina asked the Minister for Transport and Minister for Roads -

- (1) Is he aware of a proposal for a light rail transport system to be introduced in the northern portion of land presently within the Australian Defence Industries site?
- (2) If so, who will build such a light rail system?
- (3) Who will pay for it?

Answer -

(1) A disused railway line from St Marys to the ADI site provides the opportunity for the development of a dedicated public transport system for the site. This system may be a busway or light rail.

(2) and (3) The Australian Defence Industries site at St Marys is to be planned as a model urban development, which will establish a precedent for

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developer financed public transport infrastructure in the early stages of development. When planning commences, a detailed transport study will be undertaken for the site, including feasibility and design for public transport. It is proposed that the developer (ADI) will meet the costs of the public transport infrastructure required by the development, including the construction of a busway/light rail.

WESTERN SYDNEY RAILWAY STATION STAFFING LEVELS

Mr A. S. Aquilina asked the Minister for Transport and Minister for Roads -

(1) What is the present staffing level at Mount Druitt, Werrington, Kingswood and Penrith Railway Stations?

(2) What is the proposed level of staffing at these stations after the introduction of automatic fare collecting machines?

(3) When will automatic collecting machines be introduced at these stations?

Answer -

(1) Mount Druitt 11, Werrington 2, Kingswood 5, Penrith 29.

(2) Staff reviews are to be carried out to determine staff levels and shifts required. However, the hours during which stations are currently staffed will not change as a result of the introduction of automatic ticketing.

(3) Mount Druitt 22 June 1993, Werrington 30 June 1993, Kingswood 29 June 1993, Penrith 21 June 1993.

TURRAMURRA AND KARIONG TRAFFIC LIGHTS

Mr Doyle asked the Minister for Transport and Minister for Roads -

(1) Have traffic lights recently been installed at the intersection of Bobbin Head Road, Pentecost Avenue and Boomerang Street, Turramurra?

(2) Were surveys of the users of the intersection conducted to determine the number of:

(a) Pedestrians?

(b) Motor vehicles?

(3) If so, what were the results of these surveys?

(4) Have similar surveys been conducted at the Pacific Highway and Woy Woy Road at Kariong?

(5) (a) If so, what were the results?

(b) If not, why not?

(6) Will traffic lights and a pedestrian crossing be installed at this site?

Answer -

(1) Yes.

(2) There was no need for surveys. Traffic control signals were installed to reduce an unsatisfactory crash history at the site.

(3) Not applicable.

(4) Pedestrian movements and traffic volumes at the intersection have been surveyed.

(5) (a) Survey data of pedestrian and vehicular traffic volumes at the site per hour during peak hour periods is as follows:

	Pedestrians		Vehicular traffic	
	am	pm	am	pm
1987	19	26	1141	1248
1989	31	33	(no date)	(no date)
1992	26	63	2266	2470

(b) Not applicable.

(6) Options involving traffic control signals and roundabout construction at the intersection are being assessed. A decision on the matter will be reached as soon as practicable.

STATE RAIL AUTHORITY LAND AT WOY WOY RAILWAY STATION

Mr Doyle asked the Minister for Transport and Minister for Roads -

- (1) What is the future of the State Rail Authority land to the north of Woy Woy Railway Station, presently utilised as a staff car park?
- (2) What options have been considered for this site?
- (3) When will any changes to the use of this site occur?

Answer -

- (1) There are no plans to alter the use of the land at the present time.
- (2) The only recent option considered for use of the land was in connection with the Gosford City Council's Traffic Management Plan to widen the Brisbane Water Drive approach to improve traffic flow.
- (3) No changes are planned at this stage.

CENTRAL COAST RAILWAY STATION LIFTS

Mr Doyle asked the Minister for Transport and Minister for Roads -

- (1) Are lifts being installed at Gosford, Morisset and Wyong Railway Stations?
- (2) How many rail travellers utilise these stations each week?
- (3) How many passengers utilise Woy Woy Railway Station each week?
- (4) Will lifts be installed at Woy Woy Railway Station?

Answer -

- (1) Lifts have been installed at Gosford and Wyong. It is proposed to install ramps at Morisset.
- (2) Gosford 77,500, Wyong 23,032, Morisset 8,144.
- (3) 54,600.
- (4) There are no plans to install lifts at Woy Woy Railway Station at the present time. However, ramp access is provided from the street to the station platforms and the Department of Transport will be providing an elevated walkway to link the proposed commuter car park at grade with the ramps.

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CENTRAL COAST HOSPITALS DENTAL SERVICES

Mr McBride asked the Minister for Health -

- (1) What are the details of the waiting time at hospitals in the Central Coast Area Health Service region in approving dentures from the time an application is made at hospitals that provide that service?
- (2) What hospitals provide dentures or dental services within the Central Coast Area Health Service?

- (3) What are the details of the delays at each hospital?
- (4) What steps will be taken to reduce delays and to what extent will these delays be reduced as a result?

Answer -

- (1) Waiting times for dentures vary, depending on clinical priority.
- (2) Gosford and Wyong Hospitals.
- (3) Patients requiring attention are dealt with on a clinical priority basis. Those requiring emergency dental treatment and relief of pain are usually treated on the day of presentation or very soon thereafter. Patients with less urgent work are required to wait. However, if at any time the clinical condition of these persons deteriorates, they are reassessed to determine if they should be treated immediately. Authorisation of the provision of dentures is made having regard to clinical priority. Urgent cases are dealt with immediately except in the case of single or double partial dentures where due to the fact that it is mandatory that partial dentures be fitted to caries free mouths and this necessitates the patient being examined prior to dental construction.
- (4) There has been a considerable increase within the Gosford/Wyong Local Government Areas of persons eligible for free dental work caused by the current economic recession, the ageing of the population and the growth generally in the population of the Local Government Areas. These factors have increased demand upon the Gosford and Wyong Hospital Dental Services. The strategic plan for dental health in New South Wales has recently been approved. As part of this strategy an additional \$101,500 has been made available to Central Coast AHS which will be used to enhance dental services at Gosford and Wyong. The Federal Government, as part of its election policy statement, announced a Commonwealth Dental Program to assist States to provide dental care for eligible persons. As part of the Commonwealth Dental Health Program the Area Health Service should receive funds in 1993/94 to provide additional dental services throughout the area. However, the introduction of this program has been deferred by the Commonwealth from July 1993 to January 1994.

ROCKDALE ELECTORATE RAILWAY STATION STAFFING

Mr Thompson asked the Minister for Transport and Minister for Roads -

- (1) Will any railway stations in the electorate of Rockdale (on both the Illawarra and East Hills lines) have a reduction in staff as a result of the introduction of automatic ticket machines?
- (2) Where staff are retained what shifts will they be required to work?
- (3) Will there be any periods when any station in the electorate of Rockdale will be unattended?

Answer -

- (1) and (2) Staff reviews are to be carried out to determine staff levels and shifts required.
- (3) The hours during which stations are currently staffed will not change as a result of the introduction of automatic ticketing.

CHARLESTOWN ELECTORATE MOTOR VEHICLE THEFT

Mr Face asked the Minister for Police and Minister for Emergency Services -

- (1) What number of motor vehicles were reported stolen to the Charlestown, Belmont and Boolaroo Police Stations in:
 - (a) 1990?
 - (b) 1991?

- (c) 1992?
- (2) (a) What number of stolen vehicles were recovered by police?
 (b) What number of charges were laid for vehicle theft at these police stations?
- (3) What ranking in the State statistics do Charlestown, Belmont and Boolaroo have with respect to vehicle numbers thefts?

Answer -

(1) to (3) See attached schedule.

Issue	Year	Charles-town	Belmont	Boolaroo
Motor vehicles stolen	1990	103	41	17
	1991	114	58	30
	1992	129	53	24

Issue	Year	Charles - town	Belmont	Boolaroo
Motor vehicles recovered	1990	94	57	16
	1991	97	57	20
	1992	97	62	17
	1993			
	1994			

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Note: * Figures refer to the Police Sectors.

* Figures for the number of charges and ranking are not available.

* Data extracted on 11 October 1993 from the stolen vehicle index system.

WOLLONGONG ELECTORATE HOME CARE SERVICES

Mr Sullivan asked the Minister for Community Services and Minister for Aboriginal Affairs -

In the electorate of Wollongong for the financial year 1992/93 -

- (1) How many people are receiving Home Care?
- (2) How many hours of Home Care services were provided?
- (3) Which branches of Home Care provided these services and what proportion of the total hours of Home Care services originated from each branch?
- (4) How many people have been refused Home Care services?
- (5) What are the categories of services requested that have been refused?

Answer -

Before answering Mr Sullivan's questions, the following information should be noted.

The Wollongong branch of Home Care covers all of the electorate of Wollongong and a small part of 3 other electorates.

(1) In the 1992/93 year the Wollongong branch provided assistance to an average of 1,321 households each 4 weekly period. The majority of these households are located within the Wollongong electorate.

(2) The total number of service hours provided by the branch was 112,215.

(3) All hours of service provided in the Wollongong electorate were provided by the Wollongong branch.

(4) 30 people were either ineligible or inappropriately referred to Home Care. Where possible these people were referred on to appropriate agencies and/or services.

5 people had lower priority needs for service than other people seeking, or already receiving the service. Again, where possible these people were referred on to appropriate agencies and/or services.

(5) Handyperson and/or housekeeping assistance.

SWANSEA ELECTORATE SENIORS CARDHOLDERS

Mr Bowman asked the Minister for Community Services and Minister for Aboriginal Affairs -

How many Seniors Cards have been issued to people in the electorate of Swansea?

Answer -

(1) There are currently 12,155 constituents in the Swansea electorate who hold Seniors Cards.
