

## LEGISLATIVE ASSEMBLY

Wednesday, 15th December, 1993

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

**Mr Speaker** offered the Prayer.

## QUESTIONS WITHOUT NOTICE

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### WATER BOARD LAND ACQUISITION

**Mr CARR:** My question is directed to the Premier. Has the Auditor-General confirmed the day your Government forced the Water Board to pay \$100 million for surplus Government land as part of a dividend raid? Has the Auditor-General valued the land at less than \$50 million? Will the Premier now direct the Treasurer to give the money back for desperately needed clean waterway programs?

**Mr FAHEY:** I am delighted to get this question because this issue ought to be canvassed and understood fully by all members of the House. What guides government agencies in the purchasing of land in the public sector is the Treasury directions. The Treasury directions in respect of the acquisition of land for strategic purposes identified by the Water Board for which the sum of \$100 million was paid were put in place at the beginning of 1988, under a Labor government.

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

**Mr FAHEY:** Those Treasury directions were reconfirmed by my predecessor in, I believe, 1990 - it may have been early 1991. The Auditor-General, in carrying out his functions, entirely appropriately considered the amount paid by the Water Board for four parcels of land. I note that those parcels of land included the very valuable land known as the Wingecarribee swamp - about 650 hectares of the finest grazing land in New South Wales. It also included about 18,000 hectares of land adjacent to the Woronora Dam which is very close to residential land. The Auditor-General, in the course of his normal activities, determined that a private valuation would be carried out to check the valuation that was done by the Valuer-General. That private valuation came in at a considerably lower figure than that of the Valuer-General. The sale of the land identified by the Water Board for strategic purposes was on the basis that the \$100 million would be a complete swap; it would be an acquisition for value of land.

As far as the Government was concerned the four parcels of land could have been eight, 15 or any number. The fact is that Treasury directions were complied with. A valuation of \$103 million was ascertained by the Valuer-General and the swap took place. The private valuer stated that the land at Wingecarribee swamp was worth \$1 - \$1 for some of the finest grazing land in New South Wales. It was identified in a meeting between the private valuer and the Valuer-General, at which representatives of the Water Board and the Auditor-General were present, that the private valuer used as a comparison vast tracts of land in the Northern Territory for the purposes of ascertaining the value of the land surrounding the Woronora weir, adjacent to residential areas in the southern suburbs of Sydney.

What we have seen is a difference of opinion on valuations. The Government did not mind whether there were four, eight or 15 pieces of land involved. The simple fact of the matter was that the Water Board and others involved in the transaction followed the Treasurer's directions. That is the area in which the Auditor-General could have made some comments if he wished, suggesting that there was non-compliance with the Treasurer's directions which determine how such procedures take place. As I said a little earlier, they were set in place initially by the Labor Government in 1988 and reconfirmed subsequently. A sum of \$100 million was paid for land valued directly by the Valuer-General at \$103 million. Because the Auditor-General sought to check the valuation a different opinion was obtained. Anyone who has watched valuers from time to time would recognise that they are something like lawyers: no matter how many lawyers one goes to one will get a different opinion on the merits of a case. Valuers are the same. Whether there were eight or 15 pieces of land, provided the land was of strategic value to the Water Board, there was no difficulty in carrying out the swap of land for \$100 million. The Valuer-General valued the land at \$103 million. It was done correctly.

### **EMPLOYMENT PREDICTIONS AND THE PROPOSED JOBS LEVY**

**Mr BLACKMORE:** Is the Premier and Minister for Economic Development aware of a recruitment survey which makes optimistic predictions about employers' hiring intentions in New South Wales in 1994? How would the jobs levy proposed by the Australian Council of Trade Unions affect such a forecast?

**Mr FAHEY:** This morning I listened with interest to the radio about a report based upon the quarterly Kelly national hiring intentions survey. It was very encouraging and gave good news about employment prospects in this State. I thank the honourable member for Maitland for his question. He has a real concern about employment in his electorate and throughout New South Wales. The honourable member for Maitland has done a great deal to ensure that there is growth and employment in his own electorate. That is why it is relevant that he should  
Page 6277

bring this matter to my attention. The Kelly Services report, in terms of New South Wales jobs for the current period and leading through to 1994, stated that 24.9 per cent of companies indicated that they intended increasing their staffing levels, while only 7.9 per cent of companies indicated that they may reduce the size of their work force.

In these specific areas it is interesting to note that services were a winner with a 17.9 per cent increase. Export and import showed a positive net effect of about 35 per cent increase in employment of the businesses surveyed. Against a national trend the insurance sector showed strong growth with a positive net effect of about 33 per cent and the retail industry showed confidence with a 20 per cent net increase in jobs. The labour market analyst for that firm indicated that job growth would more than likely emanate from large employers but he went on to say that business confidence has improved substantially in this State. That flows on from the unemployment rate of last month. I note from the material compiled by the Minister for Industrial Relations and Employment that the statistics released last Thursday showed that more than 85,700 new jobs, full time and part time, had been created in New South Wales over the past year, representing 56 per cent of all new jobs created across the nation.

In terms of the trend data, which gives a better picture of employment patterns, it was encouraging to see that 95 per cent of all new full-time jobs created in Australia, over the past six months, were created in New South Wales. Later today this House will see a green paper which will examine some options for employment growth, after some work has been done by the bureaucrats in Canberra at the instigation of the Prime Minister. Last Friday I addressed a luncheon concerning speculation on this matter, and said that this actually represents a tax on jobs. The green paper will show that the Federal Government is proposing, with its various options, a tax on jobs. That, of course, flows on from the tax increases imposed under the Labor Government in the Federal Budget a couple of months ago, that hit particularly,

in that wholesale sales tax area, the people of western suburbs; the people that Labor is supposed to represent. So a further tax is about to come.

This proposal was foreseen by the Reserve Bank of Australia, which came out quickly and made it clear that a job levy would "appear to be particularly unpromising". The bank's submission continued, "These ideas amount to ways of seeking to live with or disguise the problem of unemployment; as such they are very much second or third-best options". The proposals, if one analyses them, indicate that Peter Baldwin - or another Federal Minister - is very interested in seeing that there is a tax on all employees. If one has a \$45,000 income a year one would pay 2.5 per cent; \$1,000 will be levied on that wage. If one's income is \$50,000, 5 per cent or \$2,500 will be taken out of that wage to try to make jobs under this particular proposal.

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

**Mr FAHEY:** There is only one way to create jobs and that is in the private sector. It cannot be artificially imposed. Honourable members all know what has happened in the private sector under the Labor Government in Canberra, just as has been seen under Labor governments in various other States, before the voters of those States woke up, as they did in South Australia last Saturday; the economy cannot be managed in such a way that constantly puts these charges and taxes on and expect the private sector to increase. In New South Wales we have seen an enormous boost in business confidence, confirmed again today by the Kelly Services survey that I have referred to. As quickly as that business confidence is there we will see taxes imposed on companies on the basis that they either take on people as employees for a short term of six months or, alternatively, all employees will be paying that 2.5 per cent or 5 per cent levy, taken out of their wages again - another tax. The taxing Government in Canberra is in full swing again. The sad part about all of this is that it will destroy jobs.

All honourable members know how much the people on the opposite benches, the members of the Labor Party of this State, care about jobs. We have seen so much of the jockeying going on for jobs on the frontbench in recent times. Yesterday this House saw the farce when, because the honourable member for Campbelltown was not present, it was decided that a question would be shuffled up to the back to the next person along, the honourable member for Moorebank. Of course the honourable member for Moorebank woke up to the fact, when he had a few moments to think about it. The honourable member for Moorebank has a couple of brains; I do not know where he is today. Yesterday he looked at it and said, "This is the question that the Leader of the Opposition asked as the first question today". So flick. Straight across the row it went to the honourable member for Smithfield. The honourable member for Smithfield never thinks before he talks and immediately he jumped up and asked the same question that the Leader of the Opposition had asked a few minutes earlier.

**Mr SPEAKER:** Order! There is far too much interjection in the Chamber.

**Mr FAHEY:** The Opposition is in absolute chaos, so busy stitching one another up, jockeying and stitching. There is considerable talent on that backbench, and I will name them.

**Mr SPEAKER:** Order! I am glad that members are in more of a Christmas spirit than they were yesterday. I ask members to desist from such persistent interjection, which delays question time and inhibits the opportunities of members to ask questions.

**Mr FAHEY:** I was talking about jobs and the talent on the Opposition backbench. All honourable members know the honourable member for Lakemba is highly talented and, of course, the honourable member for Auburn has enormous talent as well. The most talented member of the Opposition backbench has already been bypassed in the shadow cabinet

Page 6278

reshuffle. That is the honourable member for Waratah, who has been given the consolation prize of Parliamentary Secretary to the Leader of the Opposition. I hope he asked which Leader of the

Opposition he will have to serve before he agreed.

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

**Mr FAHEY:** We are all interested in when the reshuffle comes forward.

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

**Mr FAHEY:** Who will replace the honourable member in the upper House who is the spokesman for local government?

**Dr Refshauge:** On a point of order. I draw attention to a loud conversation between the Minister for Transport and the Treasurer, who are counting numbers and distracting the Premier from answering the question.

**Mr SPEAKER:** Order! The Deputy Leader of the Opposition is trivialising question time with his point of order.

**Mr FAHEY:** I am delighted that the Treasurer is constantly looking at the numbers in the economy because that is his job. The Hon. Jeff Shaw will shortly be appointed to the labour court. It will be interesting to see whether some talent is brought forward to the frontbench at that time. The Labor Opposition in this State is in absolute turmoil. The Leader of the Opposition has run out of steam. Some years ago he missed out on the one job he really wanted. That was in Canberra. He has lost his capacity to be constructive in opposition. He makes stupid statements, such as he did about the disposal of the State Bank, when the Federal Treasurer disagreed with him.

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

**Mr FAHEY:** There was, of course, the farce with the Government Cleaning Service. The Opposition put on a charade when an outstanding Minister, the Chief Secretary -

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

**Mr FAHEY:** - was able to acquire an additional \$250 million for the people of this State and, at the same time, secure a jobs guarantee -

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

**Mr FAHEY:** - not only for one year but for five years. Jobs are still the most important thing in this State and this country. The statistics show that New South Wales has job growth under a Liberal-National Government.

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

**Mr FAHEY:** New South Wales has the business confidence, but the proposals being put forward in the green paper today in Canberra will destroy business confidence. Labor in Canberra, like Labor administrations in the other States before they were thrown out, has lost its way when it comes to the real issues and priorities in this country. It is not interested in creating jobs. It is merely interested in drifting on and holding on to power without giving anything to this country. Labor in Canberra has lost its way and this country is suffering as a result.

**SEXUAL OFFENCES ALLEGATION AND Mr JOHN BRYSON**

**Mr WHELAN:** I address my question without notice to the Minister for Police and Minister for Emergency Services. Did John Bryson last night telephone his former wife, threatening her life and the lives of his two daughters? As a result, did police seize firearms from Bryson's Gold Coast apartment? Will police make an urgent application for apprehended violence orders to protect those involved in this very real threat?

**Mr GRIFFITHS:** I thank the honourable member for Ashfield for his question on a matter of serious concern to every member of this House. I am advised that there have been a number of developments in this case over the past 24 hours. Last night the Surfers Paradise police apparently received anonymous information that caused them to attend Mr Bryson's residence and interview him. They then confiscated a number of firearms from that address. The Queensland police asked that the Lane Cove police interview members of the Bryson family so that the firearms confiscation process could be formalised. Statements obtained from two persons disclosed certain threats to family members. New South Wales and Queensland police are taking this matter extremely seriously. I am advised that Lane Cove police will be urgently seeking an apprehended violence order to protect the family. There is also already in place a range of personal security measures to provide additional personal security for the family.

I have made it clear policy not to disclose in this House the details of anyone's personal security as I believe it to be not only improper, but also dangerous. I will not move away from that policy, other than to say that certain measures are in place and that senior police commanders are monitoring the situation closely. To avoid prejudicing the police investigation in this case, there is nothing more I can say at this time. However, the honourable member and the House may be assured that I will maintain a personal interest in ensuring that this matter is brought to a just conclusion.

## HYDROELECTRIC POWER STATION CONSTRUCTION

**Mr PEACOCKE:** I address my question without notice to the Minister for Land and Water Conservation. Is it a fact that the Government has  
Page 6279  
signed an agreement for the construction of hydropower stations at major dams in New South Wales? How will this agreement assist employment and electricity consumers?

**Mr SOURIS:** The issue about which the honourable member for Dubbo has asked a question will be of absolutely no interest whatsoever to members of the Opposition. The issue relates to rural areas and resource allocation.

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

**Mr SOURIS:** The Opposition will stay preoccupied with the polls. It is fortunate that today honourable members have the benefit of the presence of their electorate secretaries in the gallery. It is good to see them here. Any one of them could put together a better showing than 27 per cent, that is for sure. This morning I had the privilege on behalf of the Government of signing a contract between the Government and the Hydroco partnership, which is a partnership comprising Lend Lease and Fluid Energy Systems, which has as its chairman a former Minister from this place, the Hon. Jack Beale. The agreement was to encapsulate the construction of hydroelectric power stations on three sites in country New South Wales - Burrendong Dam, Copeton Dam, and Glenbawn Dam - and a proposed option for further sites at Split Rock Dam and Pindari Dam.

*[Interruption]*

As I predicted, that has no relevance to the Opposition. At the moment the only member of the

Opposition who represents a country electorate is on a cruise boat with the navy going around the Great Australian Bight. That is a pity. The agreement represents an important historic moment in the construction of hydroelectric power stations in New South Wales. The proposal for the three power stations, which will come into effect immediately and will result in the three power stations being completed within two years, represents an investment of \$54 million in country areas of New South Wales. It represents also the creation of 100 jobs. The forecast revenue from electricity sales for the three power stations is between \$8 million and \$9 million. The deal that has been struck between the Government for site rental and water royalties represents an income flow to the Government of about \$2 million per annum.

**Mr SPEAKER:** Order! There is far too much audible conversation in the Chamber. Members who are conversing should extend a little more courtesy to those who are speaking and those who are trying to listen by reducing the level of their conversations or conducting them outside the Chamber.

**Mr SOURIS:** The 50 megawatt capacity represents approximately a million standard light bulbs and will make a contribution of about 175 gigawatt hours per annum.

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

**Mr SOURIS:** The agreement, to run for 30 years, represents an important purchase for three county councils: Western Power Electricity, Northwest Electricity, and Shortland Electricity, which supplies electricity to Newcastle and the Hunter Valley.

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

**Mr SOURIS:** The price that has been agreed between the suppliers and the three county councils is below the current supply charge for Pacific Power and, therefore, will bring considerable benefits to consumers of electricity in the areas supplied by those three county councils.

**Mr SPEAKER:** Order! I call the Minister for Consumer Affairs to order.

**Mr SOURIS:** This deal represents a landmark decision. It will provide the State with an alternative energy supply and give New South Wales a triple-A benefit: a win for the Government in terms of revenue flow -

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

**Mr SOURIS:** - which will not involve the Government incurring any new debt, new capital or new investment and it will be a further use of the water and investment we presently have in our dam storage; a win for rural areas in terms of employment and low cost electricity; and, finally, a win for the environment in terms of the further use of our existing water capacity and a reduction of our fossil fuel reliance.

#### **NORTHERN SUBURBS SEWER OVERFLOWS**

**Ms ALLAN:** My question without notice is directed to the Minister for the Environment. Is the Minister aware of a Water Board report dated January 1993 confirming that half of the northern suburbs sewer system and overflows fail in mild wet weather conditions? Does the report also confirm serious pollution of harbour beaches from sewer overflows?

**Mr SPEAKER:** Order! I call the Minister for Health to order.

**Ms ALLAN:** Why has the Environment Protection Authority failed to regulate the activities of the Water Board?

**Mr HARTCHER:** I thank the honourable member for Blacktown for her question and for her interest in the environment - which is somewhat latent, but nonetheless manifests itself from time to time. The Environment Protection Authority was established under this Government, after the State Pollution Control Commission had been emasculated by the current Leader of the Opposition.

*[Interruption]*

The honourable member for Ashfield interjects.

Page 6280

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

**Mr HARTCHER:** The SPCC had come down to a \$12 million budget and a staff of 200 under the Leader of the Opposition. It was the ultimate lapdog. It was not a watchdog; it was a lapdog. That is what environment protection was under the Leader of the Opposition. Under this Government the Environment Protection Authority has a staff of more than 600 and a budget in excess of \$60 million. It is an activist organisation.

**Mr SPEAKER:** Order! The Minister for the Environment will address the Chair. Order! I call the honourable member for Londonderry to order for the second time. I call the honourable member for Blacktown to order for the third time.

**Mr HARTCHER:** The concerns that the people of Sydney had about their beaches, of course, have been well addressed by the Government. It built the sewage outfalls; it has monitored them and made sure that the sewage outfalls have been a success. Not only has the Government done that, it is now in the process of removing sludge from the sewage to make sure that what goes into the ocean is reasonably treated effluent rather than the total biosolid mass that went in raw under the previous Labor Government. Under the Leader of the Opposition it was 80 per cent raw sewage. He may be 27 per cent in the polls but he was 80 per cent in raw sewage. That was the Leader of the Opposition, Mr 80 per cent. That was the only time he will ever get that high. Under this Government the percentage of sludge has come down and stayed down, and its level is probably falling as fast as the popularity of the Leader of the Opposition.

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

**Mr HARTCHER:** Two difficulties remain in respect of our beaches and waterways; the stormwater and sewage overflows. So far as stormwater is concerned, honourable members will be aware that the Government has established a stormwater task force under my agency, the Environment Protection Authority, and the Water Board. Its task is to plan an overall strategy for stormwater management across this 6,500 kilometre squared area of Sydney. It will be an enormously difficult task and will involve co-operation with local government, industry and environment groups. A Sydney-wide seminar will be held later this year to report progress and announce the findings of the stormwater task force. So far as sewage overflows are concerned - which is the express concern of the honourable member for Blacktown, and she cites from the Water Board report of January 1993 - the Environment Protection Authority is working with the Water Board to resolve this issue. We await with interest the comments of the committee chaired by the honourable member for Manly, due to be brought down in March 1994.

*[Interruption]*

**Mr SPEAKER:** Order! Honourable members will cease interjecting and the Minister will address himself to the answer.

**Mr HARTCHER:** The honourable member for Ashfield interjects. He interjects regularly in this House. The honourable member's seat is now in grave danger because he cannot control his own branches and he cannot stack them. Other members opposite are much better at stacking than he is. The honourable member is far better at jumping up and down than he is at stacking branches and he faces a challenge from which only the administrative committee might be able to save him. He faces an even bigger challenge from the Liberal Party in Ashfield because polling in the inner west shows that the Labor Party vote is diving and will continue to dive. As was foreshadowed yesterday, Liberal Party polling in the seat of Heffron shows that the Government is 4½ points ahead of the sitting member for Heffron. When the polling results come through for Ashfield honourable members will see where the honourable member for Ashfield is standing - or sitting. I do not think he will be sitting where he now is after November. He will not be sitting there at all; he will be well and truly outside. He will be hanging up a shingle on the town hall, saying, "Lawyer for hire".

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

**Mr HARTCHER:** That is, of course, unless the Mercantile Hotel has had a new lease of prosperity and life.

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

**Mr HARTCHER:** The remaining issues for our waterways and beaches are being tackled. Just as the Government tackled the sewage outfalls it is now tackling stormwater and the issue of sewage overflow. Sewage overflow is not an easy issue to address, as members who hold seats in the western suburbs will appreciate. If there were no sewage overflows, in times of heavy rain a bank up in the sewerage system would cause overflows in houses in low lying areas. If honourable members who represent seats in the west of Sydney believe the Government can close down all overflows, they should stand up in this House and say so; then we will see whether they stand up after domestic overflows occur and their constituents are affected by the sewage build up.

The only way to control sewage outfalls is by a gradual program of monitoring, licensing and controlling them, ensuring that there is an upgrading so that the overall sewerage system is able to cope with all the sewage that the Sydney system is taking in. The Government is not only working on that through the Environment Protection Authority and the Water Board but awaits with interest the report of the joint select committee of this House, a report which the Government will be interested to consider as part of the overall program to address all environmental

Page 6281

issues in this State - unlike the neglect that occurred under the Leader of the Opposition.

#### **MARITIME SERVICES BOARD ENTERPRISE AGREEMENT**

**Mr BECK:** My question without notice is to the Deputy Premier, Minister for Public Works and Minister for Ports. Has the Maritime Services Board entered into an enterprise agreement which covers the ports of Sydney, Hunter and Illawarra? How will this benefit employees, port users and the community generally?

**Mr ARMSTRONG:** I commend the honourable member for Murwillumbah for his continuing interest in matters relating to the Maritime Services Board. I might add that, as Parliamentary Secretary, he is doing a great job in that area. It goes without saying that until five and a half years ago, in 1988, there had been virtually no reforms attempted, structured or even thought of by the previous Government in its 12 years of occupying the Government benches. In the past five and a half years, under my predecessors, outstanding strides forward have been made in respect of maritime services in this State.

New South Wales today is an absolute leader in port reform, however one looks at it. It is leading Australia. The so-called Opposition spokesman rattles his lips together but not much comes out - and there never was anything from the Labor Party, because it does not understand the issue. Progressive industrial relations policies adopted by the New South Wales Government surely must rank as among the most significant.

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

**Mr ARMSTRONG:** I am pleased to advise the House that 13th December, 1993, marked the implementation of a Maritime Services Board enterprise agreement. This single agreement replaces 40 individual awards, and aims to achieve a greater quality of service, efficiency, performance and new benefits for employees and port users. Parties to those negotiations were the Maritime Services Board and the Australian Council of Trade Unions, with support from the Labor Council of New South Wales, the Newcastle Trades Hall and the South Coast Labor Council. As a result, 95 per cent of employees voted to support the agreement.

Numerous benefits to employees include an employee and family assistance program to be introduced, covering aged and dependent care leave and child care provisions, more flexible sick leave arrangements, and a single remuneration structure to cover all employees, removing distinctions arising from demarcations in the workplace. The agreement also eliminates the need to administer numerous disability payments and site allowances. The new structure replaces the previous multiple classifications with one, that of maritime officer. The new enterprise agreement is a further step forward for Maritime Services Board reforms. Strong support is evident for the provision of voluntary redundancy packages which will offer employees scope to pursue new careers where job satisfaction may be lacking now. At the same time it will continue the pace of MSB reform, which has seen revenue per employee rise from \$199,000 in 1991-92 to \$215,000 this year.

Reforms have meant significant benefits to taxpayers of New South Wales through a return of dividend to State revenue. In view of the critical importance of New South Wales ports to trade and exports, reforms have led to substantial pricing gains for port users. The port charge per tonne of cargo is down from \$1.75 in 1989 to \$1.33 at the end of the last financial year, and it is expected to fall to \$1.19 in the 1993-94 financial year. After inflation, the cuts in real terms are even greater than these nominal figures show. Importantly, the new enterprise agreement structure is totally consistent with the national agenda for waterfront reform and the Industry Commission report on port authority services.

It was unfortunate that a previous trade union official, the now Federal Minister for Trade, Senator Cook, alleged earlier this year in New South Wales that port users were not benefiting from those efficiencies. Let me put the record straight for Senator Cook and his Labor cohorts. The senator made his unfortunate comments just 14 days after another round of cuts to port user charges in this State. He does not read, he does not understand, and obviously the Labor Party does not communicate. The MSB and ACTU enterprise agreement is a win for all players, the employees, the trade unions, the port users, the taxpayers and the community, from a better trade performance.

This Government has achieved what the previous Labor Government of this State did not think about. The Leader of the Opposition showed his incompetence in this area when he was a Minister of the previous Labor Government but that incompetence is nothing compared with the lack of interest, vision and almost mischievous statements made by the incumbent temporary Leader of the Opposition in this place, a man whose leadership is so shaky that he prostitutes himself without principle and without shame. He and his party are stuck in the 1950s. I understand he is half way through learning Latin. I do not know what the Latin is for defeat or failure, but I guarantee he knows. I suggest he pursues his Latin studies; that is where his thinking is. It is certainly 1950s and before.

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

**Mr ARMSTRONG:** It is certainly not in keeping with modern industrial practice.

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

**Mr ARMSTRONG:** It is certainly not in keeping with modern business practices and, more importantly, it is not in keeping with the rest of his party, because he is about to be jettisoned as leader of the party. The heir apparent, the honourable member for Liverpool, is preparing himself to take over the position of leader at the first available opportunity. I am told that there is a line-up of almost the entire front bench for the leader's job because it is genuinely believed that anyone of them could do a better job.

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

**Mr ARMSTRONG:** That surely puts the Opposition in fear and trepidation about its future. Members of the Opposition claim publicly to support their leader. Obviously they support his statement to the workers that "enterprise agreements will cost you your jobs". Opposition members obviously support that statement given that they support their leader. The Leader of the Opposition said to the workers, "Enterprise agreements will take away your security", and Opposition members supported that statement. He said to the trade unions, who in turn told the demonstrators, "Enterprise agreements will threaten your future", a statement that Labor Party members obviously supported. The real test is that in one of the most unionised areas in New South Wales and Australia - port reform - the workers support this Government's policies because they realise that the Labor Party does not care, does not understand and does not recognise their needs.

The Federal Government knows that enterprise agreements are the way to go, but obviously the New South Wales Leader of the Opposition is stuck in a 1950s time mode. The Federal Government has seen the benefits of agreements such as this one and has copied this Government's approach. The often hysterical and hypocritical opportunism of the Leader of the Opposition is totally at odds with the policies of his Labor mates in Canberra. It is about time that this State had a reasonable Opposition. It is time that Opposition members started to do their homework and think things out themselves.

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

**Mr ARMSTRONG:** It is about time some of the noisy fellows on the Opposition backbench came to the frontbench in an attempt to restore wisdom and balance in this place. The Leader of the Opposition may be here in 1993 but he will not be here in 1994.

### **COMMONWEALTH-STATE CHILD CARE AGREEMENT**

**Ms NORI:** My question is addressed to the Minister for Community Services, Minister for Aboriginal Affairs and Minister for the Ageing. Why is the Minister continuing to refuse to sign the 1990 Commonwealth-State care child agreement? Does this mean that New South Wales will miss out on \$36 million from the Commonwealth to fund 3,000 long day care places and 6,000 outside school care places? Why is he restricting access to child care for working women?

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

**Mr LONGLEY:** As I have advised the House on other occasions, those negotiations with the Commonwealth are proceeding. However it needs to be recognised that if there is a problem with those negotiations, much of the blame lies fairly and squarely with the Commonwealth Government. Honourable members need to recognise that it was the Labor Government that delayed and embarked on this process without any consultation with anyone.

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

**Mr LONGLEY:** The honourable member knows that what she is saying by way of interjection is not correct.

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

**Mr LONGLEY:** The reality is that the Labor Party was treating the issue as a stunt before the last election. It was one of Keating's big lies, which we all know about.

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

**Mr LONGLEY:** Paul Keating tells the big lie that he wants lots of child care places but then short changes the States. He knows, as the Federal Government knows, that the States are receiving fewer dollars.

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

**Mr LONGLEY:** The Federal Government is insisting that the States bear the costs of that whole process. If that were not bad enough, the Labor Government insists on delaying this process repeatedly. Every time an application process starts we have to wait six months. That is the sort of delaying tactic being adopted by the Federal Government. So hypocritical was that exercise that the Federal Government announced the new program before the last program was completed. The honourable member for Port Jackson and any honourable members on the Opposition side of the House who have genuine concerns about child care places ought to ask their Federal mates to deliver the real dollars and the real places so that this Government can deliver the services. This State has been and is a leader in the provision of child care places. This State pioneered workplace child care. It was my predecessor who set up a number of pilot projects and allocated the money. Those are the directions in which we need to be going. We need genuine policies, not the hypocritical grandstanding of the Labor Party.

### **AUTOMATIC RAIL TICKETING SYSTEM**

**Mr MERTON:** Will the Minister for Transport and Minister for Roads advise the House about the level of public support for CityRail's automatic ticket  
Page 6283  
system? What has been the Opposition's stance on automatic ticketing? What is the next step in the program?

**Mr BAIRD:** I thank the honourable member for Baulkham Hills for his question. He does a great job as the Parliamentary Secretary for Transport. It is important to remind the House of some of the predictions Opposition members have made about transport during the last 12 months. In April the honourable member for Kogarah said that the Government was planning to increase fares by 500 per cent, when actually there was only a consumer price index increase. In May the honourable member said that the Parramatta River channel would be too narrow to allow the RiverCats to travel any further than Meadowbank and that we should withdraw the proposal. Last week we started that new service, and it has been going magnificently, averaging 190 passengers on every service. It is a great success, as the honourable member for Baulkham Hills and the honourable member for Gladesville would know. The honourable member for Kogarah was not present on the inaugural service. That is the normal approach of the Opposition - it continues to get it wrong, while the Government continues to make things happen.

I shall refer to the claims made by Opposition members about automatic ticketing. As normal they were the prophets of doom. The honourable member for Smithfield - good old Carl "Play it Again Sam" Scully - said that the automatic ticket machines would result in all staff being moved off the stations and that it would not work. The honourable member for Kogarah said that it would be a total disaster and that we would lose money. Automatic ticketing machines have been a great success. The installation program began in May and is almost complete, with the last automatic ticket machines due to be commissioned this week. In all, 486 machines have been installed at 261 stations, and they have met with great acceptance. In fact, our research shows that 83 per cent of customers believe the system is bringing benefits to the rail system and making it more efficient.

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

**Mr BAIRD:** The machines are being used in outlying areas, where they have been installed for a longer period. For instance, on the South Coast up to 66 per cent of all ticket sales are being made through automatic ticket machines; in Newcastle, about 42 per cent; in the Blue Mountains, 38 per cent; and in the Southern Highlands, about 40 per cent. It is particularly satisfying to note that in Cabramatta, which has a high percentage of people of non-English speaking backgrounds, about 47 per cent of ticket sales are from the new machines. That indicates that our education program is going well. Strong sales have been achieved despite problems arising from \$5 notes and \$10 notes, both of which are plastic notes and easy to use, being used to purchase weekly tickets.

The next step in our program is to use special gates to collect and check tickets. Last week a limited trial of this at Circular Quay went well. Gates are to be installed at 28 stations. It is important to remind the House that we expect the automatic fare collection system to achieve major savings - between \$10 million and \$20 million a year - by thwarting fare evasion. The automatic ticket machine program has been handled very professionally, and despite continued opposition from the Labor Party it works well. We have heard a lot of nonsense from those opposite.

We have replaced all the manual door trains on the network, we have achieved 92 per cent on-time running, we have introduced the easy access program for disabled passengers, and we have spent \$470 million on signals, tracks and other equipment. What has the honourable member for Drummoyne done? The honourable member for Gladesville would know. The Drummoyne electorate benefited considerably. What has he done about the RiverCat system? All he does is criticise it. He says that it was his idea originally, but it had nothing to do with him. He continues to criticise the system. As usual the honourable member for Kogarah gets it wrong. It does not matter whether he is referring to fare increases - he was only out by about 297 per cent; whether he is talking about the RiverCat system, which now goes all the way to Parramatta; or whether he is talking about the automatic fare ticketing program. There is a high level of acceptance of those programs. The Government is getting it right.

## **SUPREME COURT (FEES AND PERCENTAGES) REGULATIONS**

**Mr HATTON:** My question is directed to the Minister for the Environment, representing the Attorney General and Minister for Justice. Did the Supreme Court (Fees and Percentages) Regulations 1993 insert a new schedule of court fees? Was the Crown exempted from payment of the fees? Does the new scale have a dramatic impact, effectively denying many access to the taxation of costs? Will the Minister review these fees and percentages subject to a report on the impact on the justice system?

**Mr HARTCHER:** The honourable member for South Coast has asked a detailed question. I will refer it to the Attorney General and Minister for Justice and obtain an answer from him as soon as possible.

## **RICE EXPORTS TO JAPAN**

**Mr SMALL:** I ask a question of the Minister for Agriculture and Fisheries and Minister for Mines. What benefit will there be for the New South Wales rice industry following the announcement yesterday that Japan's ban on rice imports has ended?

**Mr CAUSLEY:** I note that members of the Opposition are leaving the Chamber. They do not understand agriculture, nor do they attempt to understand it and its importance to the economy of this State. In the past two days there have been two historic events on the world scene. The first was in Brussels with the signing of an agreement at the  
Page 6284

General Agreement on Tariffs and Trade conference which will have a wide-ranging effect on Australian agriculture. The other was the decision by the Japanese Government to allow rice into Japan for the first time since World War II. I have been disappointed this week. I have sat back and waited for questions on these subjects from members of the Opposition. There has been all sorts of talk in the media about how the Leader of the Opposition would ask questions on certain matters in this House, but they have not been asked.

I know that the Leader of the Opposition, who has an annual pilgrimage to Venice, is probably anxious to get away. He is a new-born Labor leader. We are well aware of that. His working-class parents have allowed him to catapult himself into the higher class so he can sit back at St Marco and sip cappuccino. The golden boy of the Labor Party - the athletic member for Liverpool - is sitting in the wings. We are well aware of what is going on. They are obviously not interested in rice, which is a very important product for New South Wales.

**Mr SPEAKER:** Order! There is far too much audible conversation in the Chamber. If honourable members wish to converse they should do so outside the Chamber. I call the honourable member for Cabramatta to order for the third time. I call the honourable member for Coffs Harbour to order.

**Mr CAUSLEY:** Australia is in a unique position with respect to rice, as it is with many agricultural products. We have an alternate season to the Asian countries to our north. It is important that we take advantage of that. There is no doubt that the Ricegrowers Co-operative has been at the forefront and has signed contracts to ensure that we can get rice into Japan. The Japanese Government has decided to allow in some 400,000 tonnes of rice in 1995, and that amount will increase to 800,000 tonnes by the year 2001. Japanese consumers pay about 10 times the price that Australians pay for rice, and undoubtedly the Australian rice industry has plenty of room to expand into that market. It is estimated that our crop this year will be about 1.2 million tonnes. I am given to understand that the ricegrowing season is going very well in the southern part of New South Wales and that contracts will be filled. Fears were expressed earlier this year about overproduction of rice in this State, and a scheme was put forward to limit production. However, we were aware that movement in the Japanese market was becoming apparent, and I asked the rice industry to reconsider some of the constraints. Thankfully, the industry agreed to that request. The total Australian rice crop can be placed on the world market, and that is a most important fillip for Australian exports.

During the term of this Government the Australian rice industry has expanded; in fact the crop has almost doubled, from about 720 tonnes of rice a year to about 1.2 million tonnes this year. That increase in rice production can be attributed to the policies this Government has put in place, particularly in relation to irrigation and achieving maximum water use efficiency. One of the main reasons for this year's big rice crop is that this State has plenty of water resources available and efficiencies in place to ensure maximum benefit from its use. The question asked by the honourable member for Murray is most important. At this historic moment we have a foothold in the Japanese market.

I ask but one thing of the Federal Government. I acknowledge that Senator Cook has done an excellent job in negotiations in Brussels. Unfortunately, the Americans still have a habit of dumping subsidised products onto the Japanese market. Farmers in the United States are subsidised by an

amount equal to about two or three times the price that Australian farmers can get for their produce. The Federal Government should keep pressure on the United States Government to ensure that that country does not dump onto the Japanese market. This is a good opportunity for Australia to establish a long-standing arrangement for the sale of rice to Japan. I ask the Federal Government to keep that in mind and to maintain pressure on the United States Government to ensure dumping does not occur.

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## PETITIONS

### Home and Community Care Program

Petitions praying that the Home and Community Care program be allocated growth funding in the 1993-94 period consistent with increasing community need, received from **Mr Morris, Mr Newman, Mr Price, Mr Rixon and Mr Tink.**

## AUDITOR-GENERAL'S REPORT

Pursuant to the Public Finance and Audit Act 1983, the Clerk reported receipt of volume 3 of the Auditor-General's Report for 1993.

## BUSINESS OF THE HOUSE

### Printing of Reports

#### Motion by Mr West agreed to:

That the following reports be printed:

Parliamentary Remuneration Tribunal, pursuant to the Parliamentary Remuneration Act 1989, dated 12 November 1993.

National Road Transport Commission for the period 14 October 1991 to 30 June 1992.

National Road Transport Commission for the year ended 30 June 1993.

National Road Trauma Advisory Council for 1992.

Joint Coal Board for the year ended 30 June 1993.

Ricegrowers Co-operative Limited for the period 1 July 1992 to 30 April 1993.

New South Wales Bush Firefighting Fund for the year ended 30 June 1993.

Motor Vehicle Repair Industry Council for the year ended 30 June 1993.

## PYRMONT HELIPORT

### Matter for Urgent Consideration

Page 6285

**Ms NORI** (Port Jackson) [3.16]: I move:

That this House calls on the Government to refrain from granting approval to or entering into any contractual arrangements for the siting and operation of a heliport at Pyrmont Wharf 8 until the Sydney Heliport Bill, standing in the name of the member for Port Jackson, has been fully debated and voted

on by both Houses of Parliament.

The reason for urgency is self-explanatory. The Sydney Heliport Bill, standing in my name before this House, concerns a most controversial issue. No member would deny that the Pymont heliport is controversial. It has engendered much interest in many organisations both for and against it. This urgency motion is about who is to have the last say on this issue. The bill has been introduced, and I suggest that Parliament should have the last say. I acknowledge that the heliport issue does not necessarily have to be dealt with by Parliament. However, given that I have introduced a private member's bill, is it not important that approval for the heliport be granted only after conclusion of debate on the bill, rather than through a process of stealth or the back door?

I find it impossible to ascertain the exact approval status of the application for the heliport. I am not sure where that approval is, in an administrative sense. However, it is clear from various sources, which I believe to be accurate, that the Government is going ahead with the paperwork and that there is some possibility, even a probability, that approval will be given, contracts signed and so on, prior to Parliament resuming in March next year. The Parliament ought not to be pre-empted. This urgency motion is about who is going to be the final arbiter on this matter. Let us put the issue of the heliport to one side for a moment. The bill is before the Parliament, and there is no urgency in any real sense for the heliport to proceed. Would it not be a matter of courtesy and proper democracy to allow debate about who is to give approval? Will the decision be made by the bureaucracy, egged on by a Government that is intent on getting a fairly unpopular project up and running? Or will the Parliament be the supreme decision-making body? Clear notice has been given of the private member's bill and all parties are aware of its contents. However, it takes a while to get private member's bills through Parliament.

**Mr Humpherson:** You keep deferring it.

**Ms NORI:** I do not keep deferring it. If you want to take a point of order, take it, but do not interrupt me.

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

**Ms NORI:** It is only fit and proper that the process, having been commenced, should be allowed to proceed to finality. I have written to the heads of the Environment Protection Authority, the Department of Transport and the Maritime Services Board, to the relevant Ministers and to the Helicopter Association of Australia. I have said to them that I think it would be improper if approval was granted prior to completion of the debate in Parliament. It is in the best interests of all parties to wait. The position will then be clearer and much fairer for every party, including the proponents. If the contracts are signed and approved, and if the proponent expends funds in getting the project up and running, what will happen if the approval was reversed after debate in Parliament? There is no urgent need to get the heliport up and running in the next five minutes or three months - or ever, in my view. However, the Government is intent on having a heliport other than the excellent one at Sydney (Kingsford-Smith) Airport. What is the problem with waiting for debate on the bill? I would be delighted if, when the Minister speaks today, he announces that he will scrap the proposal and take it back to the drawing board. I shall make a couple of points that have not been made in this debate in the past. After the imposts on New South Wales by the mismanagement of HomeFund, the income forgone for the 200 units of land in the Pymont area will be a further hardship for taxpayers. My understanding is that the land component for each unit represents \$20,000 to \$30,000. Multiplied by 200, that is a lot of income that will not be available to New South Wales. In addition, around the heliport to a radius of 400 metres a whole range of commercial and residential activities will have to be scaled down because of noise and other impacts of the heliport.

So aside from the issue of whether we really need a heliport in the central business district, the proposed site is simply the wrong spot. The heliport would spoil the potential of the whole city west redevelopment. I cannot stress that too much. The rejuvenation of Pymont gives us probably the only opportunity that we have of ensuring the correct urban consolidation and rejuvenation of older inner city

precincts. I shall quote a number of sources to show the level of opposition and where it comes from. Lend Lease is not necessarily an organisation that I would automatically have a lot in common with - and that is not a criticism. Government members should listen to what property developers are saying in this case and take note of what impact they think the heliport will have. The Lend Lease submission to the commission of inquiry stated:

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

Referring to the heliport, the submission states:

This can only be considered a poor start to the redevelopment of city west as a vibrant model of mixed use inner city redevelopment schemes.

The concern is that the sorts of things that should be going where the heliport is to be or adjacent to it will have to be shifted elsewhere within city west at inappropriate locations. The planning policy puts the brake and accelerator on at the same time - working in conflict. The Royal Institute of Australian Architects told the commission of inquiry:

A heliport in the proposed location will substantially erode the potential for a genuine mix of activities, both

Page 6286

within the specific site and within noise affected zones. It is an extreme example of a single purpose rather than mixed use activity within which other activities cannot blend. The heliport would erode the potential for residential accommodation in particular and this, combined with other nearby proposals for major special uses, would be likely to reduce the population potential well below the target figure - even before any serious redevelopment commences in the Ultimo-Pyrmont area.

These concerns have to do with good planning and urban consolidation. They are not simply arguments put by people who for whatever reason do not want a heliport at the site. The Government should not ignore these arguments. The contracts should not be signed now. The Environment Protection Authority and other authorities should take time to look at the proposal closely. I refer to a document prepared by residents of Balmain and by a gentleman very much involved with fire standards. He has pointed out that the helicopter fuel may present a hazard. The document stated:

The Helicopter Association of Australia has failed to recognise the major hazard that exists should a helicopter crash on takeoff or landing, thus resulting in a fuel spill fire spreading beneath the wharf structure. This hazard was identified by the NFPA code 418 in requiring structural support members to be of two hour fire rating. The proposed construction will be of concrete deck supported on the existing timber structure, which would -

[Time expired.]

**Mr BAIRD** (Northcott - Minister for Transport, and Minister for Roads) [3.26]: This matter has been brought forward as a matter of urgency, but it really should have been dealt with in a private member's statement. If the Australian Labor Party had wanted the bill to be brought forward it would have been, but the honourable member for Port Jackson does not have the support of her own party, let alone the Parliament. Most Opposition members are not present in the Chamber. We all appreciate that many people in the Pyrmont peninsula and Balmain would prefer that the heliport not be located in that area. That is part of the NIMBY process. The honourable member for Penrith, the honourable member for Cronulla and the Minister for the Environment know about the process.

Good local members do their thing, but the honourable member for Port Jackson is trying to use the Parliament to achieve something which does not meet her own standards. It was she who forced a vote in the House on the establishment of an independent commission of inquiry into the matter. Now that the commission of inquiry has given the green light to the project the honourable member and her constituents do not like it. We can understand why. But she cannot have it both ways. Now that there has been a commission of inquiry and it has presented a report which she does not like, she is trying another approach.

A bogus bill is supposed to be coming forward. We understand that it does not have the support of the honourable member's party. If she wants to proceed with a private member's bill, she should do so and test its support in the House. We are wasting the time of the House dealing with this matter. The bottom line is that everyone knows that it is ridiculous for a city of 4½ million people not to have a heliport in the central business district. It is needed for tourism and for emergency, safety and medical reasons, and we intend to get it under way. Cabinet agreed to this proposal on 8th October, 1991, but it was the present Leader of the Opposition who established a heliport on an almost identical site, only a few hundred metres away. The honourable member for Port Jackson has great weekend razzle-dazzle events and loud rock music. Everyone turns up and they play sounds and excite them all.

**Ms Nori:** Rock music?

**Mr BAIRD:** So I am reliably informed.

**Mr SPEAKER:** Order! The honourable member for Port Jackson has the right of reply.

**Mr BAIRD:** There are big rallies and people become wildly enthusiastic. They are always worried about the spectre of Frank Sartor hovering overhead. The honourable member is proving that she is a great local member by raising this issue, but there is a cost to the wider population of Sydney - 4½ million people as opposed to a few people who live in a very privileged position. The noise levels have been established. People will be able to sleep during the day according to the studies carried out. The honourable member does not like the established standards. What she wants is no noise at all. We understand that but she should not pretend that these experts -

**Ms Nori:** The EPA standard would do.

**Mr BAIRD:** It is not good old Professor Goldberg, is it?

**Mr SPEAKER:** I call the honourable member for Port Jackson to order. The honourable member has a right of reply.

**Mr BAIRD:** Noise experts come out of the woodwork about so-called NIMBY projects. They say, "Shock, horror. Lo and behold, this is too high". But the experts have examined this proposal and have said it is acceptable and in line with Australian standards. This city needs a heliport for a whole number of reasons, and approval has been given for the provision of a heliport. The Maritime Services Board has determined an environmental impact statement in accordance with the inquiry's recommendations. The CBD heliport needs to be re-established, it operated successfully in the early 1980s and was established by none other than the Leader of the Opposition. What hypocrisy! The Opposition is now philosophically opposed to heliports, and it is opposed to the establishment of a heliport only a few hundred metres up the road from the location of the previous heliport. For heaven's sake! If it was thought appropriate to have a heliport then, why is it suddenly not appropriate now? The reason is that the Opposition is concerned about Frank Sartor - that is the reason. Let us be honest.

The CBD heliport must be re-established. It will not pose a threat to nearby residents. The nearest house will be one kilometre away, at Peacock Point, Balmain. The noise will be loudest when helicopters pass at 500 feet, nearly three-quarters of a kilometre

away - the maximum ceiling for operations in the harbour helicopter lane. Helicopter noise will not be heard indoors and will not drown out normal outdoor conversation. Every effort is being expended by the Helicopter Association of Australia to raise the ceiling in the harbour helicopter lane to 1,000 feet. One will not be able to hear any helicopter noise unless one strains one's ears. I am sure the honourable member for Port Jackson will be straining hard to ensure that she hears such noise. Everyone will be better off if the ceiling is lifted to 1,000 feet.

**Mr J. H. Murray:** They cannot do it.

**Mr BAIRD:** I understand that it is quite possible to do so. Monitoring and control procedures are comprehensive and will improve current operations over the harbour. The telephone complaints service will give instant access to an operator who can identify any helicopter in the vicinity and communicate directly with it. No one disputes the emergency value of helicopters, but the heliport needs to be established on commercial grounds. Currently there is no secure open area landing site with fuel close to the CBD which could be used in a CBD emergency. Normal commercial helicopters and pilots are the most important reserve in an emergency. The planning process will be circumvented. The proposal will overturn the findings of a thorough environmental impact study and commission of inquiry. It is not based on reason but on emotion and closed mindedness.

The Opposition has been a staunch defender of the Environmental Planning and Assessment Act in the past. It is impossible to find a reason to override those provisions on this occasion other than the particular interests of a local member. House values will not be affected - and that assertion is supported by the analysis of house value changes in Balmain that was carried out while the Darling Harbour heliport operated. At that time the prices of houses in the vicinity of that heliport actually rose faster than the metropolitan average. So this suggestion of losing money and saving the world -

**Ms Nori:** It is Crown land at Pyrmont.

**Mr BAIRD:** Absolutely, if the value of the land was not affected when the heliport was operating previously, it will not be affected in the future. Mascot airport is not a viable alternative; there is at least a half-hour access penalty and this is critical to helicopter users. The purpose of the CBD heliport will not be to shuttle passengers to and from airline services and the city. The approval allows for review and improvement. A noise control licence will be issued annually. The Government owns the site and holds the lease, initially for three years with a one-year option for renewal. A heliport has always been part of the city west plan for Pyrmont having regard to the casino, the Maritime Museum, Darling Harbour activities and cruise vessel berthing. Joy flights will not be allowed; they would only inflate movements from the heliport. Planning for city west has never been solely directed at maximising property values or providing a single dominant land use such as housing.

In her speech the honourable member for Port Jackson mentioned that the final arbiter in the process is the Parliament. The Parliament voted in favour of the inquiry. If the honourable member suggests that she supported the inquiry only in the event of a negative answer, she should have said so at the time. The commission of inquiry held that under certain conditions there are no problems with having the heliport. The commission gave the go-ahead. The honourable member does not like the result and has come back for another try. The honourable member knows, as I know, that the people of Sydney support the concept of a heliport. Undoubtedly some people in the honourable member's electorate feel that they will be adversely affected. The findings of the inquiry show that they will not be affected in any significant way. Commercial, tourism and emergency factors favour the establishment of a heliport. The Government should continue. The Opposition should not call for another inquiry because it does not agree with the findings of the commission of inquiry.

**Mr J. H. MURRAY** (Drummoyne) [3.35]: This Government seems hellbent on making life a misery for the residents of the inner west. Already, Balmain hospital has been downgraded; Metromix Concrete

will move 600 semi-trailer units per day along Victoria Road and Parramatta Road; the third runway, which this Government has advocated, is being constructed; schools such as Drummoyne Boys High School have been closed; the F2 Motorway will flood Victoria Road. The proposed Pymont heliport will prove to be a disaster for people living on the upper harbour. The lives of the residents on the foreshores of Drummoyne, Hunters Hill, Gladesville, Chiswick, Abbotsford and Putney will be hell. Where are the Government members who represent the electorates of Lane Cove, Hunters Hill and Gladesville. Why do we not hear from the honourable member for Gladesville and the Minister for Industrial Relations and Employment? Where are the Government members whose constituents will be adversely effected by this impact?

Currently, there are 15 helicopter movements over the Parramatta River, and they include services for CareFlight, the police, the television channels 2, 7, 9 and 10, the Roads and Traffic Authority and another government department. Even with an average of only 15 movements a day on the upper harbour it is utter chaos. My office is inundated with complaints from local residents who live under the helicopter flight path, which is 150 metres above sea level. They complain about seeing helicopters from their dining rooms and hearing helicopters from their bedrooms. Sound readings taken at Sydney (Kingsford-Smith) Airport would differ from those taken along the Parramatta River, which gives a canyon effect. The noise reverberates from one side of the river to the other and through the windows of residences.

Page 6288

Many people living in the inner west sleep during the daytime. They live in close proximity to the CBD because they are in the entertainment industry or similar industries and they often have to work at night. During the day their sleep is interrupted by an average of 15 flights each day. Under the Minister's proposal those residents will be afflicted with 60 flights a day. The Minister informed the House that the Government should look after the people in the CBD. But he did not say how many people will benefit from this heliport. The commission of inquiry said that each day about 123 people will benefit from the establishment of the CBD heliport. The lifestyle of thousands of people who live along the upper harbour will be disrupted - especially in the electorate of Drummoyne - just so that 123 people will benefit. We already have a heliport at Sydney (Kingsford-Smith) Airport. It would take 10 minutes longer to drive a car from Parliament House through city traffic to Pymont than it would to drive a car from Parliament House to Sydney (Kingsford-Smith) Airport. To benefit 123 yuppies working in the CBD the Government wants to disrupt the lifestyle of many thousands of people.

The Minister will claim that all major cities have heliports within their central business districts. However, the heliport that now operates at Kingsford-Smith airport is basically within the centre of the city. In many major cities the distance from the geographical centre of their central business districts to the heliports is the same as the distance from here to Kingsford Smith airport - and the Minister wants a heliport at Pymont for 123 yuppies! The other important point is that the aircraft that now use the pathway are basically service-type carriers. When the heliport at Pymont becomes operational, large capacity commercial and twin-screw helicopters with double the sound impact of smaller aircraft will use the facility. I have been in public life for a long time and I know - *[Time expired.]*

**Mr HARTCHER** (Gosford - Minister for the Environment) [3.40]: I would be interested to hear whether the honourable member for Drummoyne made a similar contribution in 1985 when Bob Carr proposed a heliport at the same location. I wonder if his consistency and integrity were the same then. The motion moved by the honourable member for Port Jackson is one of the most extraordinary motions ever to be moved in this Parliament. Essentially she is claiming that as soon as notice is given of a private member's bill, all activity in the area dealt with by that bill must cease. That has never been so, even when Government legislation has been before the Parliament. The people of New South Wales are entitled to know what the law is. The law is what is enacted by the Parliament. Administration of the law has never been frozen while legislation has been debated in this Parliament. It is a highly new concept for the honourable member for Port Jackson to claim that because she has introduced a private member's

bill no action should be taken until the bill is debated. Any honourable member who votes in favour of the motion will be voting in favour of the principle that as soon as a private member's bill or, indeed, any bill is introduced into this House, no activity should be carried out by the public service of the State until the bill has been dealt with. It must be understood that that extraordinary concept undermines the whole concept of the rule of law.

The next important point about the extraordinary motion moved by the honourable member for Port Jackson is that it is simply incapable of being complied with. The Environment Protection Authority now has before it an application under the Pollution Control Act lodged by the proponents of the heliport. They were authorised to do so, of course, by the commission of inquiry. The Environment Protection Authority, not the Government, has the statutory responsibility of determining that application. The Pollution Control Act, a law passed by this Parliament, sets out the criteria that the Environment Protection Authority must deal with when assessing that application. No criteria relate to a private member's bill that is before the House. The Environment Protection Authority is not entitled to take into account what might be the law. It must act under the existing legislation, which is the Pollution Control Act.

The public service of this State may only take into account the existing law. It cannot take into account what the law might be in the future. There is no guarantee that the bill will be passed by the House or in what form it might be passed by the House. If the Environment Protection Authority were to refuse to consider the application which has now been lodged in respect of this heliport, it would be in breach of its statutory duty under the Pollution Control Act, regardless of whether it had any direction from me as Minister. I am able only to direct the Environment Protection Authority to do what the law allows it to

Page 6289

do. Neither I nor any other Minister can direct any authority for which we are responsible to do any illegal act. Ministers can only authorise or direct the carrying out of a legal act or the exercising of a legal discretion. In this case the Environment Protection Authority must act in accordance with the criteria laid down by the Act. It has no basis for taking into account any other criterion, be it a resolution of this House or a resolution of both Houses. The only change that can come about in the law is by an Act of Parliament.

Those two fundamental points - the role of Parliament and the authority of the public service to act under existing laws - are being challenged by the motion moved by the honourable member for Port Jackson. She is simply seeking to make a cheap political point to her electorate by subverting the role of Parliament in this State. The honourable member for Port Jackson is entitled to speak up on behalf of her constituents, and she has done so. No one is questioning her entitlement to do that. However, the Government does question this process, which is a grandstanding exercise designed to get a headline in the next edition of the *Glebe* - "Member for Port Jackson Fighting for her People". She is not fighting for her people; she is engaging in a massive charade in this House. The electorate of the honourable member for Drummoyne is not affected by the application. He was a member of this House in 1985 when Labor proposed a similar heliport.

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

**Mr HARTCHER:** The Environment Protection Authority will deal carefully with the application before it, but it will deal with it according to law, not according to the whims of the honourable member for Port Jackson.

**Ms NORI** (Port Jackson) [3.45], in reply: The Minister for Transport has accused Balmain, Pyrmont and North Shore people of having a NIMBY mentality. I thought I had made it perfectly clear that this proposal is opposed by many different people. Could Lend Lease be described as an organisation with a NIMBY mentality? Does the Royal Institute of Architects have a NIMBY mentality?

**Mr Baird:** The institute has not written to me.

**Ms NORI:** The institute has not written to the Minister. Has the Minister not read the report of the commissioner of inquiry? Did he not go down there like the rest of us and photocopy the reports as they came in every afternoon?

**Mr Baird:** I saw the result.

**Ms NORI:** The Minister saw the result. It is a pity he did not understand it and is not prepared to listen to expert advice that would demonstrate to any rational person that Commissioner Simpson, with respect, got the technical side of it wrong in terms of the noise standard. Unlike the Government, which deliberately set out to adopt a noise standard which would ensure the commercial viability of the heliport, Commissioner Simpson probably got it wrong because it is a highly technical area. I am not being critical of him; I am merely saying, with respect, that he got it wrong. I refer the Minister to some documents of Dr John Goldberg that will be available to him. Those documents will convince him beyond doubt that Commissioner Simpson got it wrong in relation to the noise standard and that, if Commissioner Simpson's recommendations are followed, the noise standard will

Page 6290  
be inappropriate.

Neither the Minister for Transport nor his colleague the Minister for the Environment has explained why he has failed to adopt Environment Protection Authority guidelines that will control noise emanating from the proposed heliport at Pymont. Why has the Minister walked all over the Environment Protection Authority and rejected its noise control guidelines, which would have restricted the heliport to about 20 movements a day? I know that the Minister is not listening to me, but I hope at some point he will pay me and the people of Balmain, Pymont and Sydney the courtesy of explaining why they pay good dollars for the Environment Protection Authority just so the Minister can tell it to go and jump in the lake when it comes up with a noise standard the Minister does not like.

The Minister for the Environment claimed that I am trying to make out that once a bill is before this House, no one can say or do anything. In my opening remarks I made it clear that given that the Earth will not stop turning if the heliport does or does not go ahead in the next couple of months, what is the problem about waiting? Obviously I do not suggest that merely because a private member's bill is before the Parliament everything has to stop. When the House is dealing with something that does not have to proceed tomorrow or in the next five minutes, would it break the camel's back to wait and listen to some of the arguments that have been put forward by Professor John Goldberg?

**Mr Baird:** Professor John Goldberg? He was up at the Castlereagh freeway.

**Ms NORI:** What about Professor Fergus Fricke? I assure the Minister that more than one expert can show that Commissioner Simpson got it wrong in relation to the noise standard. I will not go into the technicalities because the matter is highly complex and difficult for ordinary mortals to understand. However, I do understand the outcome, which is that the Minister got it wrong, wrong, wrong.

**Mr Baird:** Everyone got it wrong.

**Ms NORI:** Indeed you have. The Minister makes the point that I do not have the support of my party. I do not normally tell Liberal Party Ministers what goes on at Labor Party caucus meetings, but let me tell the Minister that I put my bill up to the Labor Party caucus and in its wisdom caucus supported me. The reason it cannot be brought forward is that I would have to ask for leave to be granted and it would take only one of the rock apes opposite to say no and that would be the end of it. The Minister knows as well as I that that option is not available to me. But the Opposition has a sensible compromise which I am presenting to the Minister right now. The sensible compromise is: do not sign the contracts; do not get it to a point where it is set in concrete; let it go for a couple of months; wait for debate to take place in the Parliament; and use the next couple of months to ask yourself a few questions.

The Minister should ask himself why the heliport at Beauty Point in the Blue Mountains has been restricted on the basis of the heritage value of the Blue Mountains. Honourable members should assess the heritage value of Port Jackson, the port, to see whether we really should be defacing it by having an ugly great monstrosity - which is what the heliport will be - in what is meant to be Sydney's premier tourist district. I suggest that the rebuttal of the noise standard by Dr Ollerhead of the United Kingdom and also the potential for fire and spillage of toxic waste and oil into the harbour are issues that have not yet been properly addressed or considered. They are new issues, and they have been brought to the attention of the Minister. I know that the Environment Protection Authority has these documents. I suggest the Minister use the Christmas break, not only to enhance his suntan - [Time expired]

**Question - That the motion be agreed to - put.**

**The House divided.**

**Ayes, 46**

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Ms Moore
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Carr	Mr Neilly
Mr Clough	Mr Newman
Mr Crittenden	Ms Nori
Mr Doyle	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Mr Harrison	Mr Scully
Mr Hatton	Mr Shedden

Page 6291

Mr Hunter	Mr Sullivan
Mr Iemma	Mr Thompson
Mr Irwin	Mr Whelan
Mr Knight	Mr Yeadon
Mr Langton	
Mrs Lo Po'	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Dr Macdonald	Mr Davoren

**Noes, 44**

Mr Armstrong	Mr O'Doherty
Mr Baird	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Causley	Mr Phillips
Mr Chappell	Mr Photios
Mr Cochran	Mr Richardson
Mrs Cohen	Mr Rixon

Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Downy	Mr Small
Mr Fahey	Mr Smiles
Mr Fraser	Mr Smith
Mr Glachan	Mr Souris
Mr Griffiths	Mr Tink
Mr Hartcher	Mr Turner
Mr Hazzard	Mr West
Mr Humpherson	Mr Windsor
Dr Kernohan	Mr Yabsley
Mr Kinross	Mr Zammit
Mr Longley	
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr Morris	Mr Kerr

### Pairs

Mr Knowles	Mr Blackmore
Mr Martin	Mrs Chikarovski
Mr Nagle	Mr W. T. J. Murray
Mr Ziolkowski	Mr Petch

**Question so resolved in the affirmative.**

**Motion agreed to.**

*[Mr Speaker left the chair at 3.58 p.m. The House resumed at 5.15 p.m.]*

## PRIVATE MEMBERS' STATEMENTS

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### BEROWRA POLICE PATROLS

**Mr O'DOHERTY** (Ku-ring-gai) [5.16]: Some time ago I raised in this House the concerns of Berowra residents about the need for increased police patrols, in particular on Friday and Saturday nights. Residents are worried about the reported increase in the number of acts of vandalism and attacks by youths on institutions, such as the Girl Guides hall and schools. Unfortunately, one arson attack destroyed part of the canteen at Berowra school. At that time I raised the concerns of residents that a number of measures should be taken to increase police presence in the area. Also, I wrote to the police Minister at the time and spoke with local senior police.

This evening I should like to report to the House some of the initiatives agreed to by the police as additional and extra measures they will take to provide added protection for the people of Berowra, particularly on Friday and Saturday nights. Berowra police station is a part-time station. According to the Police Service the number of incidents in Berowra does not warrant a full-time police station. I shall continue to canvass that matter with the Police Service and the Minister because I believe that in the near future, with increasing population growth, the people of Berowra will require a full-time police station.

When the Berowra police station is not staffed the telephone is switched to Hornsby police station.

Discussions with senior police reveal the interesting problem that often Berowra telephones have rung many times before calls were transferred to Hornsby police station. These days, with local switch functions at the telephone exchange, it is easy to divert telephone calls. Easycall functions can do that for just a few dollar a month. In these technological times it is unacceptable that police switchboards are not able to instantly transfer calls from Berowra to Hornsby. As a result of my inquiries people now ringing Berowra police station when it is unmanned will be switched straight through to Hornsby police station, and their inquiries will be dealt with expeditiously. I think that is great.

Brooklyn and Berowra police sectors will combine to provide a northern car to patrol that area from 10 p.m. until 6.30 a.m. on a continuous roster. This new initiative will mean that a vehicle will operate in conjunction with the existing patrol car operating out of Hornsby, the central area for that police district. The special operations group night vehicle will oversee the Berowra area in line with its other district duties. However, senior police have told me that because of the increased incidence of violence on Friday and Saturday nights, they will pay particular attention to Berowra on those nights. I understand from my inquiries that the special operations group will also be mounting special plain clothes and plain car campaigns in Berowra over the next couple of months.

Over the next month the Berowra police station will be manned on a regular basis by one police officer from 8 a.m. to 4.30 p.m., Monday to Friday. An assessment then will be undertaken to ascertain whether that has proved to be effective. People will be aware that the police station will be manned during that time and thus will be able to report small incidents. In the past the reporting of small incidents has been a problem because of the lack of access and people have not bothered. Therefore, the charge sheets for that station do not reflect the true nature of the problem in the Berowra area.

Also, regular patrols involving highway patrol officers will be maintained in the region. The people of Berowra feel strongly about this issue and I am delighted to announce that beat police will work an afternoon shift in the Berowra area on Thursdays, Fridays and Saturdays. Of course, that depends on the availability of resources; the people of Berowra realise that if there is a crisis elsewhere, beat police will attend to that problem. However, normally, beat police will work those afternoon shifts on those days. I am aware from speaking to many resident in the Berowra and Berowra Heights districts that they view beat police, who had been working in the area for some time and had recently had to be assigned to other duties, as the most effective policing measure in reducing youth vandalism and other problems. I commend and thank the local senior police and the police Minister, the Hon. Terry Griffiths, for their interest in helping me to assure the residents of Berowra that their policing needs will be met. [*Time expired.*]

## **DEPARTMENT OF HEALTH COMPLAINTS UNIT**

**Mr GIBSON** (Londonderry) [5.21]: Yesterday in this Chamber the Minister for Health reported to the Parliament about a report into the health care complaints unit. He said that there were allegations of bias in the report and that he had referred it to the Independent Commission Against Corruption. That is probably where the matter should go, because that is exactly what ICAC was set up to handle. I know that the Minister showed a great deal of emotion yesterday in trying to defend in my opinion the indefensible in regard to the complaints unit and also the head of that unit, Merrilyn Walton. In my opinion this is a sham. It has to stop and it must stop somewhere. There is an allegation of bias in a report, so the matter is sent off to another department or authority in order to get an outcome, when all we will do in this whole caper is stifle the truth of the matter.

I cannot believe that Mr Temby has recommended that the inquiry be conducted by the parliamentary committee. The committee has some excellent members but it does not have the facilities or investigative capabilities of the Independent Commission Against Corruption. Mr Temby's suggestion is a joke. An allegation has been made that bias has been shown by the Office of the Ombudsman. I

have a letter which shows bias on the other side. The letter, sent to Mr M. J. Kerr, M.P., on 21st April, simply states, "Ms Walton is a friend of mine". The letter was sent by Ian Temby, head of the Independent Commission Against Corruption. If bias is alleged against Ms Walton on the one hand, it could be said that for the same reason bias could be alleged towards her on the other.

Mr Richard Hayes wrote to ICAC and asked it to investigate the death of his son, Robbie Hayes, in 1988. That letter went to Mr Temby on 15th October, 1992. I ask the Minister to tell me in this Chamber when and to whom Mr Temby made his disclosure that he was a friend of a person who was to be investigated by the Independent Commission Against Corruption. The code of conduct of the Independent Commission Against Corruption states clearly, "If in the process of your duties you encounter information which involves people, organisations or activities that you have had or have a personal interest in or an association with, you must make a written disclosure to a member of the senior management".

I would like to know who Mr Temby wrote that letter to and on what date it was written. There are too many unanswered questions about the complaints unit and attempts to cover things up. I believe a terrible management problem is involved which should be investigated by ICAC. I believe also that ICAC is the only body that should be investigating the matter. If ICAC cannot investigate the matter, an independent judge should inquire into and clear up this issue once and for all. The attack made yesterday in this Chamber by the Minister for Health on the Ombudsman was disgraceful, gutless and cowardly.

If Mr Landa is guilty of anything, he is guilty of representing and standing up for the little people of New South Wales. We need many more Mr Landas. In many cases he is the only shining light after all other doors have been closed on many needy people. It is disgraceful that a Minister should denigrate in this Chamber an Ombudsman with the capabilities of Mr David Landa. We have written proof of bias and that Mr Temby is a personal friend of Merrilyn Walton, the head of the complaints unit. It is disgraceful that Mr Temby, the head of ICAC, kept the ball for about two seconds when it was passed to him and then flick passed it back to the parliamentary committee. Mr Ian Temby is dodging the responsibility which this Parliament gave him.

## **MURRAY ELECTORATE XPT SERVICES**

**Mr SMALL** (Murray) [5.26]: Last week I spent five days travelling throughout the Murray electorate doing my quarterly interviews in towns and villages. One of the main problems people told me about in those interviews related to the introduction of the new XPT services and the timetables of those services. A rail link is not located in the electorate but CountryLink services are available. I congratulate the Minister for Transport and others involved in upgrading services for the new XPT trains. Train travellers in country areas are mostly senior citizens; they use trains because they are the best and safest way for them to travel from their homes in country towns to Sydney and beyond to the North Coast, Brisbane or elsewhere. However, the new timetable schedules are making travel extremely difficult for them. I do not suggest there has ever been a good timetable, however the XPT service now departs Albury at about 6 a.m. The service used to leave Albury at about 9 a.m. As a consequence, residents of towns such as Moama, Mathoura and Finley have to rise as early as 2 a.m. or 3 a.m. to catch the bus to link with the XPT service. People from Balranald in the midwest who wish to travel to, say, Cootamundra have to rise even earlier.

I acknowledge that it must be extremely difficult to set timetables for a train departing Melbourne and  
Page 6293  
travelling through to Sydney. However, I am given to understand that VicRail did not work in with its New South Wales counterpart. The XPT service commences at Albury rather than in Victoria and does not travel the longer journey. I hope that the Minister for Transport and the State Rail Authority can examine the timetable, especially for when the day train and night train are both running, in an attempt to better

utilise that resource and satisfy the needs of the majority of people who want to use that train service. Many country towns do not have taxi services to assist the elderly to reach bus services. I hope that when CountryLink identifies its pick-up points StateRail will take note of those locations and ensure that a Telecom telephone booth is available at each location. Such a facility will enhance the safety of travellers, especially those arriving back from Sydney late at night, in the early hours of the morning, or during wet weather.

I would like the Roads and Traffic Authority and the State Rail Authority, through the Minister, to revise the time schedules in the future to help elderly people, school students and the general public. Patronage will be lost unless timetables are satisfactory. Our trains are able to move large numbers of people; we have invested huge amounts of money to provide up-to-date modern transport; and we are attempting to speed up operations between capital cities - Melbourne to Sydney, Sydney to Brisbane and beyond. It is the responsibility of the Government to investigate what can be done to adjust timetables to make them beneficial for people who utilise the trains and assist them in interconnections with other modes of transport. We have come a long way in improving the comforts of trains. It is no use providing comfortable trains between towns and cities unless there is an effective running schedule. It is important for trains from the west to arrive early to interlink with the train that travels north to the Armidale area in the electorate of the Minister for Small Business and Minister for Regional Development. The interlink is important and I appeal to the Minister to look at this problem. [*Time expired.*]

### **CAMPSIE RAILWAY PEDESTRIAN FOOTBRIDGE**

**Mr MOSS** (Canterbury) [5.31]: I should like to refer to the possible demolition of a 60-year-old pedestrian footbridge that spans the railway line in Campsie. The bridge is at the bottom end of Duke Street, Campsie, and spans from North Parade to South Parade across the railway line. In approximately the middle of this year Canterbury Council was advised by CityRail that it was considering demolishing the bridge or, if the bridge was to be refurbished, the council would have to contribute towards the refurbishment to an amount of \$180,000. Canterbury Council is opposed to contributing towards the bridge; it does not believe it is its responsibility - neither do I - and believes the bridge should remain the responsibility of and be maintained by CityRail.

The council has received further advice from CityRail offering three options for the bridge. It is suggested that the bridge should be completely demolished, at a cost of between \$70,000 and \$80,000; or replaced, at a cost estimated to be between \$300,000 and \$400,000; or refurbished, for approximately \$300,000. Though the bridge is an ugly structure, it has served the community well for about 60 years. It was built by CityRail - known in those days as New South Wales Railways - using unemployment relief work during the depression for the safety and convenience of local pedestrians. I know the person responsible for building the bridge - Joe Poole, who worked for the railways department for many years. In later years he became an official of the Australian Railways Union and an alderman on the council. He was a community-minded person.

In the 1930s the Department of Railways considered it appropriate to provide a bridge for the safety and convenience of local residents. Today, when the population of the area has increased sixfold and traffic has increased tenfold, and consequently it is more dangerous to cross further up the road than it was in the 1930s, CityRail does not want to have anything to do with the bridge. In May the council conducted a survey of the use of the bridge and within two hours found that 178 people had walked across it.

The bridge serves two schools in the Campsie area and is convenient for schoolchildren and senior citizens. It is a long walk further up the road, and it is more dangerous, to try to cross at the intersection of Beamish Street and South or North Parade. I appeal to the Minister to ensure that the bridge is maintained. Despite its high level of funding, CityRail is penny pinching by wanting to demolish such a necessary facility. If it was considered necessary for the community in the 1930s, it is certainly essential

today. I trust the Minister will look sympathetically at the matter with a view to assisting the thousands of schoolchildren who use the bridge and will continue to do so in the future.

### **RESPIRE CARE AND JOSHUA DENNY**

**Mr COCHRAN** (Monaro) [5.36]: On behalf of not only members of this House but constituents in my electorate and many people in New South Wales I wish to relate a case of compassion, co-ordination, concession and a great deal of love and understanding from departments within my electorate in assisting a young boy who lives a rather tragic life. Joshua Denny was born in January this year, the son of Cheryl Denny. The family lives in rather tragic circumstances in Queanbeyan. The young boy was born with brain damage that leaves him virtually lifeless - a limp, expressionless child who requires care and dedication 24 hours a day, seven days a week from his mother.

Cheryl tolerated this situation for a period of time, until just recently when she contacted my office seeking help. She had approached the media and appealed to others for assistance, but was unable to gain the necessary support. Through the efforts of other departments, many of her problems were able to be resolved, and she was able to resume living a

Page 6294

somewhat normal life. Joshua Denny is a special child and Cheryl is a very special mother. She loves this child as much as any parents would love their son, even though this helpless little soul is unable to move and is totally defenceless. Approaches to Queanbeyan District Hospital by me and my staff - Fiona Brennan and Jenny Thompson - resulted in an arranged meeting with the Queanbeyan District Hospital staff and the district board, particularly Bill Dargaville, and Janet Mould, acting chief executive officer, and Bill Thompson, regional manager of the Department of Community Services. Together they put together a plan to provide funding for respite care for Cheryl Denny so that she might lead a somewhat more reasonable life.

Cheryl was required to monitor her son 24 hours a day and was not able to get as much sleep as she liked. Her husband is a truckie and is away much of the time. In one of the better examples that I have seen in my time in the Parliament, all departments willingly worked together to overcome the problems associated with the tragic circumstances of this child. The end result is that 40 hours per week respite care was granted on a joint funding basis by the Department of Community Services and Queanbeyan District Hospital. A night nurse has now been provided to allow Cheryl to get some sleep and also to spend some special time away from the home with her husband.

All those involved should be commended, particularly my electorate secretary Fiona Brennan, and Jenny Thompson, both of whom are country girls. The country girls of New South Wales are known for their good humour, honesty and compassion. These two, who are listening to my speech in my office at this very moment, have maturity and wisdom well beyond their years. I commend them both, and not only for the work they have done in this case. All our electorate secretaries should be commended for their dedication and compassion on our behalf in our electorates. It behoves all members in this period leading up to Christmas to pay tribute to the work of electorate secretaries. Finally with regard to Joshua Denny, tragic as it may be, he will most likely not have a long life, but there is little doubt that although there may be a shortening of life there will be no shortage of love.

**Mr CHAPPELL** (Northern Tablelands - Minister for Small Business, and Minister for Regional Development) [5.41]: I compliment the honourable member for Monaro on raising this matter. Typically, he has identified people in the community who go out of their way to be supportive in tragic circumstances. We are all aware of them. All members of Parliament at times overlook the day by day commitment of our electorate staff in such matters. They handle many constituents' difficult and tragic personal circumstances with compassion and empathy. I am sure all members owe a great debt of gratitude to our electorate staff for the job they do for us and on behalf of the people we represent in this place. Our electorate secretaries and electorate assistants serve the community well.

## LENAGHANS DRIVE, BLACK HILL

**Mr PRICE** (Waratah) [5.42]: I raise matters of concern to citizens of my electorate who live adjacent to and frequently use Lenaghans Drive in the Black Hill area. It is now a feeder road between the Pacific Highway, the New England Highway and the F3 Freeway at Minmi. Since the road opened on 1st December the transport system has been much improved. It is an excellent highway, but as with all things new it has brought problems with it and magnified existing problems to the extent that extreme personal hardship has been caused to many residents living nearby. I first express my concern about the road design of Lenaghans Drive. It has a 90 kilometres an hour limit but almost without exception the intersections on that stretch of road - they service either rural subdivisions or larger farms - are at right angles.

It is difficult and dangerous to enter a 90 kilometre an hour speed limited roadway from a right angled intersection, particularly at peak times. The problem has been manifesting itself for two weeks. Lead-off lanes that allow vehicles to get on and off properties are being used as passing and overtaking lanes by through traffic. I am sure the drivers have no idea that they are only short sections of road provided to give access to the nearby properties and subdivisions. An extremely dangerous situation is being created. There is grave danger to local residents, who travel at a lower speed, and to people driving through at 90 kilometres an hour. Another problem to emerge has been the dramatic increase in noise pollution. The freeway encourages all major heavy transport travelling north by the Pacific Highway or the New England Highway to travel on the freeway as far as Minmi. The road then changes from two lanes to a single lane, and there has been a massive increase in noise day and night.

After hours, when police surveillance decreases, the speed of the traffic increases. That is understandable: it is difficult to slow down from 110 kilometres an hour to 90 kilometres an hour in almost freeway conditions. The problem will be compounded as time goes on. The environmental impact statement process introduced in April required responses by 21st May. The evaluations still have not been put to the State Minister or to the Federal Minister for Land Transport. A number of decisions that will affect duplication of the Lenaghans Drive carriageway and provide a flyover at John Renshaw Drive have not even reached the people who have to make the financial decision. I would think that something is radically wrong when seven or eight months down the trail the department cannot process 200 or 300 statements by members of the public into a sensible series of comments and subsequent recommendations for the department and the respective Ministers.

Although I acknowledge the Minister's co-  
Page 6295

operation in these matters, I encourage him to chase that process along. Since the appointment of a new Minister for Roads I have noticed a dramatic change in attitude towards the Federal Minister, who acknowledges the improvement in co-operation. There is no personal criticism of the Minister in my remarks. The department should consider the people whose lives are now on the line. Time will not permit me to mention a number of other serious problems, but it is imperative that we deal particularly with the intersections and the fake passing lanes and look at the noise problem. I have received letters from a number of people who are most concerned. The department took meter readings for two days immediately after the highway opened but now, two weeks later, traffic and noise have increased dramatically. It is extremely important that the people in the area are shown consideration for their normal lifestyle and safe living. [*Time expired.*]

## DAVIDSON ELECTORATE COMMUNITY SERVICE ACKNOWLEDGMENTS

**Mr HUMPHERSON** (Davidson) [5.47]: On what I hope will be the final sitting day of the year and as we approach the festive season and the end of 1993 I take the opportunity to acknowledge a number of

organisations and individuals in my electorate who have made a contribution to our community. I refer first to schools, teachers, staff and parents. All the schools in my electorate have made a tremendous contribution in many ways. It has not been an easy time for teaching staff in recent years. Schools in the electorate of Davidson have excellent staff whose commitment has made a significant contribution to the students and young people of the electorate. That has been matched by the involvement of parents in our parents and citizens associations and school councils, which have been a model for others throughout New South Wales.

I have attended a number of presentation days in the past couple of weeks at which people have been acknowledged but it is appropriate that I should acknowledge them again. A number of people are retiring. Marie Johnston, the Principal of Roseville primary school, and Phillip Duck Chong, the Deputy Principal of Forest High School, are retiring after long stints at their schools. I wish them well. I acknowledge the contribution of one of the parents, Ros Thomson of Mimosa primary school, who, in a large number of positions, has made a long contribution to that school. In local government organisations, John Hewitt and Ray Dowsett from Warringah Council traffic committee have been very helpful to my office, along with John Betts and Gordon Farelly. Ray Black and Phil Campbell from Frenchs Forest police have helped with a wide variety of problems within the electorate.

Keith Filewood and Warren Kinnon from Brookvale depot of the Urban Transit Authority and Tony and Vernon Royal from Forest Coach Lines have been very helpful in dealing with a number of transport representations from constituents. Service clubs in my electorate have been very active over the past 12 months, and I would particularly like to acknowledge the creation of a women's Apex club in my area. Chris McGurgan and Colleen Gill have been instrumental in getting that off the ground. The Apex, Lions and Rotary clubs have all been very active in supporting local organisations, particularly Frenchs Forest Rotary youth centre, which is currently under construction at Frenchs Forest. That project has also been supported by the Forest Community Association, a longstanding community organisation in the Frenchs Forest area. I would like to congratulate John Ross on being elected president for the coming year and Roger Batt, the new vice-president.

I would like to acknowledge also a number of the ethnic community groups in the area - the Dutch, Austrian, Scandinavian and Armenian clubs, all of which have worked together in the Bantry Bay area. They organised a Eurofest a couple of months ago, in which Herman and Jenny Wandell played a key organisational role. It was a most successful weekend, one that I know they will repeat next year. Scouting and guide groups have played a very enthusiastic role in supporting a number of local projects. The brownies, scouts and the volunteers who have helped in one way or another are to be congratulated. Tom Bagnet, the manager of Garigal National Park, deserves thanks for giving assistance on a number of issues. He has been very helpful on a number of occasions. The Davidson electorate contains a significant amount of bushland, and national parks are an important part of it.

Last but not least I would like to acknowledge my electorate staff, as the honourable member for Monaro acknowledged his staff. Members' electorate staff perform a most important role in liaising directly with the community, those who ring or visit the local member's office. Libby Smith and Elizabeth Jones have been extremely helpful to me in my time as a member of this place. They have a very good understanding of local issues and have played a very important role in assisting people with a variety of problems. I know that the service provided in the Davidson electorate could not be what it is without their assistance. I take this opportunity to acknowledge all those people and organisations who in one way or another have contributed to making my community what it is.

#### **TEACHING APPLICATION OF Mrs VIVIANA AUSTIN**

**Mr MILLS** (Wallsend) [5.52]: I wish to bring to the attention of the House the unfortunate story of Viviana Austin, who has been living in the Wallsend electorate since this year. Vivi Austin has been trying since 1980 to become a teacher. I am convinced she has suffered discriminatory treatment from the Department of School Education during that time and I raise the matter today so that it may be

brought to the attention of the Minister for Education, Training and Youth Affairs. I call on the Minister to investigate Vivi Austin's treatment urgently, with a  
Page 6296

view to removing the injustice she has suffered, giving her full recognition of her overseas qualifications to teach home economics and Spanish, and having the department place her in a permanent secondary teaching position.

Viviana Austin was born and educated in Chile and obtained a B.A. with honours, with Diploma of Education qualifications from the State Technical University of Santiago in 1978. Her degree has been recognised by the Australian Committee on Overseas Professional Qualifications, which assesses qualifications obtained outside Australia. The assessment was, "attracting graduate status in Australia". In other words, she should not have any trouble, and I thank the honourable member for Drummoynes, who acknowledges this. In 1979 Viviana Austin came to Australia with her Australian husband. In 1980 she applied for a teaching position. I have here a letter signed by P. Costello, Secretary of the Department of Education, dated 29th April, 1980, which states:

. . . after lengthy deliberation it was resolved that you were not eligible to teach in the Primary area.

The Committee felt that your qualifications should be further reviewed in the light of recommendations of the Committee of Overseas Professional Qualifications, in respect of teaching in the Secondary area.

At this stage an approval cannot be released, but it is hoped that the matter will be resolved in the near future.

A further letter dated 25th June, 1980, to Mrs Austin states:

I refer to my communication of the 29th April in which the matter of your classification was deferred pending further consideration by the Classifiers' Committee.

The Classifiers' Committee has now considered your case and has determined that you would be ineligible to teach in the primary field, however, you would attract Specialist Conditionally Certificated status in the secondary area.

In order that your application might be completed it would be appreciated if you would contact . . . so that a mutually convenient interview time might be arranged.

Another letter signed by P. Costello, dated 29th October, 1980, and addressed to Mrs Austin states:

I refer to my letter dated 25th June . . .

The Classifiers' Committee recently had occasion to review your qualifications . . .

There is no alternative other than to advise you that you are not qualified to teach in the New South Wales Teaching Service. I regret that my earlier decision must be withdrawn.

Her documents were returned to her. However, Vivi Austin continued to seek an explanation. I have a copy of a letter from Paul Landa, Minister for Education, dated 22nd April, 1981, addressed to Mr J. C. Kerin, M.P. Mr Landa referred to representations he was making on behalf of Mrs Austin and said:

When her placement was being considered, the validity of the Classifiers' Committee's decision was challenged.

Her case was examined again by the Committee . . . The members were unanimous in their

decision that Mrs. Austin is not eligible to be employed . . .

She has been told what she must do to gain qualifications acceptable to the Department.

At no time has she been told who challenged the decision or the basis upon which it was made. I ask the Minister not to wash her hands of the past decisions but to reopen the investigation because I consider that the challenge was not fair. Vivi Austin received teacher classification from the Catholic Education Office, and she was classified by TAFE as a part-time teacher of home science. She undertook English courses, she taught in Catholic schools in Sydney and on the North Coast, and in TAFE and community colleges. I believe she suffered discrimination, and I can give an example to justify this claim.

A girl from the same university from which Vivi graduated has references as a fine teacher. Maria Escadiro, with the same qualifications from the same university in Chile that Mrs Austin graduated from, was appointed by the department to teach home economics, textiles and design. That was 13 years ago. Vivi Austin believes she is suffering discrimination. In 1987 she went to examine her file, accompanied by Alan Bruce, a welfare officer of the Teachers Federation. They found a note that stated, "Married to Robert Austin". Surely that is discrimination on the basis of her marital status. Surely such a file entry was illegal in 1988 under the anti-discrimination laws. In 1991 the department changed its mind and gave partial accreditation, once again without reasons. [*Time expired.*]

**Mr CHAPPELL** (Northern Tablelands - Minister for Small Business, and Minister for Regional Development) [5.57]: I will make sure that the details of this complaint are brought to the notice of the Minister forthwith.

## DUAL OCCUPANCY

**Mr MERTON** (Baulkham Hills) [5.58]: I wish to address the House about a very important matter in The Hills. My colleague the honourable member for The Hills, Mr Richardson, shares my concern about this matter and has received a number of representations on it. I speak about dual occupancy, which is posing a number of difficulties for the local council and for residents of Baulkham Hills. I refer in particular to representations I have received from Mr and Mrs Fallon and I will later read parts of the letter sent by Mrs Fallon to me after I interviewed her.

Her story is as follows. At the beginning of 1993 she decided to upgrade from Kings Langley estate to Baulkham Hills. After viewing an estate called Bella Vista she and her husband decided to purchase a block of land in this prestigious estate and build the house of their dreams. The estate promised a certain way of life, so the Fallons purchased land in a cul-de-sac in order to minimise the dangers of traffic to their children. Once their house was under way they received notification that a duplex building was proposed for the lot next door. The proposed building is large, approximately 48 squares, and the height and positioning of it would cause

Page 6297

overshadowing on the only available yard space for the Fallon children. In her letter Mrs Fallon stated:

While trying to come to terms with what was proposed for our boundary, and trying to come to some sort of compromise, we were informed that the slab to the rear of us was also for a duplex. This one, of even greater proportions than the other, (approx 52 squares). As this building was already underway, we had no say in its positioning and height, and a very imposing building it promises to be.

So as we look upon our wonderful federation style single level home, we visualise the completely boxed in effect that the erection of these dwellings will create, and we can do nothing but watch, and hope, that the possibility of these monsters overshadowing us and boxing us in will not detract from the value of our property, and hope that the extra traffic and stress on services in the estate will not affect

us too greatly.

Baulkham Hills Council is equally concerned about dual occupancy. The council receives many applications to construct dual occupancy buildings. If my memory is correct approximately 50 per cent of building applications lodged with that council are for dual occupancy developments. I have had meetings with the President of the Baulkham Hills Council, Councillor Peggy Womersley, and the council has requested that I contact the appropriate Minister in another place, Mr Robert Webster, the Minister for Planning and Minister for Housing. As a result of a conversation I had with the Minister yesterday he has agreed to meet a delegation from Baulkham Hills Council together with the honourable member for The Hills and me.

The council is urgently seeking a dual occupancy development moratorium to commence on 31st January next, or some other appropriate date, and to operate until the council adopts its housing strategy, which is expected in mid-1994. In addition, the council is seeking a limited development option during this period which would restrict the concentration of dual occupancy to corner blocks and other sites based on a formula of one per 10 residential lot for dispersal. No one really argues against there being a need for dual occupancy. Quite clearly there is a demand for this type of dwelling, and it fills a need in the community. The answer to the problem simply is that in many new areas a cul-de-sac of 10 or 12 lots may have 80 per cent dual occupancy.

Clearly, this ratio of dual occupancy was not contemplated by the original subdividers. Traffic noise, parking and other problems result from the altered population density created by dual occupancy. In the Baulkham Hills area these are big issues. Many residents are concerned and believe that a dual occupancy explosion - and that is actually happening - will change the character of the area for ever. I have stressed to the Minister the views of these residents and indicated my grave concerns about this aspect of State Government policy. The Minister said that he is waiting for the council to prepare its housing strategy, and that will be done as soon as possible.

**Mr CHAPPELL** (Northern Tablelands - Minister for Small Business, and Minister for Regional Development) [6.3]: It is typical of the honourable member for Baulkham Hills to bring this issue forward in this responsible manner. The Government knows that dual occupancy is a significant issue in many localities in the metropolitan area, and it is also an issue in some country communities. The honourable member has already contacted the Minister to make appropriate arrangements between the Minister, the council, and concerned residents. I am sure that the honourable member will receive from the Minister every consideration in the resolution of the matter.

### **PARRAMATTA RIVERCAT FERRY SERVICES**

**Mr J. H. MURRAY** (Drummoyne) [6.4]: This Government has spent \$9 million on works allowing for the introduction of the RiverCat ferry service to Parramatta, and people living near the Parramatta River and working in Parramatta would reasonably have assumed that they would benefit from this expenditure. But they have not. The pattern of operation assumes that in the morning peak periods all patrons would travel east and not west. The first westward service leaves Circular Quay at 8 a.m., calls at McMahons Point, Meadowbank and Rydalmere, and arrives at Parramatta at 8.40 a.m. The second service out of Circular Quay leaves at 8.25 a.m. and arrives at Parramatta at 9.10 a.m. Who starts work at 9.15 a.m or 9.20 a.m. in the Parramatta area?

In addition, because of the lengthy travel time between Parramatta and Circular Quay, the only communities serviced are Rydalmere, Meadowbank and McMahons Point. Amazingly, the timetable does not even accommodate an interchange of passengers at Meadowbank. The scheme had the potential to be of great benefit to the people of Sydney, but the Minister has played politics and excluded from the service everyone on the southern side of the Parramatta River. This Parliament would acknowledge my keen interest in the provision of transport services on the upper harbour, as I am the

member who initially led the push to have the ferry services introduced.

Unfortunately, the latest service from Circular Quay to Parramatta has completely neglected 50 per cent of the potential travellers wishing to use the service. The timetables exclude all ports on the southern side of the Parramatta River. It is amazing that the new service fails to provide for the people of Drummoyne, Abbotsford, Chiswick, Concord and Mortlake who wish to travel in the peak morning period to Parramatta. Instead, they will have to travel to the city first and then out again. More importantly, Drummoyne and Abbotsford wharves have proved to be the most popular of all ferry stops on the upper harbour. Honourable members would acknowledge that there has been an expansion of employment activity in the Parramatta area through the relocation of State Government departments, the Australian Taxation Office and many private enterprises.

The Minister for Transport would say that extra  
Page 6298

stops would slow down the service. I agree, but why completely ignore commuters on the southern bank? Perhaps the existence of the marginal seat of Gladesville could have been uppermost in the mind of the Minister when this timetable was drawn up. What the Minister has overlooked is that this decision, which disadvantages Drummoyne electorate commuters, will provide an excellent election tool for the honourable member for Drummoyne, who will have as one of his major planks the provision of such a service. I call on the Minister for Transport to reverse this ill-considered decision and to provide the large number of commuters within the Drummoyne electorate with a direct RiverCat service to Parramatta.

Without the loyalty of the Abbotsford and Drummoyne commuters there would not have been a RiverCat service in the first place, for it is these two wharves which have provided the majority of passengers and enabled an expansion of the upper harbour ferry services outside the original timetable period, including weekends. I know that the Minister is a reasonable man and that he is under pressure from the honourable member for Gladesville, who, according to the Labor Party polling taken only two weeks ago, will lose his seat. That was authoritative polling, the same polling used by the Labor Party prior to the last election, which was spot on. I understand that the Minister has an allegiance to that member, but I suggest that the Minister must also look after the taxpayer. The Minister must consider the Treasury because 50 per cent of people living along the upper harbour and Parramatta River area are now excluded from this RiverCat service out of the city into Parramatta. If the Government is to make money, and not have these services subsidised, it is imperative that the Minister reconsider this timetable and provide a service for people in Concord, Mortlake, Abbotsford, Chiswick and Drummoyne.

**Private members' statements noted.**

*[Mr Acting-Speaker (Mr Rixon) left the chair at 6.9 p.m. The House resumed at 11.55 p.m.]*

**BUSINESS OF THE HOUSE**

**Sitting Arrangements**

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

That this House at its rising this day do adjourn until Thursday, 16th December, 1993, at 9 a.m.

In speaking to this motion I indicate, as honourable members know, that lengthy discussions have been taking place today in relation to the matter that has brought the House back for this sitting. The HomeFund Restructuring Bill is currently being debated in the Legislative Council. It is not proposed to adjourn that House other than for its nightly adjournment, when it completes that bill. We will come back at nine o'clock tomorrow and have a normal sitting Thursday and, obviously, after a bit of sleep there will

be an opportunity to consider matters further. I believe that is the appropriate way in which to handle this matter.

**Mr WHELAN** (Ashfield) [11.56]: Obviously, there are a few questions unanswered. A normal Thursday sitting may be just that; we would go through the program for Thursday but, basically, the Parliament came back to deal with a specific issue - the problems associated with the HomeFund legislation - which this House has already dealt with and made its majority decision on. The Opposition's concern is that Thursday will be used to deal with other matters. First of all, my understanding is that it is the intention of the Government to prorogue the Parliament.

**Mr West:** The Government is not going to do anything until this matter is dealt with.

**Mr WHELAN:** It is my understanding that it is the Government's intention to prorogue the Parliament.

**Mr West:** You can make up all the conspiracy theories you want.

**Mr WHELAN:** Whether it be a conspiratorial decision, the fact is that we shall waste three hours on Thursday morning dealing with private members' legislation. That is my principal concern. We are here to resolve the issue of HomeFund and my view is that we should sit until the issue is resolved. However, my understanding also is that the Government intends to park the HomeFund legislation in the Legislative Council without consideration of the views of this Chamber. This House has already made its decision about what should happen in relation to HomeFund. This House has been held to ransom because the Government has been unable to agree with the Independent members of both Houses as to what should happen in relation to the HomeFund legislation.

This House will either decide the issue now or at a later time. What the Parliament needs to know - and certainly what those 53,000 people disadvantaged by HomeFund need to know with some certainty - is when there will be an end to this epic. The Parliament has never before seen such an epic. It is unprecedented. The Parliament was to sit for one day but there has been this continuing failure to resolve the matter. What the Opposition wants from the Government is certainty, and some form of leadership. It wants to know exactly when this Parliament is going to conclude its business; when there will be a certainty of attitude between the Government in this Chamber - this Chamber having already made its decision - and the Legislative Council. My understanding is that the Legislative Council will adjourn the bill part heard. The bill is to be parked in the upper House, with no resolution of the outstanding issues.

Let no member of this Chamber, Independent members in particular, understand that the matter has been resolved. The bill is part heard - not because of any procedural matter but because the Government wants to believe it can continue to negotiate with the

Page 6299

Independent members about the final form of the bill in this Chamber. Having made those valid criticisms on behalf of the Australian Labor Party, we will be here at nine o'clock tomorrow. It was the Opposition that indicated to the people of New South Wales, when the Government could not initially resolve the issue of HomeFund, that it would be here on 14th December. The Opposition is here and it wants the issue resolved. The Opposition is seeking some form of leadership from the Government to determine this issue once and for all.

**Mr HATTON** (South Coast) [12 midnight]: It has been a difficult day for everyone. Both sides of the House have tried hard to negotiate an agreement. It is not a time for semantics. The Leader of the House is trying to do the right thing. After consultation with my colleagues I indicate that we will fit in with whatever the Government wants to do in this matter to try to resolve it. There is no point in saying it is not a matter for this House. Honourable members know full well that if there are problems in reaching agreement the matter will come back to this House from the upper House, so we have to resolve it

tomorrow. Further time will be needed for negotiation tomorrow, no matter whether the House deals with private members' legislation, question time, or merely meets at a later hour of the day.

One problem today was that Commissioner Rogers was not available until 4 p.m. and considerable time went by which perhaps could have been used in negotiations. This is not point-scoring; it is a matter of putting the facts on the record. If this House were to meet tomorrow at, say, 11 a.m. to deal with the HomeFund legislation if it is returned from the upper House, I signal on behalf of my colleagues that we will fit in with the Government's arrangements. Everyone has forgone arrangements in their electorates this week in order to be here. We will certainly co-operate with the Government to best utilise the time.

**Mr WEST** (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [12.2 a.m.]: As a result of the comments made and discussions that have been held, I propose to seek leave to withdraw my motion and suspend the sittings of the House until the ringing of one long bell at 11 a.m. tomorrow or at a later hour if matters are not resolved at that time. The point was made by the honourable member for Ashfield that this House was recalled this week to deal with the issue of HomeFund. It is the matter of prime concern. The negotiations have been intensive for those members who were involved, and for those members who have not been directly involved the wait has been difficult. This is the appropriate way to try to resolve this matter sensibly. The honourable member for Ashfield suggested that it is the Government's intention to prorogue the House and walk away from the issue. That is not part of the spirit in which we have been negotiating this week, and I urge him to reconsider his thoughts. That has not been the spirit in which negotiations have been conducted on the part of the Government nor on the part of the three non-aligned Independents. I seek the leave of the House to withdraw my motion.

**Motion, by leave, withdrawn.**

[*Mr Speaker left the chair at 12.5 a.m., Thursday.*]

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*Thursday, 16th December, 1993*

[*Continuation of Wednesday's Sitting*]

[*The House resumed at 7.30 p.m.*]

## **HOMEFUND RESTRUCTURING BILL**

**Bill returned from the Legislative Council with amendments.**

**In Committee**

**Consideration of Legislative Council's amendments.**

*Schedule of the amendments referred to in  
message of 16th December.*

No. 1 Page 5, clause 15, lines 23-25. Omit all words on those lines, except the number "15." on line 23.

No. 2 Page 6, clause 15, line 6. Omit "in relation to", insert instead "who is eligible to participate in the restructuring scheme, or a HomeFund borrower who has refinanced".

No. 3 Page 6, clause 15, line 6. After "but", insert "(except as provided by this section)".

No. 4 Page 6, clause 15. After line 15 insert:

**(5) Rights of protected borrowers (other than rights to determinations).** This section does not affect the rights (other than the right to have a determination made) of a person:

- (a) who is categorised as Category C or D, as set out in Schedule 1, unless and until the person receives assistance of a kind set out in Category B or C; or
- (b) who has ceased to be a HomeFund borrower (otherwise than by means of refinancing) and has not been granted assistance under the restructuring scheme.

**(6) Rights of protected borrowers to determinations.** This section does not affect the rights to have a determination made under the HomeFund Commissioner Act 1993 of a person who is categorised as Category B, C or D as set out in Schedule 1, unless and until the person receives assistance of a kind set out in Category B.

**(7) Rights of protected borrowers who have left the HomeFund scheme to determinations.** This section does not affect the rights to have a determination made under the HomeFund Commissioner Act 1993 of a person who has ceased to be a HomeFund borrower (otherwise than by means of refinancing) and has not been granted assistance under the restructuring scheme.

**(8) Payment of money payable under a determination.** The HomeFund Commissioner may, in making a determination that an amount of money is payable to a person who is categorised as Category B, as set out in Schedule 1, require that the money is paid in reduction of the debt under the HomeFund mortgage.

Page 6300

**(9) Other relief to be taken into account.** Any determination made by the HomeFund Commissioner in favour of a HomeFund borrower must have due regard to any assistance that has been granted to the person, or to which the person is entitled or for which the person is eligible, under the restructuring scheme.

No. 5 Page 6, clause 16, lines 17, 18, 19 and 22. Omit "14" wherever occurring, insert instead "15".

No. 6 Page 6, clause 16, line 28. Omit "1993; or", insert instead "1993".

No. 7 Page 6, clause 16, lines 29 - 32. Omit all words on those lines.

No. 8 Page 7. After line 9, insert:

#### **Capitalisation of interest**

**18.(1)** For the avoidance of doubt, it is declared that the provisions of registered Memoranda numbers Y 901844, Y 901845, Y 901846, Y 901847, Y 901848, Z 274110, Z 274111, Z 274112, Z 274113 and Z 274114 relating to capitalisation of interest permit, and have always permitted, the capitalisation of the interest accrued for the month to which a monthly instalment relates less any money actually received by the mortgagee on account of interest so accrued.

(2) The regulations may extend the operation of this section to a specified document constituting or forming part of, or previously constituting or forming part of, a HomeFund mortgage.

No. 9 Page 9, Schedule 1, line 38. After "C", insert "or may instead be offered assistance as set out in Category B, as determined by the Authority".

No. 10 Page 11, Schedule 2. After line 25, insert:

(16) Any complaint (or part of a complaint) alleging that there has been an administrative error with respect to the information given to a HomeFund borrower as to the payments due under a HomeFund mortgage.

(17) Any complaint (or part of a complaint) alleging that there has been an administrative error in the assessment of the suitability to a HomeFund borrower of a particular class of HomeFund mortgage.

No. 11 Page 13, Schedule 3, lines 24 to 28. Omit all words on those lines.

No. 12 Page 13, Schedule 3, line 36. Omit "31 December 1993", insert instead "31 March 1994".

No. 13 Page 15, Schedule 3, line 32. Omit "Section 26A", insert instead "Sections 26A-26C".

No. 14 Page 16, Schedule 3, line 29. Omit "14 (2) or 15 (2) (d)", insert instead "15 (2)".

No. 15 Page 16, Schedule 3, line 30. Omit "14" wherever occurring, insert instead "15".

No. 16 Page 16, Schedule 3, line 34. Omit "14", insert instead "15".

No. 17 Pages 16 and 17, Schedule 3, line 38 on page 16 to line 14 on page 17. Omit all words on those lines.

No. 18 Pages 17 and 18, Schedule 3, line 16 on page 17 to line 14 on page 18. Omit all words on those lines, insert instead:

Omit the section, insert instead:

#### **Binding nature of determinations**

28. A determination binds the complainant and all of the parties named as covered by the determination.

No. 19 Page 19, Schedule 3, lines 39 and 40. Omit "by a person referred to in section 28 (3) (a), (b) or (c)".

**Ms MACHIN** (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [7.30]: I seek the leave of the Committee to deal with the Legislative Council amendments Nos 4, 8, 17 and 18 in one group and amendments Nos 1 to 3, 5 to 7, 9 to 16 and 19 in a second group.

#### **Leave granted.**

**Ms MACHIN:** The Government obviously supports these amendments. They have been discussed in great detail for the past three days. I move:

That the Committee agree with the Legislative Council's amendments Nos 4, 8, 17 and 18.

**Mrs GRUSOVIN** (Heffron) [7.31]: The Opposition opposes amendments Nos 4, 8, 17 and 18. Make no mistake about it, the legislation is basically flawed. The Government is attempting, by way of retrospective legislation, to extinguish the rights of thousands of families in an attempt to reduce its liability for the HomeFund program. Let it not be forgotten that it was this Government's foolhardy maladministration of the scheme that caused enormous financial loss to the borrowers and to the State, and inflicted trauma and suffering on thousands of families. This Parliament is now in its third day of sitting only because it has been forced to return to deal with this financial and social disaster. And not before time. We have seen over these past few years family breakdowns and enormous personal distress resulting from HomeFund loans.

Since 1991 the Government has attempted to deny the problems of HomeFund. If it had not been for a protracted battle, families would have continued to be enticed into loans they could never repay, placing themselves in jeopardy, and inevitably losing any equity they might have acquired in their homes. On Tuesday, 14th December, the Government introduced an abhorrent piece of legislation. It was totally unacceptable because the restructure proposed by the Government attempted to extinguish the legal rights of all HomeFund borrowers. By the end of Wednesday this Chamber had agreed to a number of amendments. I am aware of the long hours of work

Page 6301

put in by the Independents and in particular the commitment of the honourable member for South Coast to try to redress some of the inequities of that bill.

The bill in the form in which it left this House would have ensured that at least borrowers would have a choice. Families could participate in a restructure and potentially gain a benefit for their parlous situation, and families that did not elect to do so or did not have the opportunity to do so because they had been forced out of their loans into a refinancing - and it should be remembered that the refinancing was not without great cost to those families - could exercise their legal rights. The proposal to give those who were not able to participate in a restructure the capacity to protect their legal rights would have at least given them something. In the Legislative Council that small benefit was whittled away. Commissioner Rogers intervened. The opposition of the Niles in the Legislative Council undermined support for the proposal put forward by the honourable member for South Coast. The compromise that has resulted will deny more than 20,000 families who refinanced out of the scheme the right to pursue a legal claim for the damages they have suffered in the process.

I find it strange that Reverend the Hon. F. J. Nile and the Hon. Elaine Nile, who purport to stand for the family, have not really understood the legislation - to be charitable - and have failed to realise that it will deprive many people of justice; people who should have been given protection by the Parliament. It is not pleasant for me to have to deal with legislation that is brutal in that it retrospectively legislates away the legal rights of citizens, especially the very disadvantaged citizens in our community, people who could only enter into the scheme if they were low-income families. If the Parliament were not dealing with this restructuring today, the Government would have faced even greater financial liability. Those families would not have been able to retain their homes, and down the track even greater losses would have ensued.

I am not happy with the restructuring legislation. Many honourable members would find the restructuring process so complex that their eyes would glaze over if they attempted to understand what it will mean for HomeFund families. Then again, it would be unreal to expect honourable members to have a proper understanding of these matters when even the commissioner, who spent months examining in fine detail the HomeFund disaster and the prospect of the restructure, said in his report that he was a hopeless mathematician with no facility or mental equipment to decide whether the restructure was good or bad. If the commissioner is willing to admit that he is not sure whether the legislation is good or bad, one would expect that honourable members who think at this stage that the legislation is good, in time to come may realise that considerable mistakes have been made in the proposal put forward by the Government.

The Opposition is very much opposed to these amendments. They will prevent borrowers seeking damages with regard to capitalisation of interest. Make no mistake about it: HomeFund was a scheme that defrauded thousands of families in this State; it was a scheme that misled and deceived those thousands of borrowers; and in the process, sadly, it made many of the borrowers feel that they were failures - they had no chance from the very beginning. That is the saddest thing about all of this.

People who at a later stage would have had an opportunity at home ownership are now in financial distress because of what has occurred - the loss of equity in their homes and the loss of the deposits they put into those homes - and they will never be able to recover from that loss. They have been prevented from owning a home. At least this restructure will do something for some of those families. The Government has attempted in every way to limit the opportunities for families to gain a benefit from a restructuring which we believe would have been fairer.

I pay credit to those who have participated in the long battle to have this matter discussed in the Parliament and finally make the Government recognise that there was a problem and face up to some responsibility for this matter. I pay tribute to the whistleblowers, Peter O'Keeffe and Suzanne Kennedy, who suffered a great deal of vilification in this whole process. They did not have the opportunity of the privilege of this House to put the truth before us. It was their endless hours of dedicated work, on behalf of HomeFund families - work which continues today - that has helped bring this matter before the Parliament today. I cannot speak highly enough of their integrity and their commitment to HomeFund.

I also pay tribute to Christine Atkins, who was my research and policy adviser. She was also a victim of HomeFund in that she suffered some burn-out after long months of unending efforts to get to the truth. I thank my parliamentary colleagues who have provided me with so much support over the last couple of years; it was very much appreciated. The Opposition vehemently opposes amendments that will take away rights that we believe are fundamental to citizens in any democracy. The spectre of HomeFund has not been extinguished today - unfortunately HomeFund will come back to haunt us in the months and years ahead. The effects of this scheme have been disastrous and they will have long-term consequences for the people involved. We will be hearing about this matter for some time to come. The Opposition opposes the amendments.

**Mr KNIGHT** (Campbelltown) [7.44]: As my colleague the honourable member for Heffron has said, this package today is better than the one the Government tried to put through the Parliament on Tuesday. But that is not saying a lot because everything that has happened with HomeFund in the past two years has been better than the position the Government began with. Everything that has been extracted on behalf of the borrowers and the struggling home owners in this State has been better than what the Government offered. It is hypocritical for the Government today to give us the hand-wringing concern about how it has been through negotiations, how it has been concerned, and how it wants to do something for the homebuyers. As with some Government members, we were here two years ago when the Government denied any responsibility, when it claimed there was no problem, and when the Premier vilified the struggling HomeFund borrowers.

Government members have been dragged kicking and struggling to the barrier today, as they have on every other occasion. Though the Opposition does not see eye to eye with the Independents on the final package, and although we do not agree with their judgment on all the issues, we accept that they have acted in good faith. But the same cannot be said of the Government. It is not bringing in these changes today because it has been intellectually convinced or because it has some compassionate concern for the home borrowers. It is bringing it in because that is the only way to get the magic 50 votes on the floor of the Parliament to get the legislation through.

The crunch issue here so far as the Labor Party is concerned is the abrogation of legal rights for the borrowers. What the Government is saying to many HomeFund borrowers is, "Look, you may have a legal claim, you may be right, you may be able to go to a court, and a court may agree that you are right, but we do not want you to go. We want to bring in legislation that stops you exercising your legal rights". The Government says that it wants to do that because it is concerned about taxpayers' money. What cant! What hypocrisy! The Government has one rule about legal rights for the struggling HomeFund borrowers and another rule for its rich mates. Earlier today I received an interesting phone call from a public sector source who had something very important to say about the Fahey Government's attitude to legal rights. He told me -

**Ms Machin:** On a point of order. The Committee and the Government have been pretty tolerant. I remind the honourable member for Campbelltown that we are dealing with specific amendments, and the debate should be restricted to them. The honourable member for Heffron canvassed a wide range of issues which one would normally cover in a second reading speech. The honourable member for Campbelltown is exceeding his brief in seeking to embark upon a general discussion about legal rights and what someone outside the Parliament may or may not have said. I ask him to refer to the specific amendment he is talking to if he feels it is relevant to the debate.

**Mr Sullivan:** On the point of order. I think this is most insulting -

**The CHAIRMAN:** Order! That is no basis on which to argue a point of order.

**Mr Sullivan:** I would -

**The CHAIRMAN:** Order! The member will resume his seat.

**Mr Whelan:** On the point of order. Clause 15 of the bill relates to the extension of legal rights, which the honourable member for Campbelltown was specifically referring to.

**Mr Hatton:** On the point of order. In the spirit of what we have tried to achieve today in amalgamating these amendments I ask that the Chair exercise some latitude. Each speaker will be confined by a time limit and I recognise that we should not stray into second reading speeches. However, the three amendments cover the rights of protected borrowers, which is a very broad field, capitalisation of interest, FANMAC guidelines, and the binding nature of the determinations. Members could stray over a very wide area, so I am in some agreement with the sentiments expressed by the Minister. However, although the debate should be kept on track, if we take a narrow interpretation we might

Page 6303

throw the arrangement into chaos.

**The CHAIRMAN:** Order! The honourable member for Heffron spoke in broad terms, but in the spirit on the debate I was prepared to permit that latitude. However, I was becoming concerned about the speech of the honourable member for Campbelltown. I ask him to relate the telephone conversation to the specifics of the amendment. Traditionally, Committee debate is confined to particular clauses or schedules under discussion. I note that the member for South Coast referred to the length of negotiations

on this matter - some four days. I am sure that all members, being concerned to have the matter resolved, will abide by the spirit of Committee debate and not traverse the whole bill again.

**Mr KNIGHT:** As you have asked, I can directly relate the matter I was talking about to the question of legal rights. Perhaps when I do so honourable members may understand why the Government is so sensitive about this matter. It was alleged to me today that the Premier personally intervened and directed that an ex gratia payment of \$168,000 be made to pay Nick Greiner's legal fees for his private action in the Supreme Court against the finding of the Independent Commission Against Corruption that he acted corruptly.

**Ms Machin:** On a point of order. The honourable member is abusing this Chamber and the co-operation of all members. He is scoring cheap points that have absolutely nothing to do with the debate.

**Mr Knight:** On the point of order.

**Ms Machin:** I have not finished.

**The CHAIRMAN:** Order! The Minister has the call.

**Ms Machin:** Members have worked pretty hard over the past three days. For the honourable member to make such a cheap shot is outside the spirit of the debate. He can have it that way and play it tough if he wants to, or else he could make his contribution with a little Christmas spirit.

**Mr Knight:** On the point of order. What could be more germane to the question of taking away the legal rights of borrowers than the Government making ex gratia payments for the previous Premier to pursue his private legal actions, when it will not allow -

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

**Mr KNIGHT:** The Government is saying to borrowers with bona fide legal rights, "We do not want you to exercise your legal rights" - which is very different to the view it takes of other people's legal rights. The Government has adopted the view that the borrowers' rights should be extinguished by special legislation. As the Opposition said at the beginning, the bill is better than the Government intended it to be, but it does not go far enough. It will not solve the HomeFund crisis. The Opposition has a proud record of exposing the HomeFund crisis and of trying to get proper treatment for the borrowers.

The honourable member for Heffron - who suffered vilification for first raising this matter - and the Opposition have been in the vanguard of every relief measure. Only reluctantly has the Government today given as little as possible but as much as necessary to get some legislation through. No one should be under any illusions that this bastardised version of the bill will give justice to all HomeFund borrowers. The bill will not give necessary relief. In six months' time, when this problem is still around, the Opposition will be able to look proudly back on the fact that today it stood up for the borrowers and divided on the issue of legal rights.

**Dr MACDONALD (Manly) [7.54]:** I intend to keep my remarks short but it is important that I register a few points. First, I express my sincere thanks to those members of Parliament who have been tolerant over the past two or three days during the process of negotiation. I sympathise particularly with those who have had to sit around for hours on end while the negotiations have proceeded. I should like to register also my appreciation of the work of the honourable member for Heffron in bringing the matter to a head over the past 18 months.

The negotiations have been worth while; some gains were made. The three Ministers and everyone who assisted them and other members at meetings conducted the negotiations in a constructive and

useful manner. It is often the case that matters dealt with in a small meeting room move along more smoothly. Though it has been a long and tortuous process - as the Minister in the other place said - it has been worth while because the most disadvantaged will benefit from the gains.

I resent the remarks of the honourable member for Tamworth reported in the media today that the Independents are attempting to screw the Government to get more and more out of the negotiations. The Independents received absolutely nothing; but the borrowers will receive a little bit more. The Minister in the other place said that the negotiations had not been at any particular financial cost. Few HomeFund borrowers reside in my electorate, but that had no influence on how I dealt with the matter. The honourable member for Tamworth has 600 HomeFund borrowers in his electorate. I hope they deal with him appropriately.

The message from the negotiations is that processes must be carried out in the public interest and in the interests of fairness. Negotiations take time, but ultimately the outcome is worth while. The negotiations have been as complex as HomeFund since its inception; they have been difficult for everyone, particularly for those involved in the negotiations and the borrowers whose finances are in disarray. A table compiled by one of the advocacy groups at the conclusion of the process categorises all groups. It then refers to the characteristics of the categories:

Page 6304

whether borrowers accept the package, whether they can go to the commissioner on all grounds or on limited administration only grounds, whether they can go to the courts and, indeed, whether they are allowed to accept the package.

The table contains approximately 20 different boxes covering the different options. The process is enormously complex. That in itself is another reason to welcome the Government's concession to provide independent financial and legal advice, which is essential if this measure is to progress. Inevitably there has to be compromise. Compromise is necessary in any negotiation, otherwise no one would move past the first point. The people who have gained out of the process, particularly in the past 24 hours, are those whose loans will be restructured. The true victims are those who lost the Australian dream of home ownership and handed in or will hand over their keys following categorisation as C and D borrowers. As a result of more recent agreements they will have full legal rights and access to the commissioner to an amount of \$30,000.

The commissioner will have full discretion to look at each case. Borrowers who have been offered option B, which is the new refinance scheme package, will have the opportunity to seek full legal redress to the commissioner. I acknowledge that the Opposition has given due credit to that option. The negotiations have also provided certainty. The Government now agrees there will be no financial blowout. From the beginning the Government, with Treasury at its shoulder, indicated that if the Independents, the Opposition or members on the crossbenches moved amendments, the cost would be enormous, but that has proved not to be the case. The Government produced 14 amendments before today; a further two or three amendments have resulted from today's concessions. Any extra financial impact is acceptable to the Government. The certainty of the negotiations will ensure that legal battles will not be drawn out. The efforts of the members of the crossbenches today have confined the matter to the commission in order to enhance its role.

If there had not been a solution arrived at - and late last night it looked as if the Government was going to walk away from this whole issue - it would have meant that all borrowers would have retained their full legal rights and they would clog the courts and the commission. Everyone would have been incredibly vulnerable. Borrowers would not have received any help from the Government. Had we in fact gone the way the Government indicated in the bill tabled on Tuesday, all legal rights would have been extinguished. I am sure that all honourable members agree that that would be completely unacceptable. This is a compromise package aimed at assisting those who are the most affected by HomeFund. There are many people in HomeFund who will proceed to home ownership; those people do not need the same amount of assistance. However, those who have forfeited the prospect of home

ownership need the Parliament's assistance, and that is what has been achieved today.

**Mr WHELAN** (Ashfield) [8.1]: I am delighted to support my colleague the honourable member for Heffron. I take this opportunity to commend her for her determination to achieve justice. The honourable member for Heffron, like all members of the Australian Labor Party, has great regrets about the injustice that will result from the provisions of clause 15 of this bill, which will extinguish the legal rights of HomeFund victims. That provision - and the scheme for that matter - will haunt all honourable members for years to come. The integrity and motivation of the Independent members have been at all times at the highest level. I have nothing but admiration for the way they put aside their other tasks in an attempt to find a solution to this matter. I do not agree with the solution they have achieved, but their integrity and motivation were at the highest level.

With regard to extinguishment of legal rights, the honourable member for Campbelltown mentioned an ex gratia payment of \$168,000 to former Premier Greiner. The Minister for Consumer Affairs objected to any reference to that grave inequality in the justice system. Similarly, the State's Treasurer has, with the support of the Minister for Consumer Affairs, granted himself the right to legal aid and legal assistance in his defamation action against Dr Michael Ryan. Dr Michael Ryan has not been given any legal assistance at all. If that is not inequity, nothing is. They are two classic examples. The Government should understand that there cannot be one law for the Government and another for the public. The nightmare of the HomeFund scheme will come back to haunt us all. I agree with what Commissioner Rogers said yesterday, in my presence: "The scheme stinks and is a great con".

**Mr HATTON** (South Coast) [8.3]: In an effort to save time I will not cover the issues already referred to by the honourable member for Manly and other members. If the House is ever required again to negotiate a matter as complex as this, I hope the negotiations will take place out of session. It really gave the Independent members no joy at all to see our colleagues so inconvenienced at this time of the year. Opposition members also suffered that inconvenience. I cancelled three presentation functions and have not been able to do one piece of electorate work for a week. My colleagues have been similarly tied up. We express that comment with sincerity to our colleagues in this place. This delay was brought about because we did not have the bill until last Friday. The Opposition genuinely believed that by having a meeting on Monday - for which I cancelled appointments and came to Sydney, as did my colleagues and the relevant Ministers - we would be able to put it together.

As the week progressed matters became more difficult; we got to a sticking point on this very clause and the protection of rights for borrowers. I understand that it could be easy for members to feel aggrieved, that this was all a waste of time when they could have been in their electorates, at family Christmas functions, functions for electorate

Page 6305

secretaries and so on. I really feel bad about that. For everyone involved it has been an intense and tiring experience. I thank all honourable members most sincerely for their patience; it has tried the patience of honourable members on both sides of the House.

The Australian Labor Party adopted an ideal position in relation to legal rights: take the package and preserve legal rights. That was the position I would dearly love to have supported and I am sure my colleagues would have loved to support. The fact is that Treasury, which breathes down our necks and sends shivers down the spines of many people in this place, was advising the Government that the worst scenario was that thousands of people could be locked in the court system for years at a cost to the taxpayer of many millions of dollars, and this should not happen. I put forward a compromise, but the Government thought it still to be open ended: take the package and part with legal rights - throw them away - or reject the package and take a chance with the court. We got to a sticking point after accepting everything but that point.

I pay tribute to the honourable member for Bligh and her assistant, Ros Bragg, who were most passionate about group B, the major group. They fought valiantly for those people. The Independents

are worried about the low income group, those who were shattered financially, those whose families were shattered. The honourable member for Manly drove that point hard. The Independents are not happy with this package. We wanted legal rights retained, and I spoke passionately about that in the second reading debate. However, we had to negotiate. To those who said the Independents were giving away this and giving away that, I say that it was always heavy on our hearts that we were not giving away anything, except other people's rights. We were trading rights that were vital to the lives of those people and their families. We tried to compensate for that by consulting as widely as possible and keeping in contact with the groups that had been dealing with the difficult cases. They are not happy with the result, but they were of great help to the Independents.

The negotiations started from the position that 55,000 people in this State had no legal rights in relation to this matter. They were told they had to accept the package and that they could not exercise legal rights if they did not accept it. In that regard there was considerable government fault, and I dealt with that in my contribution to the second reading debate. The Independents fought from that position for a chance for the most disadvantaged to gain some recompense, for wider access to the HomeFund Commissioner - including additional access with special consideration for consumers in some categories - and for independent legal and financial advice. That latter point is really crucial because, knowing what I know about the scheme now, if I were a borrower, in some situations I would welcome independent, in-depth, competent legal and financial advice before I decided whether to step outside and have a go in the courts or take the package.

Many people do not understand the scheme because it may be too complex or because they have language difficulties. They need advice, and that advice has now been granted by the Government. That is a good move; it will save the Government money. It will certainly save the court process. I thank the Government for that; it was a wise move. The honourable member for Bligh fought strongly for a guarantee from the Government that it will not interfere with the capital funds allocated for housing. I want to make an observation near to the hearts of many people in this place. When the Legal Profession Reform Bill was debated in this House I had to wade through half a metre of paper from every lawyer in this State claiming that lawyers' rights were being interfered with, yet in this HomeFund debate there has been not one public statement from the Bar Council, not one public statement from the Law Society, about the rights of 55,000 people in this State being trampled. That is utter hypocrisy and a shameful performance. I am disgusted by it.

Members of this place should have been inundated with letters from lawyers stating their outrage at this proposal and stating that they would not have a bar of it. They should have advised the Government not to have a bar of it. But there was not one public squeak. I want to put that on the record because I regard their silence as rather poor form. As a result of a long and hard four days of negotiating since Monday thousands of families will be better off and will have more rights. They will have more equity than they might have from an inequitable scheme. Money will be in the pockets of consumers rather than lawyers.

I thank the Minister for Consumer Affairs, the Minister for Housing and, particularly, the Leader of the House for their patience. During all of this trying time, even when we got to a sticking point late last night when there was a complete stand-off, we did not lose our patience with or our respect for each other. We were able to return this morning and try to put it together. We were then able to reach a fall-back position on which we could all agree. I am pleased the Premier is in the Chamber. I thank him also for his forbearance and for meeting with the Independents and all the parties concerned to try to sort this matter out. I am pleased to support, although I am not satisfied with, the amendments, as are my colleagues.

**Mr FAHEY** (Southern Highlands - Premier, and Minister for Economic Development) [8.10]: It is appropriate to acknowledge that the Government sought to achieve a result in the restructuring of HomeFund that was in the interests of all HomeFund borrowers and the taxpayers of this State. Several months ago a plan was formulated to develop a restructuring package for HomeFund borrowers, the

objective of which was to ensure that the maximum possible number of people were ultimately given the capacity to own their own homes. The package which was announced a week or two ago to achieve that objective has now come to fruition. As a result, many HomeFund borrowers in this State will ultimately achieve home ownership. The Government

Page 6306

has always sought to achieve a balance between affordability and justice. I believe that was also the objective of the non-aligned Independents during the discussions of the past few days.

Although the goal-posts were moved from time to time, I acknowledge that the non-aligned Independents genuinely believed there was a need to achieve positive measures to alleviate the uncertainty of borrowers, who have been wondering for some time whether there would be a package or relief. Certainty must be a factor because HomeFund has been an issue for some considerable time. Since the time I became Premier there has been a need to address HomeFund. From the very beginning the Government has attempted to achieve justice for borrowers through adjustments to the package. The amendments before the Committee deal with many of the objectives. Approximately \$400 million is available to assist borrowers under the HomeFund scheme. Clearly there must be some give and take in that regard. That compensation will go a long way towards achieving the results wanted by all honourable members.

The package cannot involve a double dipping exercise; it must involve certainty. For six months representatives of the Macquarie Bank, Treasury officials and various other financial advisers have endeavoured to work through figures to devise an acceptable package. That required not leaving open the possibility of adding the costs of proving cases in court to the financial burden. Honourable members know that when people take cases to court, time factors and legal costs are involved. Those costs could have added significantly to the ultimate cost of the restructuring and could have resulted in many other government budgetary programs being put at risk.

For some time I personally weighed strongly the extinguishing of legal rights, and I was convinced that the subsidies built into the restructure were adequate compensation for forgoing legal rights. I value the law and the rights of people under the law. Earlier in the debate it was claimed that I had little regard for the law and for people's legal rights. Certain accusations were made about what I have done in respect of the law and other matters. The allegations of the honourable member for Campbelltown are absolute lies. I have never intervened in Supreme Court matters in relation to the approval of legal costs in any amount for the former Premier, Mr Greiner.

The sad part is that it is clear from the course of debate that members of the Opposition are not the slightest bit happy about what has occurred here. They did not want to achieve any success. They wanted to drag it on for ever. They wanted to add to the cost for as long as they possibly could, playing silly political games, leaving the lives and the futures of some HomeFund borrowers hanging in the balance. Whether they would own a home or would not own a home was the question that the Government was trying to resolve.

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

**Mr FAHEY:** Sadly, some members of the Opposition adopted a sour grapes attitude when they were not able to achieve their objective and raised other irrelevant issues. That was an attempt to distract attention from the fact that there is now available to HomeFund borrowers in this State a certainty and an opportunity to plan the rest of their lives. I acknowledge that that certainty had been absent for some time, despite the enormous amount of work that was done by my Ministers who have been responsible for this scheme over a long period and despite the efforts of some dedicated and professional people in the public sector. The accusations of the honourable member for Campbelltown are absolute lies. It is shameful that he has to besmirch other people in a pathetic attempt to detract from the significance of the measure before the Chair tonight.

**Ms MOORE** (Bligh) [8.16]: I support the package. I remind honourable members that when I spoke in the second reading debate I pointed out that there are no HomeFund borrowers in my electorate. However, because of the composition of the Parliament it has been incumbent on the Independents to devote an incredible amount of time to this very important State issue. I have accepted that responsibility. Like my Independent colleagues, I am conscious of a fair degree of aggravation directed at the Independents by many members of this House because their time has been taken up and because they have not been able to participate in electorate functions during the past four days.

Even though I do not have HomeFund borrowers in my electorate, my greatest concern is public housing and the homeless. On Tuesday I could not attend five important functions in my electorate, which was a great pity. Therefore I share honourable members' concerns that they have had to give up a great deal. But at the end of the day it was our duty to give whatever time and commitment was necessary to assist some in our community who have suffered enormously as a result of a scheme created by the former Government and promoted by the current Government. The Parliament had a responsibility to try to come up with the best possible solution. That is why we have been here. I am sure on the next occasion, when an issue such as this is raised, we will try to conduct negotiations not at a time when the House is sitting, but before it, if that is possible.

I commend this modified package. The cost is acceptable to the Government. It will achieve equity for borrowers. Their legal rights will be maintained, but the HomeFund Commissioner will be the arbiter rather than the courts. The role of the commissioner has been enhanced, as have the legal rights of the borrowers. Borrowers forced to surrender their homes can now argue before the commissioner for their rights to compensation. The new package is a workable solution. Had this agreement not been reached, everyone would have been vulnerable,

Page 6307

particularly the Government, which would have been exposed to open-ended court actions and the borrowers to uncertainty and, in some cases, eviction from their homes.

The Independents were conscious during these tough negotiations over the past three days, when incredible pressure was placed upon us, that we could have walked away from the negotiations knowing that the HomeFund borrowers would still have been able to exercise their legal rights. But we believe that this package is better for those people who have suffered through this scheme. A major breakthrough has been that all borrowers losing their prospective home ownership in categories C and D will now be able to assert their full legal rights before the HomeFund Commissioner.

Those in category B who are not taking their package will also have access to the commissioner. That was really the impasse we reached last night when we were in there fighting for legal rights for category B borrowers, and the Government said that it simply would not accept them; that it was too open-ended and that the cost would be too great. Tremendous pressure has been put on the Independents and we have felt it quite intensely. It is a terrible thing for a Parliament to legislate away people's basic rights. That is the main reason we hung in there, trying to come up with a solution. We are conscious that the proposal put up by the honourable member for Heffron was the most ideal, but we are also conscious that we do not live in an ideal world. It was simply not acceptable to the Government.

The Independents believe that what we have ended up with is in the best interests of the HomeFund borrowers. Certainly, it is the best thing that we, as a Parliament, have been able to come up with. The package includes an extension of the five-year rental period for borrowers who have not secured public housing. Honourable members will remember the outcry last week when it was suggested that 5,000 people were going to be out on the street. And many were concerned that they would have been, if that five-year rental period was not extended. But that will not happen now. That was another very important breakthrough. A number of honourable members have said in this debate and on other occasions that the issue is incredibly complex. The Independents believe that the Government's concession - which will provide independent financial and legal advice to those borrowers, which will help them decide which category they should be going into - will be extraordinarily helpful to them, that in fact

it will be an essential item. That is a very important element of the package that we are now considering.

The guarantee from the Minister for Housing that funds for restructuring will not impact on the public housing construction budget was a very important outcome of the negotiations. In conclusion, in addition to paying tribute to the achievements of this package, achievements that have been tough to realise - and I am certainly proud of the part that I have been able to play in it - I pay tribute to those involved, my Independent colleagues and our staff; the community and consumer advocates who gave up their time and were in here advising, and helping the process; particularly the Minister for Energy and Minister for Local Government and Co-operatives, the Minister for Planning and Minister for Housing, and the Minister for Consumer Affairs, Minister Assisting the Minister for Roads and Minister Assisting the Minister for Transport and their bureaucrats. Finally, I pay tribute to the honourable member for Heffron, who raised this issue when no one else was raising it, who fought it doggedly, as she does when she believes very much in an issue that impacts upon the citizens of New South Wales. I am pleased that we have been able to at least get access to the commissioner with full legal rights for an extended number of people who have been caught up in this crisis. As well, we have been able to offer the package that the Government has produced.

**Ms MACHIN** (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [8.23]: I thank the Independent members of Parliament for their comments and for their forbearance in the last few days. I would like to make a couple of general remarks, given that fairly wide latitude has been extended in this debate. A lot of mythology has been peddled about HomeFund during the past few years. For the record, I would like to say that HomeFund started - as was recognised in Commissioner Rogers' report - as a program with a major social objective. That was to help people who would not otherwise have had a chance of home ownership to do so. The Labor Party started that scheme, as has been acknowledged, and honourable members will agree that it was a fine objective. To date, 30,000 people who would otherwise not have owned a home now do. As a result of the Government's restructuring, an additional 20,000 people will own their homes and take the restructure. Unless their personal circumstances change dramatically it is a fairly safe bet that within the time frame of their mortgages they will ultimately own their own homes.

That is a total of 50,000 out of 57,441 people who will own a home. All honourable members know that those people would not normally have been able to go to a bank because they would not have been able to afford the repayments, and so they would have been for ever renting either private or public housing. So it is not true to say that the scheme has been a total disaster. I do not believe that 50,000 people out of 57,000 owning a home is a total disaster. I would like to dispel that myth once and for all. Certainly there were flaws in the scheme; they emerged as our economy deteriorated over the years. But I do not believe that this Government can be held to account for that deterioration in the economy.

A few other myths have been peddled. The  
Page 6308

honourable member for Bligh exaggerated somewhat by saying that 5,000 people would be out on the street. Unfortunately, that has been one of the newspaper headlines during the past few days. That has never been the Government's intent. The Government never intended to put people out on the street as a result of this restructuring, and it has achieved its objective. It has based its scheme largely on the recommendations of Commissioner Rogers, whom I think all members would recognise as being genuinely impartial in his consideration of these issues and a person with a very fine mind. He came to similar conclusions. He said, first, that we would have to provide relief to borrowers. Quite clearly, that was incumbent on the Government and, as I have said, we have done that. At the end of this process 50,000 people who otherwise would have had no chance of owning a home, will be home owners.

Second, Commissioner Rogers recommended that no one should be made homeless, and I am sure no one would like to see that happen. The Government has achieved that objective. Not all those borrowers will become home owners, but we have ensured that the remaining 5,000 to 7,000 will continue living in their homes, many of them for five years or more. We hope that some of them will once again

become home owners. Third, Commissioner Rogers said that the scheme should be affordable to the Government. I think it is recognised - the honourable member for Bligh certainly raised this point in negotiations earlier this week - that anyone putting forward a package or proposal, be it the Government or the Opposition, ought to be able to say, "It must be affordable and we must be able to cost it".

The problem with the Opposition is that it wanted everything. It wanted a restructuring scheme worth \$400 million and it wanted people, even if they had owned their homes, had moved out of the scheme and had suffered no loss, to be able to go to the courts and sue the Government on whatever grounds because there were flaws in the scheme. That would be financially and morally irresponsible. It is just not fair and it would not be seen by the rest of the community as being fair. The scheme must be affordable to the Government. The Government also wanted simplicity and certainty in the scheme, so that borrowers who were wondering what was going to happen to them would have their questions answered once and for all. Borrowers knew what their choices were. This leads me to the question of legal rights, which has been one of the central issues in our discussions. I again refer to the report of Commissioner Rogers and the discussions that all parties had with him yesterday when he went through his reasons very clearly.

For a judge and people associated with the law it would seem particularly strange and quite radical for borrowers to have to waive their legal rights. However, Commissioner Rogers' reasons made sense to me because they were based on the premise that people should be treated alike and that the outcomes should be the same. The legal rights of borrowers will not be waived for nothing; they will be exchanged, if you like, for certainty of home ownership and an end to their problems - ballooning debt, capitalisation of interest, and all the other flaws in the scheme. We need certainty not only for the borrowers but also for the Government. The Government does not want to place a \$400 million package on the table and have every borrower seeking to sue it as well. After all, the Government is acting only on behalf of the taxpayers. People tend to forget that. The Government is not entitled to do what it likes with taxpayers' money.

I should like to comment on a couple of the Opposition's remarks. It was unfortunate that the honourable member for Campbelltown had to introduce a lie into this debate. It was totally outside the spirit of our discussions and what we are trying to achieve. He and the honourable member for Heffron said that the spectre of HomeFund is not finished. That clearly means they will try to keep HomeFund as a political issue because it is in their political interests. There has been little evidence of the honourable member for Heffron wanting to make a productive or constructive contribution to this debate. On numerous occasions she has said, "You are doing this wrong", "You are doing that wrong", "The commissioner is doing it wrong". I have asked her to provide me with information but she refuses to provide me with the thousands of alleged complaints. I can only assume she does not have them.

The Government hopes for the sake of the borrowers that the spectre of HomeFund does not loom large next year, because it harms only the borrowers. There is a fair package on the table; it has been negotiated hard. If the Opposition creates a political issue next year out of the HomeFund restructure, it will show how fair dinkum it has been all along. I should like to add my thanks to the other members who spoke in the debate, and to all the people who have had to participate. First, I thank our patient colleagues who have been inconvenienced significantly this week. They have had to forgo many important functions at Christmas time and sit around for hours wondering what was going on.

I should like to thank the Independents for their co-operation. The Government does not always agree with what they say, and there have been frustrations, but the Government appreciates the friendly and positive spirit of discussions. I thank my colleague the Minister for Energy and Minister for Local Government and Co-operatives, the Leader of the House, who has the patience of Job - I do not know how he does his job - and my colleague Robert Webster in another place. I thank the officers of the Department of Consumer Affairs, who have been significantly distracted from their normal day-to-day work; the Home Purchase Assistance Authority; the Cabinet Office; the Macquarie Bank, which has done a lot of work over and above that required of it; the HomeFund Commissioner; and his executive assistant

in particular.

The HomeFund Commissioner did an outstanding job on behalf of the people of New South Wales in putting together a workable solution. He has

Page 6309

devoted a lot more of his time to the negotiations than he wanted or expected to. History will treat his efforts kindly. Typically, the honourable member for Ashfield had to heap ridicule on people. One would have thought that he could do a bit better than to verbal someone like the HomeFund Commissioner, as he did earlier. The Government is glad that it has been able to put together a reasonable package. There was talk of having contained the costs and of this package not costing much more. We cannot say that for sure. It is not as expensive as it might have been, but it will cost more than we expected. However, we hope we can contain it for the sake of the taxpayers, who have a big interest in this issue, as well as the borrowers.

**Question - That the amendments be agreed to - put.**

**The Committee divided.**

**Ayes, 37**

Mr Armstrong	Ms Machin
Mr Baird	Mr Merton
Mr Beck	Ms Moore
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr D. L. Page
Mr Chappell	Mr Phillips
Mrs Cohen	Mr Photios
Mr Cruickshank	Mr Richardson
Mr Downy	Mr Rixon
Mr Fahey	Mr Rozzoli
Mr Fraser	Mr Small
Mr Glachan	Mr Souris
Mr Griffiths	Mr Tink
Mr Hartcher	Mr West
Mr Hatton	Mr Windsor
Dr Kernohan	Mr Zammit
Mr Kinross	<i>Tellers,</i>
Mr Longley	Mr Jeffery
Dr Macdonald	Mr Kerr

**Noes, 32**

Ms Allan	Mr McManus
Mr Amery	Mr Mills
Mr Anderson	Mr Moss
Mr J. J. Aquilina	Mr J. H. Murray
Mr Clough	Mr E. T. Page
Mr Crittenden	Mr Price
Mr Doyle	Dr Refshauge
Mr Face	Mr Rogan
Mr Gaudry	Mr Scully
Mr Gibson	Mr Sullivan
Mrs Grusovin	Mr Thompson
Mr Harrison	Mr Whelan

Mr Hunter	Mr Yeadon
Mr Iemma	
Mr Knight	<i>Tellers,</i>
Mr Langton	Mr Beckroge
Mr McBride	Mr Davoren

### **Pairs**

Mrs Chikarovski	Mr A. S. Aquilina
Mr Cochran	Mr Bowman
Mr Collins	Mr Carr
Mr Hazzard	Mr Irwin
Mr Humpherson	Mr Knowles
Mr Morris	Mrs Lo Po'
Mr W. T. J. Murray	Mr Markham
Mr Peacocke	Mr Nagle
Mr Petch	Mr Neilly
Mr Schipp	Mr Newman
Mr Schultz	Ms Nori
Mr Smiles	Mr Rumble
Mr Smith	Mr Shedden
Mr Yabsley	Mr Ziolkowski

**Question so resolved in the affirmative.**

**Legislative Council's amendments Nos 4, 8, 17 and 18 agreed to.**

**Motion by Ms Machin agreed to:**

That the Committee agree to the Legislative Council's amendments Nos 1 to 3, 5 to 7, 9 to 16 and 19.

**Resolution reported from Committee, and report adopted.**

### **SPECIAL ADJOURNMENT**

**Mr FAHEY** (Southern Highlands - Premier, and Minister for Economic Development) [8.42]: I move:

That this House at its rising this day do adjourn until Tuesday, 1st March, 1994, at 2.15 p.m.

I thank honourable members from both sides of the House for their efforts this week. As was said at the Committee stage of the HomeFund Restructuring Bill, it has been a fairly frustrating and difficult week and a great deal of patience was required of us all. Over a considerable time members of the New South Wales Parliament have acquired those attributes. Though the Government welcomes the thrust and parry of constructive debate in this Chamber, it understands the difficulties of having to deal with matters of a complex nature. Government members appreciate that aspect of the Parliament, which is a challenge, but requires an enormous amount of patience and commitment by all honourable members. I thank you, Mr Speaker, for your efforts. You have one of the most difficult tasks of dealing with many questions, simply because the numbers in the House are extremely tight. In that regard it is important that you be seen to be fair and that the fairness you exhibit at all times is backed by a profound knowledge of standing orders to ensure that your rulings are accepted - as they are invariably - and are based on the facts in each and every instance.

I thank my ministerial colleagues. I am extremely proud to head a team of talented and professional Ministers. They are dedicated to ensuring that the people of this State get enormous service from the Government, and that flows from the leadership which they display - and they have never

Page 6310  
displayed that more evidently than in the past week, which has been a very difficult time. To achieve this outcome they have, with the support of many professionals from the public sector, resolved difficult and complex questions in respect to HomeFund.

I thank the Deputy Premier, Minister for Public Works and Minister for Ports. He has been Deputy Premier for only approximately half of this year. At all times he has been available to assist me, to make life easier for me, and to ensure that the coalition is united. He is determined to ensure that the people throughout this State have the best Government possible. That is achieved, almost invariably, on a daily basis.

I also acknowledge the Leader of the House, the Minister for Energy and Minister for Local Government and Co-operatives. It has been said to me by a number of members who have worked with many leaders of the House over more years than I that no other leader of the House has displayed the attributes of the current leader. He has had perhaps the most difficult of responsibilities of all leaders of the House of the past decade or two. He never seems to be fazed by any matter brought before him. He always has a smile; nothing is too difficult. With the smallest amount of notice, he still gets it right in terms of bringing before the House the questions that we must deal with.

**Ms Moore:** Hear, hear!

**Mr FAHEY:** I appreciate the acknowledgment of the honourable member for Bligh. I thank the partners and families of members of Parliament - they put up with a lot. The National Party had planned a number of festive events in the course of this week. A number of partners have waited, hoping that events might ultimately conclude in a manner which could let them get on with their private lives. They have not complained; they have continued to smile. Partners never quite understand what is happening here - in fact, most people in New South Wales do not understand what is happening here. Notwithstanding all of that, they are very supportive.

The public of New South Wales simply does not understand the sacrifices made by the families of members of Parliament. Sadly, the sacrifices we make fall on our families as much as they fall on us. I include my wife in these comments. I say publicly that the support she and my children have given me over the past year has been extraordinary, to say the least. That support continues to be there at all times, notwithstanding the fact that because of other responsibilities I am often not the best of husbands or fathers. But the intention is always there. They realise that I have responsibilities that I cannot just walk away from.

I extend compliments of the season to members on the Opposition benches. We all need a good rest so that we can return to continue the fight when 1st March, 1994, comes around. I also acknowledge the staff of the Parliament. I refer to the Parliament House staff: the Clerk, the Clerk-Assistants, the Serjeant-at-Arms, the Hansard reporters, the Parliamentary Librarian and staff, the staff in the bills and papers room, the accounts staff, who never cease to be late in giving us our accounts, whether we want them or not.

I thank the security staff, the police and the parliamentary attendants. I thank those who work in the dining room. I am told that they ran out of food today because they did not plan for us to be here as long as we were this week. Nevertheless, when we sit all hours of the night they continue to answer the phone and take orders for toasted sandwiches and whatever else it is that honourable members require to sustain themselves during the long sittings - and I know it is usually connected with food, not with drink.

I thank the Building Manager and his staff and the cleaning staff for catering to our needs. I thank

also various members of the media. From time to time members may complain that the media could do a much better job; nevertheless, media people have to put up with a great deal in trying to report what is happening in the Parliament, and they do it with good cheer at all times. I acknowledge the personal staff of Ministers for continuing to make the same sacrifices, give the same commitment, work the same long hours and provide the professionalism necessary to ensure that the House performs well and that Ministers are able to provide answers as and when required and to deliver the service that all members of Parliament, including Ministers, are required to deliver.

I believe that this year has been one of outstanding achievements for the Government. There has been continuing legislative reform. The introduction of the Local Government Act at long last has brought local government into the twentieth century. If it were not for some amendments moved by the Opposition, I could actually say that the reforms in local government will take us into the twenty-first century. Despite rhetoric in the past by former Labor governments, this is the first Government to genuinely address legal reform, and I am proud of that fact.

There have been great achievements in the management of the economy of New South Wales. The deficit that blew out from 1989 through to 1992 has now been turned around. This year the deficit was improved on significantly, to the extent of \$230

Page 6311

million on the estimate given only one and a half years ago when the 1992 Budget was delivered. That turn around ensured that New South Wales retained its triple-A rating and is reflected in the jobs that have been created in this State. In the past year 56 per cent of all jobs created in Australia, 85,700 full-time jobs, have been created in New South Wales because of the State's economic management and business confidence. Business confidence in the private sector leads to more jobs in the private sector, resulting in less of a drain on taxpayers.

There have been many achievements. For the past five years we have been endeavouring to have Paddy's Markets returned to Haymarket. That occurred a week ago. I commend the two Ministers for agriculture who had a role in achieving what was thought to be impossible. This State has made significant progress. Of course, none of us will ever forget in September the achievement of so many people in obtaining the Olympics for Sydney in the year 2000. For the first time many of us were given the opportunity, such as has never been experienced before, to display patriotism and to be proud of being an Australian. Many talented people brought about that result, including my colleague the Minister for Transport, and many other members of the bid committee. That will increasingly benefit the community in the seven years leading up to and including the Games.

Finally, I acknowledge the electorate staff. While honourable members are present in Parliament, electorate staff are continually changing appointments; although we continually say we are going to adjourn in another hour, on occasions that hour turns into a day, or, as was the case this week, three days. Electorate staff have to deal with those appointments and explain what is going on. Though we cannot be present in our electorates, we know that the dedication and commitment of our talented staffs to the communities that we represent will ensure that people are looked after by our electorate offices. I think I have probably covered everyone; if I have not, I apologise. I sincerely wish everyone a very happy Christmas. I hope it is a time for all members to spend time with those they love, with those dear to them, with their family and friends. I sincerely hope they have the rest they truly deserve, and that 1994 is a very good year for everyone.

**Motion agreed to.**

**House adjourned at 8.55 p.m. until Tuesday, 1st March, 1994, 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* prior to prorogation:

### HEALTH PROGRAMS

Dr Refshauge asked the Minister for Health -

- (1) In 1993/94, what amount has been allocated for spending in each program?
- (2) In 1992/93, what was the actual amount spent in each program?

Answer -

- (1) Commencing in 1993/94, allocations have been framed on an accrual basis. The accrual budgets include both cash and non-cash items. The 1993/94 allocation for each program on an accrual basis is recorded in the NSW Government 1993/94 Budget Estimates-Budget Paper No. 3.
- (2) The actual amount expended in 1992/93 in each program on an accrual basis is recorded in the NSW Government 1993/94 Budget Estimates-Budget Paper No. 3.

### HOSPITAL TREASURY LOANS

Dr Refshauge asked the Minister for Health -

- (1) Which hospitals have Treasury loans?
- (2) What provisions have been made to ensure those loans can be repaid without decreasing services?

Answer -

- (1) No area health service, health district or hospital has a loan from Treasury.
- (2) Not applicable.

### AZUCENA POLLARD DISAPPEARANCE

Mr Anderson asked the Minister for Multicultural and Ethnic Affairs and Minister Assisting the Minister for Justice -

- (1) Is he aware of the concerns of citizens and public officials in the Philippines concerning the disappearance of Azucena Pollard and her son in mid-1987?
- (2)
  - (a) Has his administration received any requests regarding this matter?
  - (b) If so, what action has been taken in response to those requests?
- (3)
  - (a) Will he discuss this matter with the Minister for Police and Emergency Services to ensure that every effort is made to bring this matter to a successful conclusion?
  - (b) If not, why not?

Answer -

I am aware of the concerns of citizens and officials in the Philippines regarding not only the disappearance of Azucena Pollard and her son in mid-1987, but also the violent abuse, and, in some cases, the murder of Filipino women and their children.

I am aware that since 1987, there have been 12 killings of Filipino women and children in New South

Wales. Add to this, one attempted murder, and two disappearances including the disappearance of Azucena Pollard and her young son.

I have repeatedly expressed my deep concern about the number of violent incidents and the particularly horrific circumstances of the deaths. The honourable member for Liverpool will be aware that the Ethnic Affairs Commission has worked with Filipino women's groups to publish two papers in recent years, the first paper being "Filipino Women, Challenges and Responses: 1989-1991" and the second being "Serial Sponsorship: Perspectives for Policy Options (1992)". These publications were borne out of community consultation and mobilisation around the problems illustrated by the disappearance of Azucena Pollard and her child.

I have presented the problem violence and the serial sponsorship of women, particularly from Asian nations, to the Minister for Immigration and Ethnic Affairs, Senator Nick Bolkus. In doing so, I have pointed out to him that Australia's international reputation in the area of human rights is under serious threat if the ease with which Australian men may continue to acquire and discard a series of women from overseas under the guise of genuine relationships, is not curbed.

(2) In addition to the work that the Ethnic Affairs Commission has performed in the area of domestic violence and serial sponsorship, the Ethnic Affairs Commission met with Filipino community representatives about the matter to which the honourable member refers and the related issues.

The Commission has informed me of the community's concern and the anguish experienced by Azucena Pollard's family overseas. I have undertaken to take this matter to the Minister for Police and ask for his assistance to resolve this matter as soon as possible.

(3) I have taken this matter up with the Minister for Police and Emergency Services and we will be discussing options to bring the case of Azucena Pollard and other cases involving disappearances and/or deaths of Filipino women to some more satisfactory conclusion.

#### DEPARTMENT OF HEALTH USER CHARGES REVENUE

Mr Yeadon asked the Minister for Health -

In regard to user charges revenue for the Department of Health -

(1) (a) What are the sources of the \$807,105 million revenue it is estimated will be collected in 1993/94?

(b) How much will be collected from each?

(2) What were the sources and amounts in 1992/93?

Answer -

(1) (a) and (b) The Sources of user charge revenue for 1993/94 are:

Page 6331

(15)

\$M

Patient fees and other hospital charges	736,045
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Ambulance

Motor Vehicle Third Party

Minor User Charges

Total

807,105

(2) The sources and amounts of 1992/93 of user charge revenue were:

Source

Patient Fees and Other Hospital charges

Ambulance

Motor Vehicle Third Party

Minor User Charges

Total

15,043

0.046

595,295

It should be noted that a net \$174 million is included in 1993/94 patient fees and other hospital charges

representing the amount to be provided by the Commonwealth for the Repatriation General Hospital (Concord) to reflect its transfer to New South Wales from 1 July 1993.

### LOWER HUNTER DEVELOPMENT CORPORATION MEMBERSHIP

Mr Martin asked the Premier and Minister for Economic Development -

- (1) Who comprises the membership of the Lower Hunter Development Corporation (LHDC)?
- (2) What are the names of the current members on the LHDC?
- (3) How were these persons selected or elected to sit on this body?
- (4) Was there a public advertisement for members of the community (not representing a particular organisation) to nominate for the LHDC?
- (5) When and where was this advertisement placed?
- (6) Who are the community representatives on the LHDC?
- (7) Who is the Chief Executive Officer (CEO) of the LHDC?
- (8) What is the salary level of the CEO of the LHDC?
- (9) Was the CEO position for the LHDC advertised and filled by merit selection?
- (10) Who is the research assistant employed by the LHDC?
- (11) Who is the database operator employed by the LHDC?
- (12) Were these positions, research assistant and database operator, advertised and filled by merit selection?
- (13) How is the LHDC funded?
- (14) What is the total funding allocation to the LHDC?
- (15) Which Local Government authorities in the Hunter Valley make a financial contribution to the LHDC?
- (16) What is the relationship between the LHDC and the Hunter Economic Development Council (HEDC)?
- (17) Is there any duplication of functions between the LHDC and HEDC?
- (18) How long has the LHDC been established?
- (19) Who authorised the establishment of the LHDC?

Answer -

The Lower Hunter Development Corporation is not a NSW Government funded organisation. The role of the corporation is to act as a local facilitator of economic development in the Dungog, Maitland and Cessnock local government areas by undertaking activities such as developing a strategy and introducing investors to local opportunities.

- (1) The membership of the Lower Hunter Development Corporation (LHDC) is understood to comprise of a number of business and community figures in the Dungog, Maitland and Cessnock local government areas.
- (2) The members of the LHDC are understood to be:
  - Mr Arch Humphrey (Chairperson)
  - Mr C. Archer
  - Mr P. Landy
  - Mr A Ferry
  - Mr D. Watts
  - Mr M. Bailey
  - Mr T. Skelding
  - Mr R. Tolcher
  - Mr A. Mordue.
- (3) I am unaware of the exact selection process for the LHDC, although local economic development agencies of this type traditionally draw on volunteers.
- (4) It is understood that there was a public advertisement process.
- (5) It is understood that an advertisement was placed in the *Maitland Mercury* in 1991.
- (6) The NSW Government is unable to comment on how members of a privately funded organisations

might be categorised.

(7) Mr Humphrey is understood to be Chairperson of the LHDC.

(8) The NSW Government is unable to comment on remuneration levels of a privately funded organisation.

(9) The NSW Government is unable to comment on the selection process for a privately funded organisation.

(10) The NSW Government is unable to comment on staffing arrangements for privately funded organisations.

(11) The NSW Government is unable to comment on staffing arrangements for privately funded organisations.

(12) The NSW Government is unable to comment on the selection process for a privately funded organisation.

(13) The NSW Government is unable to comment on the precise nature of funding for a privately funded organisation although the LHDC is understood to be funded locally.

(14) No funding is allocated through the NSW Government for the LHDC.

(15) The NSW Government is unable to comment on the private funding of the LHDC.

(16) As part of its development role, the Business and Regional Development Administration seeks to ensure co-operation between activities or regional development agencies whether locally, State or federally funded, to ensure efficient use of regional

(16)Page 6332

(17)development resources. In this context, as a local regional development agency the LHDC is aware of the existence of the HEDC and it is understood that they use the HEDC strategy as a framework for any local activity they pursue. LHDC seeks to implement those parts of the HEDC strategy relevant to its area. There is occasional contact between staff of the HEDC and the committee of the LHDC.

(17) It is not thought that there is any duplication of functions between the LHDC and the HEDC. As part of its role the Business and Regional Development Administration seeks to minimise duplication between regional development agencies. Given the regional focus of the HEDC and local focus of the LHDC, as well as dialogue on individual projects, potential for duplication is minimal.

(18) The HEDC has been known to exist for approximately 2 years.

(19) The organisation was established by local interests and does not require "authorisation" by State or Federal Governments to play a legitimate role in local economic development.

### **FAR SOUTH COAST REGIONAL HOSPITAL SERVICES**

Dr Refshauge asked the Minister for Health -

(1) Does the Government plan to upgrade services at Bega District Hospital?

(2) Will Moruya Hospital continue to be the main regional hospital servicing the Far South Coast?

(3) Does the Government plan to upgrade services at Moruya Hospital?

(4) Will Bega Hospital be losing any services to Moruya Hospital?

(5) Will any money be allocated to Pambula Hospital for:

(a) HACCC?

(b) Foot care?

(c) Dental care?

(6) Does the Government plan to increase any services in the Far South Coast of New South Wales?

Answer -

(1) There are no plans to upgrade services at Bega District Hospital.

(2) Moruya Hospital is not the main regional hospital in the South Coast Health Service. All the hospitals in the South Coast Health Service, i.e., Batemans Bay, Moruya, Bega and Pambula, provide similar services and nearly all patients needing referral are transferred to the ACT.

(3) Services are currently being upgraded at Moruya Hospital.

This service upgrade includes:

- a new operating theatre.
- an additional 15 beds, including high dependency.
- a new accident and emergency facility.
- a new pathology facility.

These upgraded services are due for completion in August 1994.

(4) It is not planned that Bega Hospital will lose any services to Moruya Hospital.

(5) The following annual budget for 1993/94 was allocated to Pambula Hospital for:

- |               |            |
|---------------|------------|
| (a) HACC      | \$91,000   |
| (b) Foot care | \$28,000   |
| (c) Dental    | \$128,000. |

(6) Increases in services are under way at Moruya and Batemans Bay hospitals including:

- additional 30 beds, including high dependency.
- new operating theatres.
- new accident and emergency
- new pathology.

The following services are increasing in the district in 1993/94:

- dental.
- mental health.
- sexual health.

## **DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT CONSULTANCIES**

Mr Martin asked the Minister for Land and Water Conservation -

(1) Were quotations called for each of the consultancies shown in the Department of CALM Annual Report for 1991/92?

(2) Of the 12 major consultancies listed, how many quotations were received for each?

(3) What was the range of quotations received in each of the 12 major consultancies?

(4) What were the 63 projects less than \$30,000 in value and what are the names of the consultants in each case?

(5) Were quotations sought for each of these consultancies?

(6) If not, for which projects were tenders not sought in the first instance and who was the officer that approved the appointment of the consultant in each case?

(7) What procedures does the Department of CALM follow to ensure the use of consultants is not excessive?

Answer -

(1) Quotations were requested prior to the consultants being appointed in all cases where the appointments were made by the Department of Conservation and Land Management.

(2) CONSULTANT

No OF QUOTATIONS

(i) Environmental Partnerships Pty Ltd 34

(ii) Eltroy Pty Ltd 1

Eltroy was engaged because of its familiarity with and knowledge of the nature of the work involved.

(iii) Keith Forrest 1

Mr Forrest was engaged because of the specialised technical work involved and its requirement for integration with earlier work undertaken.

(iv) Data Base Associates 5

(v) Software Associates 3

(vi) Easams (Aust) Pty Ltd Nil

Approval given by State Contracts Control Board (91/200113)

## Page 6333

(18)	Part of staged development, see project listed in (viii)	
	(viii) BSR Pacific	3
	(ix) John Allen and Associates	5
	(x) Prior and Associates	3
	(xi) Arthur Anderson and Co	3
	(xii) Oracle Systems Australia Pty Ltd	Nil
	Arranged under Government Supply Period Contracts No. 89/2941	
(3)	(i) Joint project with Waverley Council. The Council did not disclose the range of quotations.	
	(ii) Not applicable.	
	(iii) Not applicable.	
	(iv) \$40,000-\$147,500.	
	(v) \$43,604-\$96,000.	
	(vi) Not applicable.	
	(vii) Not applicable (total project shown in (viii)).	
	(viii) For total project \$69,000 to \$117,600.	
	(ix) For total project \$118,350 to \$200,015.	
	(x) \$30,000-\$38,000.	
	(xi) \$904 per day-\$933 per day.	
	(xii) Not applicable.	
(4)	Planning Organising and Implementing Tour using TCM Model	
	Davies and Johnston	
	Tenure Administration System	
	Asia Pacific Computer Consultants P/L	
	Tenure Administration System	
	BSR Pacific Consulting Group P/L	
	Reserves Administration Project	
	DMR Group Aust. P/L	
	Tenure Administration System	
	Equus People	
	Land Revenue System	
	McGirr & Assoc.	
	Reserves Database	
	Navigate Geo-Information Systems	
	Reserves Administration System	
	Navigate Geo-Information Systems	
	Notice of Sale Project	
	Navigate Geo-Information Systems	
	Fleet Management System	
	Tricom Group Pty Ltd	
	Tourist Caravan Parks Workshop Design	
	Sustainable Futures Planning	
	Display Map System	
	A/R Technology	
	Development of Crown Land - Wardell	
	Gutteridge Haskins and Davey Pty Ltd	
	Development of Crown Land - Coffs Harbour	
	Gutteridge Haskins and Davey Pty Ltd	
	Marketing of Crown Land - Diggers Camp	
	Bailey and Gough	
	Development of Crown Land - Ballina	
	Hoolihan Valuations Pty Ltd	

Development of Crown Land - Yamba  
David Ardill and Assoc. Pty Ltd

Development of Crown Land - Ballina  
Gutteridge Haskins and Davey Pty Ltd

Draft Plan of Management, Woolgoolga Beach Reserve  
Sustainable Futures Planning

Tourist Accommodation Workshop - Brunswick Heads  
Sustainable Futures Planning

Engineering Roadworks and Drainage Design - North Haven  
Sinclair Knight

Design and Development Application - North Tuncurry  
Sinclair Knight

Sewer Investigation Tanilba Bay Caravan Park  
Hunter Water Corporation

Spatial Data Distribution Mechanism  
Navigate Pty Ltd

Crown Land Accounts Tenure Data  
Navigate Pty Ltd

Respecification State Revenue Data Updates  
Louise Morgan

Editing NSW Draft Tree Plan  
Walsh Kelly Communications

Plan of Management - Borenore Caves  
Ernst Holland

Plan of Management - Look-at-me-now Headland  
John Allen and Assoc.

Development Application - Tuncurry North  
Sinclair Knight

Plan of Management - Greenwell Point  
Geomarine Pty Ltd

User Survey - Great North Walk  
Michelle Hannaford

Red Rock Plan of Management  
John Adams

Plan of Management - Grafton Showground  
Landfax

Management of Howley Park Reserve Drummoyne  
A. Jackson

Study of Aboriginal Heritage, East Ballina  
National Heritage Studies Pty Ltd

Crown Land Development - Iluka  
Iluka Homes and Letting

Feasibility Study Iluka Crown Land  
B. W. McCloskey Pty Ltd

Crown Land Development - Ballina  
Gutteridge Haskins and Davey Pty Ltd

Redevelopment - Land Accounts System  
BSR Pacific Consulting Group Pty Ltd

Land Accounts Applications Software  
KAZ Computer Services

Land Accounts Application Software Maintenance  
Fourtech Pty Ltd

Hawkesbury Nepean Task Force Report  
Veness and Assoc. Pty Ltd

Fleet Management System Software Maintenance  
Tricom Computer Pty Ltd  
Hawkesbury Nepean Catchment in Crisis Report  
Barbara Walsh Communications  
Accrual Accounting  
Arthur Anderson and Co.  
Cash Receipting System  
Oracle Systems Aust.  
Western Lands Lease Identification Project  
Navigate Pty Ltd  
Data Dictionary Project  
Navigate Pty Ltd  
Tape Management Conservation Project  
Navigate Pty Ltd  
Spatial Data Distribution Prototype  
Navigate Pty Ltd

Page 6334

- (19) Corporate Planning - Land Information Centre  
Corporate Concern  
Software Development Project  
Datum Technologies  
Vegetation Clearance - Lower Murray Geological Basin  
Hassall and Assoc.  
Advanced Extension Workshop  
R. D. and J. M. Macadam  
Conflict Management  
Men's Development Centre  
Human Resources Development  
Barbara Walsh Communications  
Human Resources and EEO  
M. and G. Krasovitsky  
Lands Officer Training Modules  
Endeavour Training and Development Pty Ltd  
Respecification - State Revenue Data Updates  
Louise Morgan  
Engineering Design - Yamba Crown Land Development  
David Ardill and Assoc.  
Engineering Design - Nambucca Heads Crown Lands Development  
Kinhill Engineers Pty Ltd  
Crown Land Development - Tamworth  
D. J. Douglas and Partners Pty Ltd
- (5) No, only for those projects with an estimated cost in excess of \$20,000, in line with guidelines provided by the Office of Public Management.
- (6) Not applicable, see (5).
- (7) The use of consultants is restricted to situations where there is a need for special expertise or where projects to be undertaken are beyond the normal capacity of the Department due to:
- (i) An absence of the required skills and expertise
  - (ii) Matters of high priority and urgency are unable to be completed because of workloads
  - (iii) A need exists for an objective, unbiased assessment of key issues.

## **NATIONAL FORESTS POLICY**

Ms Allan asked the Minister for Land and Water Conservation -

- (1) What resources are presently being allocated within his portfolio administration to the implementation of the National Forests policy?
- (2) Which officers have direct responsibility for implementing this policy?
- (3) What progress has been made in determining agreed criteria for the protection of old growth forests and wilderness in New South Wales?
- (4) In what old growth forests is logging presently occurring?
- (5) How does the department liaise with other interested departments to implement the National Forests policy?

Answer -

(1) The National Forests Policy Statement (NFPS) is a comprehensive document that addresses eleven goals with specific objectives and policies for each goal. To quote from the NFPS "These goals should be pursued within a regionally based planning framework that integrates environmental and commercial objectives so that, as far as possible, provision is made for all forest values". These goals are:

- Conservation.
- Wood production and industry development.
- Integrated and co-ordinated decision making and management.
- Private native forests.
- Plantations.
- Water supply and catchment management.
- Tourism and other economic and social opportunities.
- Employment, workforce education and training.
- Public awareness, education and involvement.
- Research and development.
- International responsibilities.

All of the activities in publicly-owned native forests undertaken by State Forests of New South Wales are directed towards achieving these goals. That is, the whole of State Forest's resources are fully involved in the implementation of the NFPS.

The Protected Lands section of the Department of CaLM has responsibility for activities on private forests falling into the protected lands category.

(2) The Commissioner for Forests, and the Managing Director, State Forests of NSW.

(3) As directed by the NFPS, the signatory governments have established a working group of technical experts under a steering committee of the Australia and New Zealand Environment and Conservation Council (ANZECC) and the Australian Forestry Council (AFC) to make recommendations on the criteria on which to base reserve systems. The criteria will be based on the principles of comprehensiveness, adequacy and representativeness.

(4) Using the definition of old growth forest in the National Forests Policy Statement some timber harvesting activity is occurring in the following State forests:

Doyles River	Nalbaugh
Mount Boss	Cathcart
Stewarts Brook	Glenbog
Butterleaf	McDonald
Enfield	Dampier
Yambulla	Wandella
Gnupa	Badja
Nullica	Tallaganda.
Coolangubra	

(5) Liaison is ongoing with a number of other departments. Four specific examples are:

- (a) Working group of technical experts, and joint steering committee of ANZECC and AFC.

Page 6335

(20) (b) Consultation with NSW National Parks and Wildlife Service during issue of section 120

- licences under the National Parks and Wildlife Act.
- (c) During preparation of Environmental Impact Statements, liaison with NPWS, Department of Planning.
  - (d) Participate in workshops organised by NPWS which have participants from departments, academia and the wider community.

### **MOOREBANK MULTICULTURAL AND ETHNIC SERVICES**

Mr Knowles asked the Minister for Multicultural and Ethnic Affairs and Minister Assisting the Minister for Justice -

With regard to the electorate of Moorebank -

- (1) What services and facilities are provided by agencies which operate within his portfolio administration?
- (2) How many staff are directly associated with the provision of those services?
- (3) What were the budget projections and actual expenditures on services and facilities for:
  - (a) 1990/91?
  - (b) 1991/92?
  - (c) 1992/93?
- (4) What are the budget projections for 1993/94?
- (5) What new/additional services and facilities will be provided during 1993/94?
- (6) Where there has been a decline in expenditure during the period nominated in question (3), why?

Answer -

(1) The electorate of Moorebank falls within the Ethnic Affairs Commission's Western Sydney Region and is serviced through staff of the Western Sydney Regional Office, located at Blacktown, and its Head Office located at Ashfield.

The Regional Coordinator at the Blacktown office is part of the Commission's Policy and Liaison Division and has primary responsibility for the Western Sydney Area. This position works closely with local communities and government agencies to implement the Commission's policies and to respond to issues of concern whilst also coordinating seminars and regular consultations.

A number of liaison staff, based at the Commission's head office, are responsible for liaising with specific ethnic communities wherever they reside throughout the State and regardless of electorate or other boundaries. Liaison staff have worked closely with a number of communities in the area particularly in Ingleburn, Macquarie Fields and Minto.

The Electorate of Moorebank also benefits from the operations of the Commission's Language Services Division which provides professional interpreting and translating services to the NSW Government and the public. For example, during the period 1992/93 the Commission undertook a total of 2,028 interpreting assignments and 82 translations for clients registered as living in suburbs with postcodes listed as being in the Moorebank electorate.

In addition, Community Room facilities at both the Head Office and the Blacktown office are available for use and are used by community groups, free of charge.

(2) Two staff operate from the Commission's Blacktown office whilst the Head Office Policy and Liaison Division currently consists of twenty-two officers. In addition, the constituents of the electorate of Moorebank have access to the full complement of Commission interpreters and translators.

(3) The Commission makes budget projections and assessment of overall expenditure on a statewide basis rather than an electorate basis. Therefore, the following is a comparison of the years in question.

Year	Actual (\$ million)	Budget (recurrent \$ million)
1990/91	7.534	7.312
1991/92	6.328	6.507
1992/93	6.695	6.350

(4) Budget projections for 1993/94 total \$10.522 million which comprises \$9.522 million recurrent appropriation plus \$1 million capital grants allocation.

(5) The State Government has introduced two new grants programs which will be administered by the Ethnic Affairs Commission: the Cultural Sponsorship Program and the Community Development Program. The first of these programs will provide small grants for performing arts by amateur groups and non-profit making organisations. It will also make available funds to assist in the publication and preservation of significant literary works and manuscripts and will provide support for communities in this State to host international or national cultural events. The second program will target a number of objectives, with its major focus being the pursuit of the principles of the New South Wales Charter of Principles for a Culturally Diverse Society.

Page 6336

(21)(6) The decline in budget appropriation for recurrent funding and expenditure from 1990/91 to 1991/92 as shown in Question (3) was due to 1991 being the final year of payment of Bicentennial grants. Also in years 1991/92 and 1992/93 funding has been affected by productivity cuts across the board.

It is also noted that 1990/91 was the first year in which the Commission introduced accrual accounting with final adjustments (non-cash) occurring in the 1991/92 financial years. In 1991/92 and 1992/93 the Commission was required to return to the Treasury savings on protected items such as wage increases, not occurring, and rent.

#### **DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT HAWKS NEST-TEA GARDENS ADMINISTRATION**

Mr Martin asked the Minister for Land and Water Conservation -

(1) Is it intended to place Hawks Nest/Tea Gardens under the administration of the Taree office of the Department of CaLM?

(2) If so, why?

(3) Has he or his officers of the Department of CaLM consulted local government, community groups and the local member of Parliament about the proposal?

(4) If not, why not?

(5) Will he instruct the Department of CaLM to defer any proposed transfer of administration for the Hawks Nest/Tea Gardens area until full consultation has taken place?

Answer -

(1) Yes

(2) Hawks Nest/Tea Gardens has been partly administered by both Taree and Maitland District Offices. This has caused confusion with the Department's clients and other Agencies when dealing with Crown land in the area. The proposed administrative change will provide more efficient and effective administration of the Crown Lands Service operations at both these offices and improve client and Agency Service.

(3) Officers of the Department have held discussions with Great Lakes Council, which fully supports the transfer. The proposal has recently been outlined to the local Member. Community groups will not be adversely affected as there is very little Crown land in Tea Gardens and Hawks Nest. Soil Conservation activities in the Hawks Nest/Tea Gardens area are already administered from Taree. This change will allow the District Manager, Taree to oversee both operational areas more efficiently. Media releases and client advisings are planned to acquaint the local community of the proposal before any transfer is effected.

(4) Not applicable.

(5) Administrative transfer will not be effected until client consultation is complete.

#### **MACINTYRE RIVER FISH KILL**

Mr Murray asked the Minister for Land and Water Conservation -

- (1) Did a fish kill occur in the Macintyre River in December 1992?
- (2) If so:
  - (a) Where did the fish kill occur and on whose property?
  - (b) Was the kill reported to the Department of Water Resources and the Environment Protection Authority?

Page 6337

- (22) (c) What action did the Department of Water Resources and the Environment Protection Authority take to investigate the matter?
- (d) Were these matters subject to discussions at the Macintyre Valley Cotton Growers meeting of 10 February 1993?

Answer -

- (1) Yes.
- (2) (a) Information available on Department of Water Resources (DWR) files discloses that dead fish were observed in about a 10-kilometre stretch of the river, some 30 to 40 kilometres downstream of Goondiwindi. Prior heavy rainfall had occasioned a substantial flow in the river and it apparently was not possible to ascertain on or adjacent to whose property the deaths occurred.
- (b) Yes.
- (c) The DWR's Water Superintendent Border Rivers was advised of the fact on the afternoon of 10 December 1992. The initial informant had observed the dead fish on 8 December at which time they were rotten and, in his opinion, could have been dead for three or four days. There had been storms in the area four to five days previously. Prior advice had not been conveyed because the person was nowhere near a phone. The information was passed on to Environment and Heritage, Brisbane, and to the Toowoomba office of that department. It was also conveyed to the EPA in Armidale, NSW Fisheries in Inverell and the DWR's Regional Environmental Office at Moree. A report by Peter Cone, Field/Liaison Officer of the Australian Cotton Foundation (ACF) was published in the Goondiwindi "Argus" on the 20 January 1993. It records the results of his investigations in respect of the matter which included on site inspection on the 11 and 12 December 1992. It is stated, in part:  
"Comments  
1. It would appear from my enquiries that no scientific samples of either dead fish or water were taken from the river at the time of the incident. Without this information it is impossible to determine conclusively if the fish perished as a result of chemical contamination or some other cause. Such samples must be taken within hours of the death of the fish or contamination of water to be useful.  
2. Due to the length of time between the occurrence of this incident and investigation by the ACF circumstances arose which prevented the examination of any possible physical evidence, i.e. the river rose in height for several metres, removing dead fish and covering storm water blowouts etc."  
Having regard to the circumstances, including the passage of time, the DWR did not further investigate the matter. It is understood that the same approach was adopted by the other regulatory authorities in both NSW and Queensland.
- (d) I do not know what matters were discussed by the Macintyre Valley Cotton Growers at a meeting on 10 February 1993.

**BOOBERA LAGOON PUMPING RESTRICTIONS**

Mr Murray asked the Minister for Land and Water Conservation -

- (1) After the issue of the Matthews licence on Boobera Lagoon and its renewal by Kanandah Pty Ltd were representations made to express a desire of some users to have pumping restricted to 1 meter?
- (2) What are the following details of those representations:
  - (a) To whom?
  - (b) On what date?
  - (c) On behalf of?
  - (d) Will he supply copies of those representations?

Answer -

- (1) Yes, or more correctly, some users who had been adverse to the initial grant of the licence, and on whose behalf you had made representations, reiterated their views.
- (2)
  - (a) The representations were both written and oral and were made to the Department of Water Resources' (DWR) regional office at Moree and the DWR's licensing personnel.
  - (b) The DWR's files contain a letter of concern dated 16 January 1989 and reports of various dates.
  - (c) As mentioned earlier, the original representations were made by you on behalf of some users, including landholders who used the lagoon for stock and domestic supplies. The DWR then undertook to monitor levels and, if circumstances warranted, to review the level above which irrigation could be carried out.
  - (d) Even if it was appropriate for me to provide copies of the representations, apart of course from yours, the majority of them, being oral, cannot be copied.

### **BOOBERA LAGOON PUMPING RESTRICTIONS**

Mr Murray asked the Minister for Land and Water Conservation -

- (1) Is there on the Mr Mick Thompson file at the Moree office of the Department of Water Resources, a statement by the Barwon District Manager?
- (2) If so, what is the statement or statements?

Page 6338

(23)Answer -

- (1) Yes.
- (2) The statement is as follows:

"400 Chester St.  
Moree 2400  
5-09-93

TO WHOM IT MAY CONCERN

Mr W. T. J. Murray M.P., Member for Barwon, contacted me by telephone this morning and requested me to make this statement in relation to Mr Mick Thompson of Kanandah Pty Ltd and his attempt to extract water from Boobera Lagoon under an authority from the Department of Water Resources, during February 1993.

At the time that Thompson was stopped by Departmental officers, from extracting water from the lagoon, because he had infringed the conditions of the Authority, I was on leave from the position of Regional Manager, Barwon Region and another Departmental officer was acting in the position. Accordingly, I

hereby state that the record in Hansard of alleging that Mr Murray contacted me and directed that Mr Thompson be allowed to continue pumping, is incorrect.

Tony Burgin  
Regional Director  
Barwon Region  
5-09-93"

### **COLLY FARMS LIMITED BARWON RIVER PUMPING RIGHTS**

Mr Murray asked the Minister for Land and Water Conservation -

- (1) Was a Land Board Hearing held in Moree on 14, 15 and 16 August 1990?
- (2) Was an agreement reached between the parties involved in respect to Colly Farms pumping rights from the Barwon River?
- (3) Have the conditions agreed to been observed?
- (4) If so:
  - (a) What days since 16 August 1990 has Colly Farms pumped under this agreement?
  - (b) How much water have they pumped?
  - (c) Are meters fitted to the pumps and if so, when were they fitted?
- (5) What was the height and flow recorded at the Collarenebri gauge on each of the days pumping took place?

Answer -

- (1) Yes, in fact the inquiry commenced on 13 August 1990.
- (2) Yes.
- (3) Based on average daily flows there would appear to be some occasions of minor contravention. The diversions however generally accord with the Department of Water Resources' announced daily readings for 9.00 a.m.
- (4)
  - (a) Pumping occurred from:
    - 29 September to 8 October 1990
    - 17 to 20 January 1991
    - 30 January to 13 March 1991
    - 24 to 27 May 1991
    - 20 to 28 December 1991
    - 10 to 18 January 1992
    - 20 to 26 January 1992
    - 9 February to 3 March 1992
    - 28 September 1992 (for 9 hours only)
    - 2 to 6 October 1992
    - 8 to 11 November 1992
    - 12 and 13 November 1992
    - 18 to 29 December 1992
    - 1 to 3 February 1993
    - 9 June 1993 (for 12 hours)
    - 16 June 1993 (for 12 hours)
    - 12 to 26 July 1993.
  - (b) The aggregate quantity pumped was 18,573 megalitres (ML).
  - (c) Meters are fitted to the pumps. They were fitted either prior to or soon after the land board hearing in August 1990.
- (5) The restrictive conditions, which are rather complicated, are based on minimum residual flows existing whilst diversion is being undertaken, together with limitations as to the maximum quantities of water which can be taken from which source. As such, gauge heights are relevant only in so far as they indicate what was the particular flow.

Compliance with the conditions requires that not more than an aggregate of 33,300 ML be diverted pursuant to the specified entitlements in any year.

Of the 33,300 ML, a maximum of 26,730 ML is permitted to be diverted from the Barwon River. Of that 26,730 ML, 17,010 ML can be taken only while ever the remaining flow at Collarenebri gauge is not less than 1,760 ML a day (ML/d), or the flow at Walgett is not less than 1,630 ML/d, and the flow at Collarenebri is not less than 130 ML/d.

A maximum of 9,720 ML may be diverted whilst the remaining flow at Collarenebri is not less than 760 ML/d, or the flow at Walgett is not less than 700 ML/d, and the flow at Collalrenebri is not less than 60 ML/d.

Having regard to the fact that diversions were undertaken on well over 100 days, it is suggested that the question might be satisfactorily answered by identifying the range of average daily flows at Collarenebri (maximum and minimum) during the period:

from 29 September to

Page 6339

(24)

8 October 1990 1,227 to 126 ML/d.

from 17 to 20 January 1991

335 to 241 ML/d

from 30 January to

13 March 1991 11,441 to 129 ML/d.

from 24 to 27 May 1991

127 to 126 ML/d

from 20 to

28 December 1991 5,104 to 1,432 ML/d.

from 10 to 18 January 1992

2,001 to 517 ML

from 20 to 26 January 1992

1,915 to 534 ML

from 9 February to

3 March 1992 7,206 to 1561 ML/d.

from 28 September

1992 (for 9 hours only) 450 ML/d.

from 2 to 6 October 1992

681 to 229 ML/d

from 8 to 13 November 1992

248 to 48 ML/d.

from 18 to 29 December 1992

1,115 to 90 ML/d

from 1 to 3 February 1993

362 to 73 ML/d.

from 9 to 16 June 1993

186 to 26 ML/d.

from 12 to 26 July 1993

697 to 145 ML/d

#### MACINTYRE-SEVERN WATER USERS ASSOCIATION MEETING

Mr Murray asked the Minister for Land and Water Conservation -

- (1) Was a meeting held at Graman, New South Wales, on 26 March 1990?
- (2) If so, how was the meeting called and who were invited and who were not?
- (3) Was this meeting a properly constituted meeting of the Macintyre Severn Water Users Association?
- (4) Were departmental officers in attendance?
- (5) What is the difference between the Macintyre Severn Water Users Association and the Pindari Water Users Association?

Answer -

- (1) Yes.
- (2) It was a normal general meeting of the Pindari Water Users called in the normal manner, being notice by mail or orally.  
It was attended by 25 users, with apologies on behalf of 2 users.
- (3) No, it was a meeting of the Pindari Water Users.

(4) Yes, the DWR's Regional Manager, the Water Superintendent Border Rivers and the Metering Inspector were in attendance.

(5) The Macintyre Severn Water Users Association involved those users on the Severn and Macintyre rivers from Pindari Dam down to Yetman. The Pindari Water Users extends the coverage to include those users from Yetman down to the junction of the Dumaresq and Macintyre rivers.

### **MACINTYRE-SEVERN WATER PUMPING ALLOCATION**

Mr Murray asked the Minister for Land and Water Conservation -

(1) Did a number of irrigation licence holders on the Macintyre Severn River object to Pindari Dam water being made available on a permanent basis to landholders downstream of the Macintyre/Dumaresq junction?

(2) If so, who were these licensees?

(3) Was a guarantee of a full allocation of water for irrigation purposes given to licensees?

(4) If so, to whom and how much water?

(5) How much water have the licensees been allowed to pump?

Answer -

(1) Yes.

(2) The altered operating arrangements mean that, instead of enjoying 100 per cent availability of water in most years (in many years the licensees' availability could be less than 40 per cent), probably every licensee, at some time, has orally objected about the change. There were no specific written objections.

(3) No.

(4) All licensees were given temporary allocations, based on their maximum actual usage during the 3 years prior to 1990. These temporary allocations will continue, subject to water availability, until the enlargement of Pindari Dam becomes effective.

(5) The quantities authorised under answer 4 above. These temporary allocations are less than the actual allocations authorised under the individual licences.

### **COLLY FARMS LIMITED WATER PUMPING LICENCES**

Mr Murray asked the Minister for Land and Water Conservation -

(1) How many licences are held by Colly Farms?

(2) How many hectares is Colly Farms licensed to irrigate?

(3) In whose names are the licences for Colly Farms held?

(4) When were the licences issued?

(5) How much water has Colly Farms pumped for irrigation purposes during the years:

(a) 1992?

(b) 1991?

(c) 1990?

(d) 1989?

(e) 1988?

(6) How much cotton has Colly Farms produced in the years:

(a) 1992?

(b) 1991?

(c) 1990?

(d) 1989?

(e) 1988?

Answer -

- (1) The entities which comprise Colly Farms hold 11 licences and 11 authorities for joint water supply schemes. One application for a licence for a weir and  
(25)Page 6340  
(26)2 applications for authorities have yet to be finalised.
- (2) 12,725 hectares (ha). Applications have been made for an additional 1,296 ha.
- (3) The major licensee is Commonwealth Funds Management Limited. Other entitlements are in the name of Colly Farms Ltd, Commonwealth Funds Management Limited, Superannuation Fund Investment Trust and others.
- (4) One licence, for a dam, was issued in 1912. Some irrigation entitlements were first issued in 1974 and subsequent years. Some of the earlier issued entitlements have since been replaced by later issued entitlements.
- (5) (a) 1992/93 27,688 megalitres (ML)  
(b) 1991/92 26,049 ML  
(c) 1990/91 46,738 ML  
(d) 1989/90 23,538 ML  
(e) 1988/89 15,697 ML
- (6) The DWR is unaware of how much cotton was produced by Colly Farms in any year, it does however have the following information as to area of cotton irrigated.
- (a) 1992/93 4,000 ha  
(b) 1991/92 10,957 ha  
(c) 1990/91 10,173 ha  
(d) 1989/90 6,172 ha  
(e) 1988/89 5,043 ha

#### **BOOBERA LAGOON PUMPING RESTRICTIONS**

Mr Murray asked the Premier and Minister for Economic Development -

As an allegation of breach of Mr Mick Thompson's water licence to pump water from Boobera Lagoon has been made, will he direct the Ombudsman to fully investigate the allegation with a view to compensation for the Thompsons of a loss of \$101,000 as a result of action by the Department of Water Resources, when in fact, the licence condition has not been breached?

Answer -

The Ombudsman is an independent statutory authority accountable only to the Parliament. It is up to the Ombudsman to decide whether or not to investigate a complaint and whether or not to recommend payment or compensation.

I am therefore unable to direct the Ombudsman in the manner requested by the honourable member.

I am advised that the Ombudsman has already, earlier this year, commenced an inquiry into the matter, but his report has not yet been received.

I am also advised that no claim for compensation has been made upon the Department of Water Resources by Mr Thomson.

#### **AUBURN OLYMPIC GAMES DELEGATION**

Mr Nagle asked the Premier and Minister for Economic Development -

(1) When will he receive a delegation of councillors from Auburn Council, a member of the Chamber of Commerce of Auburn and the member for Auburn over the Olympics in the year 2000?

(2) If he will not receive the delegation, why?

Answer -

(1) and (2) A detailed response has been provided to the honourable member on issues raised by him in

representation to the Premier on the Olympics.

### **ENVIRONMENT PROTECTION AUTHORITY MOOREBANK SERVICES AND FACILITIES**

Mr Knowles asked the Minister for the Environment -

With regard to the electorate of Moorebank -

- (1) What services and facilities are provided by agencies which operate within his portfolio area?
- (2) How many staff are directly associated with the provision of those services?
- (3) What were the budget projections and actual expenditures on services and facilities for:
  - (a) 1990/91?
  - (b) 1991/92?
  - (c) 1992/93?
  - (d) What are the budget projections for 1993/94?
- (4) What new/additional services and facilities will be provided during 1993/94?
- (5) If there has been a decline in expenditure from 1990/91, why?

Answer -

- (1) The Environment Protection Authority (EPA) is the only agency within the environment portfolio which provides services within the electorate of Moorebank. The EPA services the electorate of Moorebank through its southern Sydney operations office located at Bankstown. The EPA does not have any facilities within the electorate of Moorebank.
- (2) I am advised by the EPA that it is not possible to isolate the number of staff who may provide services in the electorate of Moorebank alone as the EPA's activities are not allocated on the basis of electoral boundaries.
- (3) For the reasons given in (1) and (2) it is not possible to isolate budget projections and actual expenditures on services in the Moorebank electorate.
- (4) See (1) and (2) above.
- (5) See (1) and (2) above.

### **GLOUCESTER AND CHICHESTER FOREST MANAGEMENT**

Ms Allan asked the Minister for Land and Water Conservation -

- (1) Is he aware of concerns expressed by the North-East Forest Alliance about gross mismanagement in the Gloucester and Chichester management areas?
- (2) Are roading, logging and burning operations in these areas pre-empting the EIS assessment process?
- (3) Are the Standard Erosion Mitigation Guidelines (1993) being implemented in these management areas?
- (4) How are State Forests resourcing EIS assessment processes, erosion mitigation and other forestry operations?
- (5) Are the staffing levels adequate to meet present demands?

Page 6341

(27)

- (6) If not, why not?

Answer -

- (1) The Minister is aware of the concerns but does not agree there has been any "gross mismanagement".
- (2) No. Logging operations will not be undertaken in Schedule 1 and Schedule 2 areas of the Timber

Industry (Interim Protection) Act 1992 until there has been compliance with Part 5 of the Environmental Planning and Assessment Act for such areas.

(3) Current timber harvesting is being undertaken in accord with Standard Erosion Mitigation Conditions for Logging in NSW. The Conditions are being progressively replaced by the Standard Erosion Mitigation Guidelines for Logging, and full implementation will be achieved by February.

(4) The EIS process is being resourced by provision of staff in the Environmental Assessment Branch at State Forests' Head Office, by employment of Planning Managers and Regional Planning Foresters in Regions and by employment of independent consultants to prepare EISs/FISs in accord with the Timber Industry (Interim Protection) Act, Environmental Planning and Assessment Act and National Parks and Wildlife Act.

A soil conservation officer has been seconded to assist State Forests' Central Region in EISs, in implementation of the Standard Erosion Mitigation Guidelines for Logging and in staff and operator training.

(5) Yes.

(6) Refer to (5).

### **DAMPIER STATE FOREST LOGGING**

Ms Allan asked the Minister for Land and Water Conservation -

(1) Is logging taking place in the Upper Deua River catchment within the Dampier State Forest section of the Deua Wilderness?

(2) Is logging taking place for saw logs or woodchips?

(3) Does this area contain endangered or threatened fauna?

(4) If so, what assessment has been made of the impact on such fauna of the forestry operations?

(5) Is the Upper Deua River catchment area subject to a wilderness nomination?

(6) If so, what was the result of the assessment of this area for wilderness declaration?

(7) Are current forestry operations in the area in conflict with the National Forest Policy Statement?

(8) What alternatives are available to logging this area while maintaining forestry jobs in the region?

(9) What plans has State Forests to log Georges Creek and Diamond Creek catchment areas?

(10) Are these areas old growth forests and also subject to a wilderness nomination?

Answer -

(1) Yes, but not in the Georges Creek sub-catchment.

(2) Logging is for sawlogs. Once the sawlog has been removed, those parts of the tree too defective for sawlogs are used for pulpwood instead of being wasted.

(3) Like all areas of forest, the Upper Deua catchment contains endangered fauna.

(4) The 1983 Wandella-Dampier EIS examined the impact of forestry activities on wildlife. Each Harvesting Plan prepared considers the impact of the proposed operations on Schedule 12 fauna. The National Parks and Wildlife Service fauna licensing process provides for further amelioration of any adverse impact on Schedule 12 fauna.

(5) Yes.

(6) The Upper Deua River catchment is within the wilderness area identified in the National Parks and Wildlife Service 1991 Assessment report.

(7) No.

(8) None.

(9) The timber resources of the Diamond Creek and Georges Creek catchments are an important part of the sustained yield to industry dependent on Narooma Management Area. Logging is currently deferred until the wilderness nomination is determined.

(10) Diamond Creek and Georges Creek catchments are unlogged forest and contain stands which have old growth characteristics. These areas are also subject to a wilderness nomination.

### **GLOUCESTER AND CHICHESTER FOREST MANAGEMENT**

Ms Allan asked the Minister for the Environment -

- (1) On what basis has the National Parks and Wildlife Service issued general fauna licences in the Chichester and Gloucester forest management areas?
- (2) Is he aware of criticism by the North-East Forest Alliance that NPWS has not thoroughly researched the areas before issuing the licences?
- (3) Has the EPA issued a Pollution Control Licence without assessing the impact of logging in these areas?
- (4) If so, why?
- (5) What monitoring has the EPA put in place to ensure that pollution of catchments in Chichester and Gloucester areas will not occur as a result of the forestry operations?

Answer -

- (1) I am advised by the Director-General of the National Parks and Wildlife Service that the NPWS has not issued a general section 120 licence for the Gloucester/Chichester management area. The application for such a licence is anticipated with the release of the environmental impact statement/fauna impact statement for this management area in 1994.
- (2) No.
- (3) In issuing the pollution control licence the EPA fulfilled its statutory obligations (as detailed in section 17 of the Pollution Control Act) to:  
"Have regard to:  
(a) The pollution being or likely to be caused by the applicant and the impact of that pollution on the environment; and

Page 6342

- (28) (b) The practical measures which may be taken -
  - (i) to prevent, control, abate or mitigate that pollution; and
  - (ii) to protect the environment from defacement, defilement or deterioration as a result of that pollution" prior to issuing the licence under the Act to the Forestry Commission.
- (4) See above.
- (5) The position of the EPA is that regulation and inspection for compliance is the mechanism for ensuring that pollution does not occur as a result of forestry activity.  
As a result the EPA has a problem of surveillance and investigation of the forestry activity as the mechanism for protecting the catchments in the Chichester and Gloucester areas.

### **LIVERPOOL TAFE FINE ARTS COURSES**

Mr Anderson asked the Minister for Industrial Relations and Employment and Minister for the Status of Women representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

- (1) Why have the 1993 first year Associate Diploma Fine Arts students at Liverpool TAFE had their second year electives reduced from five to two?
- (2) Why are Fine Arts being phased out at Liverpool TAFE by the end of 1994?
- (3) Will these decisions adversely affect anyone who wishes to study Art at a post-secondary school level in South Western Sydney?
- (4) What impact will these decisions have on current secondary students in Years 9 to 12 choosing Art as an elective who wish to pursue Art as a career?
- (5) Is Liverpool TAFE the only TAFE in South Western Sydney offering a comprehensive full-time course in Fine Arts?
- (6) Are the only other TAFE colleges offering full-time Associate Diploma or Diploma courses in Art located at East Sydney, St George, Meadowbank and Penrith?

- (7) What are the exact details of the proposed course in Art to be established at Campbelltown?
- (8) (a) Will construction of the Campbelltown facilities not commence until 1999?  
 (b) If so, when will the facilities be ready for occupation?  
 (c) If not, what are the details?

Answer -

(1) In 1993, Liverpool College offered five electives in the second year of the Associate Diploma in Fine Arts. These were drawing, sculpture, photography, painting and printmaking. Viable classes were formed for three of these, painting, drawing and photography. (The minimum numbers for classes to run in second year of this course are 10 students). In 1994 students will be able to select from the following four electives: ceramics, drawing, painting, printmaking. The College has negotiated with Meadowbank College for second year Liverpool students wishing to take a photography elective to complete the course at Meadowbank. Sculpture and photography will not be offered in 1994 for the following reasons: A number of occupational health and safety issues have been identified regarding the existing facilities in which fine arts courses are being delivered at Liverpool College. A program of rectification is being undertaken in 1994.

In order to conduct the current Associate Diploma in Fine Arts, a number of specialised studio areas are required - for painting, design, drawing, printmaking, photography, sculpture, and a room for theory. Due to lack of adequate facilities and equipment, subjects in photography, and sculpture cannot be offered as these would require accommodation not available in the College and an investment of resources not justified by the numbers of students currently enrolling at Liverpool.

The Liverpool College site is unable to expand owing to its size and the historic nature of its buildings, some of which are Heritage listed. It is not possible to provide all the specialist facilities required with these site constraints.

(2) Fine arts are not being phased out from Liverpool College. The Associate Diploma in Fine Arts is to be phased out. The College will continue to offer two other Associate Diplomas in the Arts - in graphic design, and ceramics.

Fine Art subjects will continue to be offered at Liverpool College at certificate level beyond 1994 and until a new facility is planned and built in the South Western Sydney Institute.

The Fine Arts Associate Diploma will be available only to completing students in stage two of their course in 1994. No new enrolments will be taken in the course in 1994. Students wishing to do this course will be redirected to colleges in other Institutes in the metropolitan area.

(3) Students from the South Western Sydney region wishing to study art will still have a range of courses available to them from Liverpool College in 1994. The College will continue to offer the following courses to newly enrolling students.

- FINE ARTS: Certificate in Print Making (Relief)  
 Certificate in Drawing Fundamentals
- CERAMICS: Associate Diploma in Ceramics  
 Certificate in ceramics, Studio  
 Certificate in Ceramics, Glaze & Clay Formulation
- GRAPHIC DESIGN: Associate Diploma in Graphic Design  
 Certificate in Finished Art  
 Certificate in Design Methods & Principles.

Macquarie Fields College will also offer a Certificate in Calligraphic Design in 1994.

(4) Students currently in years 9 to 12, wishing to pursue art as a career, will continue to be able to  
 (29)Page 6343

(30)study a range of courses at Liverpool College:

- FINE ARTS: Certificate in Print Making (Relief)  
 Certificate in Drawing Fundamentals
- CERAMICS: Associate Diploma in Ceramics  
 Certificate in ceramics, Studio  
 Certificate in Ceramics, Glaze & Clay Formulation
- GRAPHIC DESIGN: Associate Diploma in Graphic Design

Certificate in Finished Art  
Certificate in Design Methods & Principles.

They will also be able to undertake a Certificate in Calligraphic Design at Macquarie Fields.

The Certificate courses offered at Liverpool College articulate into the Associate Diploma in Fine Arts. Those wishing to commence the Associate Diploma in Fine Arts will be able to do so at the following colleges: Penrith, St George, Hornsby, Meadowbank or Northern Beaches.

(5) Liverpool College is the only college in the South Western Sydney Institute currently offering a range of courses in the fine arts. It will continue to offer the certificate courses in fine arts in 1994, as well as the Associate Diploma in Ceramics and Graphic Design.

(6) Liverpool College will continue to offer the full-time Associate Diplomas in Ceramics and Graphic Design, until a new facility is available at Campbelltown College. It has never offered courses at the Diploma level.

The Diploma of Fine Arts courses are offered at East Sydney, Meadowbank and Tamworth. The Associate Diploma of Fine Arts courses are offered at Hornsby, Meadowbank, Northern Beaches, St George, Penrith, Armidale, Tamworth, Wollongong West and Hamilton.

(7) A number of courses in the Arts are planned for Campbelltown College in its proposed new facility. The Institute is undertaking a study of the need and demand for courses in the Arts in the South Western Sydney Region, with a view to develop a strategic plan for the future of Arts in the Institute.

(8) (a) The Institute has proposed that a new purpose built Arts facility be included in future capital developments at Campbelltown. This proposal will be examined and evaluated against Capital planning and other priorities in 1994 by the NSW TAFE Commission. No completion date is available.

(b) No completion date is available.

(c) No completion date is available.

#### **MINISTER FOR EDUCATION "DIRECTIONS" STATEMENT**

Mr Aquilina asked the Minister for Industrial Relations and Employment and Minister for the Status of Women representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

(1) Did members of the Board of Studies propose seeking legal advice on whether the Minister had breached the 1990 Education Reform Act by issuing the "Directions" statement?

(2) Did the Board refuse to take such advice?

(3) Is the Minister satisfied that no breach of the Act occurred?

Answer -

(1) One member raised the issue; the proposition was rejected by the Board as a whole.

(2) Yes. (The Board believed that no such advice was required.)

(3) Yes.

#### **UNESCO CONVENTION ON TECHNICAL AND VOCATIONAL EDUCATION RATIFICATION**

Mr Aquilina asked the Minister for Industrial Relations and Employment and Minister for the Status of Women representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

(1) Has the NSW Government opposed the ratification by the Commonwealth Government of the Convention on Technical and Vocational Education adopted at the 25th Session of the General Conference of UNESCO on 10 November 1989?

(2) Is New South Wales the only State to have opposed ratification?

(3) If so, what are the policy considerations underlying New South Wales' opposition to ratification of the convention?

Answer -

(1) In responding to the question from the honourable member it should be noted that the question relates to my portfolio responsibilities and not those of the Hon. V. A. Chadwick, M.L.C.

The NSW Government has not supported the ratification of the UNESCO Convention on Technical and Vocational Education by the Commonwealth Government.

(2) The Commonwealth Department of Employment, Education and Training has advised that the NSW Government is the only State Government to have ratification of the Convention.

(3) The NSW Government supports the general thrust of the UNESCO Convention on Technical and Vocational Education. However, the Government has some reservations regarding the potential for the Convention to be used by the Commonwealth Government as a lever to impose conditions on funds made available to the States for training.

It is unclear whether the terms of the Convention would allow the Commonwealth to invoke its foreign affairs powers to directly intervene in the State's management of vocational training. The Commonwealth Department of Employment,

(31)Page 6344

(32)Education and Training has formally advised that it cannot guarantee that the Commonwealth Government would not use its constitutional powers in this way. Without this commitment from the Commonwealth the NSW Government is not prepared to support the Convention's ratification.

#### **HIGHER SCHOOL CERTIFICATE DISTINCTION COURSES**

Mr Aquilina asked the Minister for Industrial Relations and Employment and Minister for the Status of Women representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

(1) What amount was budgeted in 1993 by the Department of School Education for the introduction of distinction courses in the HSC?

(2) What amount was budgeted for in 1993 by the Board of Studies for the introduction of distinction courses?

(3) What amounts are budgeted by each of these agencies for distinction courses in 1994?

(4) How many students are eligible for such courses in Government schools and non-Government schools respectively?

Answer -

(1) The Department of School Education has not budgeted any 1993 funds for the introduction of distinction courses in the HSC.

(2) \$106,020

(3) The Department of School Education has not budgeted any funds for the introduction of distinction courses in 1994.

The Board has budgeted approximately \$50,000 for the implementation of distinction courses in 1994.

(4) 1994 is the first year in which distinction courses have been offered and the entry requirements involve accelerated progression prior to undertaking the distinction course. As accelerated progression has been available to students for only one year, the numbers of eligible students for 1994 are naturally limited.

For 1994 nine Government school students and 22 non-Government school students have applied to do distinction courses. The courses are open to all students who meet the requirements of the Board of Studies for accelerated progression and the Board is already aware of very much larger numbers of students who will be eligible in 1995 and beyond.

#### **ENVIRONMENTAL EDUCATION UNIT CHIEF EDUCATION OFFICER**

Mr Aquilina asked the Minister for Industrial Relations and Employment and Minister for the Status of Women representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

- (1) What procedures were followed in appointing Mr David Tribe to the position of Chief Education Officer heading the Environmental Education Unit announced by the Minister on 3 November 1993?
- (2) What procedures have been followed in appointing other CEO positions in the current restructuring of the State Office of the Department of School Education?
- (3) What are the reasons for any differences in these procedures?

Answer -

(1) I announced on 3 November 1993 that an Environmental Education Unit was to be established in the Directorate of Specific Focus Programs of the Department of School Education.

I also announced that the unit would be led by a Chief Education Officer.

I also indicated that "during its establishment phase" the unit would be led by Mr David Tribe, Principal of Manly Vale Public School, who has a national and international reputation in environmental education.

Mr Tribe has been assigned the short term task of establishing the unit. Arrangements have been made at Manly Vale Public School to cover Mr Tribe's absence during term 4, 1993.

When the nature, scope, size and function of the unit have been established, the position of Chief Education Officer Environmental Education will be filled substantively as set out in (2) below.

(2) Where a decision is made to substantively fill a chief education officer position, consideration is given to the appointment of any displaced permanent chief education officer or senior executive service officer who expresses an interest in the position and has the necessary skills and experience as specified in the essential and desirable criteria for the position.

If the position is not filled through the appointment of a displaced officer the position is advertised in the personnel bulletin section of *School Education News* and filled through the merit selection process. Should the Department deem it appropriate to do so, the position may also be advertised in the external media.

(3) The differences in the procedures relate to the fact that the Chief Education Officer in the Environmental Education Unit has not been substantively filled.

### **CAHILL EXPRESSWAY DEMOLITION**

Mr Langton asked the Premier and Minister for Economic Development -

With regard to the proposed committee to examine proposals to demolish the Cahill Expressway -

- (1) Who is on the committee?
- (2) What are its terms of reference?
- (3) Will the committee be producing a public report?
- (4) If so, when is that report expected?
- (5) Are any preliminary reports available, and if so, will the Premier table them?

Page 6345

(33)Answer -

(1) The task force for the redevelopment of Circular Quay is chaired by the Capital Works Unit of the Premier's Department and consists of representatives from the Departments of Planning, Transport, and Public Works, the State Transit Authority, CityRail, Roads and Traffic Authority, Maritime Services Board Waterways, Property Services Group, Treasury and Sydney City Council.

(2) The terms of reference for the task force are to undertake and report on the feasibility of a number of options for the redevelopment of the Circular Quay precinct.

(3) No. It reports to the Capital Works Sub-Committee of Cabinet.

- (4) Not applicable.
- (5) Not applicable.

### SOUTHERN ESTUARY PACIFIC OYSTER CONTROL

Mr Martin asked the Minister for Agriculture and Fisheries and Minister for Mines -

- (1) What are the total human and financial resources allocated by NSW Fisheries to the control of pacific oysters in southern estuaries?
- (2) Does he consider the control of pacific oysters beyond the economic capabilities of the oyster industry in Pambula, Wagonga Inlet and Crookhaven/Shoalhaven?
- (3) Will he instruct the Department to urgently review noxious fish legislation with a view to alleviating the hardship being experienced by oyster farmers in Wagonga Inlet, Pambula and Crookhaven/Shoalhaven?
- (4) What measures are proposed to prevent the proliferation of pacific oysters in Wallis Lake?

Answer -

- (1) NSW Fisheries currently has 17 fisheries officers located on the South Coast of New South Wales. The total expenditure on their work is approximately \$850,000. Roughly one-quarter to one-third of this is spent on the control of pacific oysters. In addition, the Department operates of pacific Oyster Control Squad which is based in Port Stephens but operates along the entire coast. In the past 12 months they spent approximately two-thirds of their time working on the South Coast, at a cost of approximately \$50,000.
- (2) The Department and many of the oyster farmers in the Crookhaven and Shoalhaven rivers have worked very hard in the past 12 months to clean pacific oysters off the leases in the Crookhaven. While most farmers have cooperated some have not and a number of leases still have large numbers of pacific oysters on them. My department has also organised a number of foreshore clean-ups and also a series of dives by volunteer divers and by navy divers to remove pacific oysters found subtidally in the Crookhaven River. These clean-up campaigns appear to have been fairly effective in local areas. Initially it was thought that the sub-tidal populations of pacific oysters were confined to one area but it now seems likely that additional populations exist. In the Pambula River my department and the majority of oyster farmers have again worked very hard in recent months to remove pacific oysters from their leases. It has been a particularly effective campaign and I am hopeful that the pacific oysters will be able to be controlled in the Pambula River. In Wagonga Inlet the number of pacific oysters have increased rapidly over the past 2 years and my department is currently expending a lot of its resources on trying to control pacific oysters there. The Wagonga Inlet appears to have followed the pattern established in Port Stephens and the Crookhaven River where pacific oyster numbers increased rapidly following a number of years of poor lease management.
- (3) My department is currently reviewing the way it is managing pacific oysters. In essence, my department cannot sustain the level of commitment which it has placed on the control of pacific oysters in the last 2 to 3 years. Neither can industry sustain the cost of focusing so heavily on the clean-up of pacific oysters and neglecting the sale of their own crops. We have to find better ways of managing the pacific oyster problem. My Department has recently held discussions with both major industry associations to discuss their views on how the problem should be managed.
- (4) At this stage pacific oyster populations in the Wallis Lake are controlled through inspection criteria set on leases and controls on the movements of stock into Wallis Lake. Wallis Lake is one of the four largest producing estuaries and farmers there have been very active over the years in controlling the pacific oyster problem. They established a vigilance committee of farmers to inspect one another's leases to ensure compliance with legislation and this type of approach has proven most successful.
- (5) This question should be referred to the Minister responsible for the Environment Protection Agency.
- (6) No.
- (7) Not applicable.
- (8) No, not at this time. My department is already involved in several major research programs relating

to the oyster industry and it does not have the resources to be involved in such a study. If the oyster farmers wish to carry out their own monitoring however, it may be possible for my department to assist in design of an effective monitoring program.

(9) Yes, production in Port Stephens is now markedly less than it was at its peak. Many of the oyster leases, in particular the significant leases, no longer have crops on them and far too many of the leases in Port Stephens are now derelict. My Department is currently discussing the issue of derelict leases with a number of other agencies and with oyster farmers in an attempt to find a solution to this problem.

(10) The plain fact is that if oyster farming is to continue in Port Stephens then farming practices need to adapt to the circumstances. The successful farmers in Port Stephens are already doing this and in many areas they are getting out of stick culture and moving into single seed culture. This change in farming

(34)Page 6346

(35)practices in itself means that they need far fewer leases and a far less extensive area than they did years ago. Any restructure in the industry, will reflect a business decision taken for commercial reasons.

(11) No, all leases will undoubtedly re-evaluate the need for existing leases if and when industry levies for research and quality assurance programs are introduced. Again, the decision to surrender leases or to retain them will be a business one.

(12) The two levies I have proposed to introduce are for research and for quality assurance programs. Both are statewide and both will be based on the leased area held by individual farmers. This is easily the most equitable way to introduce an industry levy.

(13) The oyster industry is divided. Both sides of industry recognise the need for a research program and statewide coordination of quality assurance programs; the only argument is about when the research levy is introduced and about who pays for the statewide coordination of quality assurance programs. In the end, however, it is the industry that will benefit and it is the industry who will pay.

#### **NATIONAL PARKS AND WILDLIFE SERVICE TRUSTS**

Ms Allan asked the Minister for the Environment -

- (1) What trusts does the National Parks and Wildlife Service have responsibility for?
- (2) What are they?
- (3) What negotiations are occurring between NPWS officers and Department of CaLM officers to transfer NPWS trusts to the Department of CaLM?

Answer -

- (1) None.
- (2) Not applicable.
- (3) Not applicable.

#### **DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT MOOREBANK SERVICES AND FACILITIES**

Mr Knowles asked the Minister for Land and Water Conservation -

With regard to the electorate of Moorebank -

- (1) What services and facilities are provided by agencies which operate within his portfolio area?
- (2) How many staff are directly associated with the provision of those services?
- (3) What were the budget projections and actual expenditures on services and facilities for:
  - (a) 1990/91?
  - (b) 1991/92?
  - (c) 1992/93?
  - (d) What are the budget projections for 1993/94?
- (4) What new/additional services and facilities will be provided during 1993/94?
- (5) Where there has been a decline in expenditure from 1990/91, why?

Answer -

(1) State Forests of New South Wales are not involved in the provision of services within the electorate of Moorebank.

The normal services of the agencies comprising the Department of Conservation and Land Management (CaLM) are available to the people of the electorate of Moorebank. Crown Land Services through Blacktown District Office, Soil Conservation Services from Parramatta District Office and the Valuer General's District Office is located in Campbelltown.

The Department of Water Resources (DWR) provides advice as necessary, free of charge to Campbelltown City Council and landholders on a range of water issues.

The DWR also provides joint government grants to council on a 2:2:1 (State:Commonwealth:Council) ratio for flood mitigation works in the Bunburry Curran/Bow Bowing Creek catchment.

(2) CaLM staffing levels that are directly available are Blacktown 43, Parramatta 7, Campbelltown 12.

DWR staff are only directly associated with the electorate of Moorebank to process progress payment claims associated with the flood mitigation works or when called upon to provide advice on other water issues.

(3) It is not possible to isolate figures relating to operations in 1990-91 or 1991-92 owing to the various different accounting systems in operation when the Department of Conservation and Land management was established in 1991.

The budget projections and actual expenditure for 1992-93 were:

Campbelltown	\$284,452-\$351,4
Parramatta	\$251,660-\$259,6
Blacktown	\$1,900,000-\$1,8

For 1993/94 budget projections are

Campbelltown	\$430.160
Parramatta	\$262,000
Blacktown	\$1,810,000

DWR information on expenditure is available only for flood mitigation works:

	Year	Projected	Actual
(a)	1990/91	\$700,000	\$591,800 (A)
(b)	1991/92	\$700,000	\$700,200
(c)	1992/93	\$500,000	\$550,000 (B)
(d)	1993/94	\$800,000	

(Allocation)

(A) Construction of works affected by wet weather.

(B) \$50,000 reallocated from other projects.

(4) CaLM will continue to provide the same level of services as in past years with no new or additional services contemplated.

DWR advise there will be no new/additional services and facilities provided in 1993/94

(5) CaLM advise that here have been no major changes in expenditure provided to the offices for projects of a general nature. The only decline in expenditure is in the nature of salaries due to normal staff movements and voluntary redundancy offered to staff in 1992/93.

The expenditure through DWR on flood mitigation works is dependent on the contribution by council

(36)Page 6347

(37)which must contribute 20 per cent of the annual allocation to match the 80 per cent joint government grant. The DWR is unable to indicate the trend in expenditure in that advice, although no limitations have been imposed.

#### DEPARTMENT OF REGIONAL AND BUSINESS DEVELOPMENT GOSFORD BUSINESS ADVISER

Mr McBride asked the Minister for Small Business and Minister for Regional Development -

- (1) What is the role of the Department of Regional Development's business adviser at Gosford?
- (2) When was the role started?
- (3) On what criteria are staff allocated to regional locations?
- (4) Has he given any consideration to increasing staff numbers on the Central Coast?

Answer -

- (1) I have been advised that the role of the Department of Business and Regional Development's business adviser at Gosford is to:
  - Interview, assess and recommend businesses for financial assistance under the Business Expansion Program and the Regional Business Development Scheme.
  - Conduct New Venture Workshops and presentations.
  - Assist business considering relocating to the Central Coast.
  - Conduct face-to-face interviews and advise clients on the full range of Small Business and Regional Development Programs.
  - Answer telephone enquiries and the implementation of departmental programs.
  - Represent the department on relevant committees and boards.
  - Liaise with other regional officers on the delivery of departmental services.
- (2) January 1990.
- (3) I have been advised that the Department of Business and Regional Development allocates staff to a region based on the appropriate level of service to be provided by the NSW Government. Factors affecting allocation of staff include client needs, accessibility of the region, the industry base, the status of the local economy and the availability of services funded by the private sector and other levels of government.
- (4) I am advised that the Department is considering staff requirements throughout regional New South Wales including the Central Coast, based on the demand for the services offered by the department. It should be noted that the Central Coast region is currently serviced by a small business adviser, based in Gosford, a Business Development Manager and a National Industrial Extension Service (NIES) Industry Adviser based in Newcastle and a Regional Manager, also operating from Newcastle. Staff of the Department of Consumer Affairs provide clerical support at the Gosford office. Additional assistance is supplied by way of the Department's Sydney office in the form of small business advisers and NIES industry advisers.

### **GREAT LAKES COUNCIL COASTAL LAND REZONING**

Mr Martin asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

- (1) Did he issue a section 117 direction to coastal councils on 3 March 1992 that directed councils not to alter, create or remove existing zoning of coastal land unless a Local Environmental Study relating to that land was first prepared and considered by council?
- (2) Is he aware that Great Lakes Council has voted to support a proposal for mixed residential and tourist development on a parcel of land which is currently zoned non-urban?
- (3) Did the department's Sydney office advise the applicant that a statement of environmental effects, not a Local Environment Study, was all that was required?
- (4) Did this advice go against the recommendation of the department's regional office?
- (5) On what basis was the decision made and on whose authority?
- (6) Does the decision contravene both his section 117 directive and the NSW Government Coastal Policy?
- (7) Will he direct your department and Great Lakes Council to comply with section 117?
- (8) Will he advise the applicant that preparation of a Local Environment Study is required?
- (9) Has he or the department given retrospective approval to unauthorised or illegal development?
- (10) If so, what is the criteria under which such approval was given?
- (11) Will he require rehabilitation as a result of future illegal works, or prosecution of the perpetrator of

such illegal 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) Yes.
- (2) Yes.
- (3) Yes.
- (4) Yes.
- (5) and (6) Only a very small proportion of the southeastern corner of the proposed development site lies within one kilometre of the coastline and is therefore affected by the NSW Coast Government Policy. Within this small area, the development concept plan proposes the construction of golf course fairways, an activity which is already permissible with the consent of council under existing zoning. Under these circumstances no practical purpose would be served in requiring the preparation of an environmental study for the development site. Accordingly there is no substantial inconsistency with my section 117 direction regarding the preparation of

(38)Page 6348

(39)environmental studies.

After consideration of all the issues involved, the Director of Planning determined not to direct that an environmental study be undertaken, but advised instead that the council provide supporting documentation which properly addressed a range of strategic planning and environmental issues.

- (7) No.
- (8) No.
- (9) No.
- (10) Not applicable.
- (11) No. If illegal works have taken place, this is a matter for council's consideration.

### **SENIOR EXECUTIVE SERVICE APPOINTMENTS**

Mr Moss asked the Premier and Minister for Economic Development -

- (1) How many persons have been appointed to the Senior Executive Service, since its inception, in each year and in each Department or other Government instrumentality?
- (2) Of the total number appointed, how many were:
  - (a) Employed by the Public Service immediately prior to appointment?
  - (b) Involved with the Private Sector immediately prior to appointment?

Answer -

- (1) Since 1991 details on the number and level of SES officers in each agency is published in the annual report of each agency. I refer the honourable member to those publications.
- (2) (a) and (b) In 1991, an independent report showed that:
  - 79 per cent of SES officers were previously employed in the New South Wales public sector;
  - 21 per cent came from outside the New South Wales public sector, 8 per cent being from the private sector.

Recent sampling indicates that the percentage of officers coming from the private sector is of the same order.

### **DENILQUIN HIGH SCHOOL ABORIGINAL STUDENTS**

Mr Thompson asked the Minister for Industrial Relations and Employment and Minister for the Status of Women representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

- (1) How many Aboriginal students are currently in years 7, 8, 9, 10 and 11 at Deniliquin High School?
- (2) How many Aboriginal students were enrolled in years 7, 8, 9, 10 and 11 at Deniliquin High School in:
  - (a) 1988?
  - (b) 1989?
  - (c) 1990?
  - (d) 1991?
  - (e) 1992?
  - (f) 1993?

Answer -

- (1)
 

Year 7	-	1
Year 8	-	1
Year 9	-	1
Year 10	-	1
Year 11	-	0
- (2) (a) 1988
 

Year 7	-	1
Year 8	-	3
Year 9	-	2
Year 10	-	2
Year 11	-	2
- (b) 1989
 

Year 7	-	2
Year 8	-	1
Year 9	-	3
Year 10	-	3
Year 11	-	0
- (c) 1990
 

Year 7	-	4
Year 8	-	2
Year 9	-	1
Year 10	-	2
Year 11	-	1
- (d) 1991
 

Year 7	-	1
Year 8	-	3
Year 9	-	1
Year 10	-	1
Year 11	-	1
- (e) 1992
 

Year 7	-	1
Year 8	-	1
Year 9	-	3
Year 10	-	0
Year 11	-	1
- (f) Refer to (1).

#### **HOSPITAL ROAD MORETON BAY FIG TREE**

Ms Allan asked the Minister for the Environment -

- (1) Why is the Moreton Bay Fig Tree in Hospital Road at the rear exit of Parliament House in such poor

health?

- (2) Will the tree survive?
- (3) Is this tree any sicker than others of the same type in the Domain?
- (4) If so, why?

Answer -

(1) The roots of this particular tree were severely damaged during the excavation for the extensions to Parliament House. It has been further weakened by an unusually severe infestation of psyllids, insects which attack the leaves of the figs. Psyllid attack combined with heavy rain have affected figs throughout Sydney this year.

(2) The Royal Botanic Gardens is using all its expertise to protect the remaining roots and support the tree and is cautiously optimistic about its future.

(40)Page 6349

(41)Biological control is the only option to combat the psyllid in the long term. Research financed by the Gardens has identified natural predators of the psyllid and application of this research will eventually benefit not only the trees in the Gardens and Domain, but also throughout Sydney.

(3) and (4) All the fig trees in the Domain have been affected by psyllid infestation, but this particular tree is also more vulnerable because of the root damage.

### **FULLERTON COVE SAND EXTRACTION**

Mr Gaudry asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

- (1) Is the sand extraction being carried out by Boral Resources on portion 3, County of Stowe, Coxs Lane, Fullerton Cove, being undertaken with valid development consent?
- (2) If so, when was this consent issued?
- (3) What are the provisions and constraints included in the consent?
- (4) (a) Are copies of the consent document available for public scrutiny?  
(b) If so, where are they available.
- (5) Does the consent permit the removal of forest cover from the said portion?

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) 25 May 1976.
- (3) The Council issued consent subject to the following conditions:
  - (a) The owner of the land supplying Council with a clearance from the Department of Public Works to permit the activity to take place upon the site.
  - (b) The provisions of Council's Tree Preservation Order being complied with in respect to all trees upon the site.
  - (c) Upon completion of the extractive operations the basic ground surface being left in a tidy manner, graded, formed and levelled to the satisfaction of Council and be maintained for a period of 12 months upon completion of extractive operations.
  - (d) That the track to the proposed operation site from the end of the bitumen section of Coxs Lane be maintained in a reasonable state of repair and serviceability by the applicant to the satisfaction of the Shire Engineer.
  - (e) That the applicant erect signs at the entrance to Coxs Lane advising people of the presence and movement of large vehicles.
  - (f) The attention of the applicants is drawn to the provisions of Ordinances 30C and 30D of the Local Government Act, concerning load limitations on council and main roads.

- (g) That the applicants be advised that as this application was lodged with full knowledge of the existence of the Stockton Artillery Range, which has been declared a "danger area" by the Department of Army, Council in granting consent will not accept any responsibility or liability for any death, injury or damage caused to the applicant, his employees, or to the applicant's equipment, which may result in the course of actual operations or clearing up operations.
- (4) (a) Yes.  
(b) Port Stephens Council.
- (5) No. The consent requires the provisions of Council's Tree Preservation order to be complied with.

### **FULLERTON COVE SAND EXTRACTION**

Mr Gaudry asked the Minister for Agriculture and Fisheries and Minister for Mines -

In relation to sand extraction on portion 3, Coxs Lane, Fullerton Cove -

- (1) Did the Department of Mineral Resources agree to development consent for extraction of sand on this portion subject to the return to the Department by the operator of a schedule of mining operations every 6 months from the time of consent showing the extent of the extraction?
- (2) Does the Department have these returns in their possession?
- (3) If so, will they make them available for public scrutiny?

Answer -

- (1) Yes.  
(2) Yes.  
(3) No. However I will consider any specific application that may be made.

### **DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT THE ENTRANCE SERVICES AND FACILITIES**

Mr McBride asked the Minister for Land and Water Conservation -

With regard to the electorate of The Entrance -

- (1) What services and facilities are provided by agencies which operate within his portfolio area?

Page 6350

- (42)(2) How many staff are directly associated with the provision of those services?
- (3) What were the budget allocations and actual expenditures on services and facilities for:
- (a) 1990/91?  
(b) 1991/92?  
(c) 1992/93?  
(d) What are the budget projections for 1993/94?
- (4) What new/additional services will be provided during 1993/94?
- (5) Where there has been a decline in expenditure from 1990/91, why?

Answer -

State Forests of New South Wales is not involved in any activities within The Entrance electorate.

- (1) Within The Entrance Electorate, the Department of Water Resources (DWR) provides advice as necessary, free of charge, to councils, organisations and individual landholders from its regional office, located at Muswellbrook, on a range of water issues, such as:

- licensing of works of water supply such as dams, pumps, levees and bores;
- excavations within streams and on streambanks;
- streambank erosion; and
- environmental impact statements and other planning instruments such as local environmental

studies and plans.

The normal services of the agencies comprising the Department of Conservation and Land Management (CaLM) are available to the people of the electorate of The Entrance. Crown Land Services are provided from Maitland District Office, Soil Conservation Services from the Gosford District Office. The Valuer General's District Office for the electorate is located at Gosford.

(2) DWR staff are only directly associated with The Entrance when called upon to provide advice on the abovementioned water issues.

Staff levels for CaLM that are directly available are - Maitland (Crown Lands Services) = 37, Gosford (Soil Conservation Services) = 5, Gosford (Valuer General's Office) = 12. Staff from these offices provide a full range of professional, technical and clerical services.

(3) The DWR has provided grants to Wyong Landcare Group for streambank protection works, as follows:

	Year	Allocation
(a)	1990/91	Nil
(b)	1991/92	Nil
(c)	1992/93	\$25,000
(d)	1993/94	\$30,000

CaLM advise it is not possible to isolate figures relating to the operation in 1990/91 or 1992/93 owing to the different accounting systems in operation when the Department of Conservation and Land Management was established in 1991.

The budget projections and actual expenditure for 1992/93 were:

	Budget	Expenditure
Maitland (Crown Lands Service)	\$1,219,000	\$1,261,047
Gosford (Soil Conservation Service)	\$153,185	\$151,987
Gosford (Valuer General's Office)	\$519,000	\$487,951

For 1993/94 budget projections are:

Maitland (Crown Lands Service)	\$1,224,646
Gosford (Soil Conservation Service)	\$158,941
Gosford (Valuer General's Office)	\$498,400

(4) There will be no new/additional services and facilities provided in 1993/94 by DWR.

CaLM advise all areas will continue to provide the same level of services as in past years, with no new or additional services contemplated.

(5) DWR advise not applicable. Advice on the range of issues raised in answer (1) has always been available on request and the DWR is unable to indicate the trend in expenditure in that advice, although no limitations have been imposed.

CaLM advise there have been no major changes in expenditure provided to the Offices for projects of a general nature. The only decline in expenditure is in the nature of salaries due to normal staff movements and voluntary redundancy offered to staff in 1992/93.

#### **INDEPENDENT COMMISSION AGAINST CORRUPTION KAPINSKI COMPLAINT**

Mr Martin asked the Minister for Land and Water Conservation -

Is he aware that the ICAC Media Manager has advised that Mr Kapinski's complaint will be considered by the Operation Review Committee in December and a decision will be made at that time as to whether the ICAC will proceed with an investigation?

Answer -

No.

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