LEGISLATIVE ASSEMBLY

Thursday, 17 March 1994

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

Mr Speaker offered the Prayer.

PRIVATISATION OF CORE GOVERNMENT SERVICES BILL

Bill introduced and read a first time.

Second Reading

Mr HATTON (South Coast) [9.1]: I move:

That this bill be now read a second time.

This is a simple piece of legislation based on a simple democratic principle: public assets paid for by the public belong to the public of New South Wales, and their sale out of public ownership to private enterprise is cause for public concern. I am not blindly ideologically opposed to the sale of some government assets. For example, I voted in favour of the sale of the Government Insurance Office, although I confess to some concerns in this regard. Third party motor vehicle insurance is now overpriced in relation to the compensation claimable by the vast majority of accident victims. Perhaps the continued involvement in the market-place of a publicly owned GIO, despite some grave inefficiencies, may have mitigated the rise.

Similarly, I am actively considering, together with my Independent colleagues, the proposal by the Government to sell the State Bank. Although not being ideologically opposed to this sale, I recognise that there is a role for governments in banking. This is clearly the case at the Federal level. At the State level matters such as housing and possible use of the State's triple-A credit rating have some advantages, but the risks must also be recognised, as demonstrated by the case of the State Bank of Victoria. Another concern is the capital inadequacy of the State Bank, its inability to compete in the market-place, and the unlikely injection, by government, of necessary major capital. In that case I am also concerned about the fate of the bank employees.

I am solidly opposed to the sale of core services - such as public education, electricity, public hospitals and water as defined in the bill - to private, sectional, religious or charitable organisation interests. Any such proposal causes me serious alarm. My alarm is shared by countless people throughout the State. I confidently predict that had the intention of the Liberal-National parties been made clear in the case of privatisation of public hospitals, the Greiner Government would certainly not have been re-elected to office. Should I be accused of putting up a strawman with the possible privatisation of education, let me emphasise that I, in the company of many others, could not have imagined in my wildest dreams that a State government would sell off a public hospital. Not only did this happen, but it happened in such a way as to create a private enterprise monopoly in a major and fast growing country area such as Port Macquarie, where the only two hospitals in the town, including the base hospital, for the services of the Hastings area are in the hands of Mayne Nickless.

It is of grave concern that details of the service contracts have remained confidential, not accessible even to the expanded Public Accounts Committee, of which I was a member, formed for this express purpose. I had given considerable thought to whether I would include police on the list. Although that is a remote possibility, it is certainly a matter that has to be put beyond question, even though I did not finally include it in the list of referendum questions. Already private sponsorship in the police force is a retrograde step that could interfere with the theory of purity of the law enforcement process.

Not long after the last election, when the health portfolio was split between Ministers Phillips and Hannaford, at a meeting held with the three Independents we were confidentially told by both Ministers that the Government was looking forward to $1.5 billion worth of privatisation of public hospital services in New South Wales. The three of us reacted with horror. The campaign against the privatisation of Port Macquarie hospital is legendary and is still being fought in the trenches, even as the new hospital building is approaching completion. The problem of privatisation of community health services at Port Macquarie has not been solved, those services being attached to the hospital. Community health services per se are not included in the bill, and this is cause for concern for the honourable member for Manly, who may move an amendment to the bill.

The Government makes no secret of its plans to privatise electricity generation and supply and to corporatise the Water Board. I recognise the clear distinction between corporatisation and privatisation. Corporatisation has a place in public enterprise. It is a way of clearly defining profits and losses and properly apportioning costs. Therefore, it is an important tool in striving for efficiency in public enterprise. But I recognise also that corporatisation is one step away from privatisation, should the Government decide to take that path. Heaven forbid that we should see public education privatised. Yet we have already seen the move towards hamburger schools with private enterprise sponsorship. This is causing a great deal of concern to parents, teachers and the public generally. It is difficult, when schools are strapped for cash, to ensure that sponsorship does not constitute improper influence or have improper effects. If confectionery manufacturers, for example, became involved in sponsorship, it could have an inappropriate effect in regard to diet and health. Much worse examples could be given.

Governments need to understand that the services paid for by the public belong to the public. This is very clear in the case of electricity distribution. It is the consumers who have paid for the distribution network, the power generating stations, the buildings and the wages of the employees. A democratic structure throughout the electricity industry gives citizens a right to expect consultation if undertakings are to be sold. After all, the assets belong to the consumers, paid for individually by them through electricity bills. In rural and provincial New South Wales, citizens have a vote and therefore a say in the management structure of electricity authorities. The identical situation applies to water and sewerage. For the purposes of simplicity in putting referendum questions, the list of possible core services that could be privatised is confined to four: public education, electricity, public hospitals, and water.

That public hospitals should remain in public ownership, one would have thought, is axiomatic, as it is a way of guaranteeing universal access to health care, irrespective of income. I am seriously alarmed by the financial squeeze that is being put on the public hospital system. There was waste and inefficiency in the public hospital system, and it had to be addressed. The financial constraints, however, are so great, and the situation now so serious in New South Wales, that many public hospitals are at breaking point - waiting lists are long, essential maintenance of hospital buildings and grounds and essential patient services are being curtailed. The capital shortage is extreme. The recurrent funding is a disaster. The Government's answer is forced privatisation. This is the strategy. It was the threat that capital will not be made available, that recurrent funding will be continually cut, that forced doctors attached to the Port Macquarie hospital to reluctantly agree to privatisation.

In evidence before the committee, of which I was a member, at its sittings at Port Macquarie, doctors

said, without a dissenting voice, that if they thought there was any alternative they would not agree to privatisation of the Port Macquarie public hospital. The financial squeeze on Hawkesbury Hospital, similarly, is being used as an excuse for privatisation. In the latter case it will be taken over by the Uniting Church. Few would question the idealism and commitment of the Uniting Church. However, many question the principle of a sectional religious group owning and running a public hospital. In the case of the threatened privatisation of Liverpool Hospital, I met with doctors and specialists from there to discuss possible effects of the takeover of that public hospital by the Catholic Church. Similarly, I would not question the motivation of the church.

The Government is playing with a ticking bomb. People have strong views on the question of privatisation of core services. There is a very strong sense of ownership and identification with the public hospital system. Millions of dollars have been raised by charities and individuals, together with bequests and donations, in support of the public hospital system. Public hospitals are revered institutions. The Government would have gone ahead with its mass hospital privatisation plan if it had been elected with an absolute majority. If it is returned with an absolute majority, it can be expected that a considerable number of public hospitals will be privatised, as will the generation, if not eventually the distribution, of electricity and the delivery of water to consumers.

The purpose of this bill is plain and simple. Four separate questions are to be proposed at a referendum to coincide with the next general election on 25 March 1995. The referendum question will be: Are you in favour of the privatisation of water, electricity, education and public hospitals? It will not be put in global form; it will be in four separate questions. The question will be put so that people will have a choice. Some people may support privatisation of one of the four services, as defined, and yet not another. This bill does not prevent privatisation in the interim prior to the holding of a referendum. However, the Government should not embark on this path. As one of the three Independents holding the balance of power, I will do all I can to prevent privatisation of core services. I also appeal to the honourable member for Tamworth to do the same in his commitment to referendum questions; he should be committed to this path. This is a democratic path and an important one.

The Premier has complained about Independents being a handbrake on government. There are hundreds of thousands, if not millions, of people who are grateful for this brake on power, particularly in regard to privatisation of core services. This is especially so in the privatisation of public hospitals. Even in the most conservative electorates that is met with fierce resistance. I indicate that so far as the electorate of South Coast is concerned, the vast majority of people in the Shoalhaven area, despite the crippling shortage of funds for Shoalhaven and Milton hospitals under the policies of this Government, will fight any attempts to privatise. It would simply result in me, as the local member, being re-elected with an overwhelming majority and the Liberal candidate being electorally destroyed. I am confident of that.

I now move to the specific provisions of the bill. The bill is known as the Privatisation of Core Government Services Bill. It is a bill for an Act to provide for a referendum in relation to the privatisation of core government services. It provides that a referendum must be held to determine whether the people approve of the privatisation of any of the following government core services: public education, electricity, public hospitals and water. The bill is to commence on the date of assent and contains the following provisions:

4. The following questions are to be submitted to the persons entitled to vote at the referendum:

    1. Are you in favour of the privatisation of public education?

    2. Are you in favour of the privatisation of electricity?

    3. Are you in favour of the privatisation of public hospitals?

    4. Are you in favour of the privatisation of water?

The referendum under this Act is to be held on the day appointed for the taking of the poll at the next general election of members of the Legislative Assembly. The Governor is to issue a writ for the referendum accordingly. The entitlements to vote are the same as for the poll in general. Clause 8 lays down the meaning of the result:

> For the purposes of the referendum under this Act the voters who approve of any of the referendum questions are voting in favour of privatisation of the core government service to which the question relates, as explained in Schedule 1.

Legislation and administrative action not affected by referendum result

> 9. (1) The referendum result does not invalidate any legislation enacted before or after the date of the referendum.
>
> (2) The referendum result does not invalidate any administrative action taken before or after the date of the referendum.

There are some concerns in this regard about the proposed privatisation of the Hawkesbury Hospital. The Opposition spokesperson, the Deputy Leader of the Opposition, has mentioned that to me. The bill continues:

Regulations

> 10. The Governor may make regulations, not inconsistent with this Act, for and with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for giving effect to this Act.

Schedule 1 under the heading "What it means to be in favour of privatisation" provides:

> 1. A voter who votes in favour of the privatisation of a core government service is taken to be in favour of any transaction or series of transactions by which:
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> (a) 25% or more of the issued shares in a relevant public authority providing the service are transferred to a person who does not hold them for and on behalf of the State; or
>
> (b) 25% or more of the undertaking of a relevant public authority providing the service is transferred to any private person for operation by that or any other private person; or
>
> (c) any private person is charged with the management of the provision of 25% or more of the undertaking of a relevant public authority providing the service.

Definitions

> 2. In this Schedule:
>
> **"assets"** includes rights and liabilities:
>
> **"core government service"** means any of the following government services:
>
> (a) public education;

(b) electricity;

(c) public hospitals;

(d) water;

"education authority" means the Department of School Education or any government school:

"electricity authority" means any person engaged in the supply of electricity to the public or in the generation of electricity for supply, directly or indirectly, to the public, whether by virtue of any statute or any franchise agreement under any Act or otherwise, and includes the Electricity Commission;

"government school" means any school established under Part 6 of the Education Reform Act 1990;

Other definitions in the bill read:

"private person" means any person other than:

(a) the Government; or

(b) a public or local authority (including a relevant public authority and a state owned corporation); or

(c) a public employee or other person or body acting in an official capacity on behalf of the Government or any such public or local authority;

"public hospital authority" means an area health service constituted under the Area Health Services Act 1986 or an incorporated hospital or separate institution within the meaning of the Public Hospitals Act 1929 or (in relation to a hospital mentioned in the Fifth Schedule to that Act) the Minister for Health;

"relevant public authority" means:

(a) in relation to the provision of public education - the Department of School Education or a government school; and

(b) in relation to the provision of electricity - an electricity authority; and

(c) in relation to the provision of public hospitals - a public hospital authority; and

(d) in relation to the provision of water - a water authority;

"undertaking of a relevant public authority" means:

(a) in relation to an education authority - the assets of the authority relating to the provision of free public education to school-aged children; and

(b) in relation to an electricity authority - the assets of the authority relating to its systems and services for supplying electricity in its area of operation or for generating electricity; and

(c) in relation to a public hospital authority - the assets of the authority relating to the provision of any medical, nursing, diagnostic, dental or paramedical services (including any preventative health services provided by a hospital) to an in-patient who is a public patient within the meaning of the Health Insurance Act 1973 of the Commonwealth; and

(d) in relation to a water authority - either or both of the following undertakings of the authority:

(i) the water undertaking (that is, the assets of the authority relating to its systems and services for supplying water in its area of operation);

(ii) the sewerage and drainage undertaking (that is, the assets of the authority relating to its systems and services for providing sewerage or drainage services in its area of operation);

"water authority" means the Water Board, the Hunter Water Corporation Limited or any other public or local authority providing similar water, sewerage and drainage services in an area of the State.

So it is designed to cover all country water supply through the non water board type structure. This is an important piece of legislation. It should be supported by all who believe in the fundamental tenets of democracy and the delivery by government of core services. I ask for the full support of the major parties. I trust my fellow Independents and the Hon. Elaine Nile, Reverend the Hon. F. J. Nile, the Hon. R. S. L. Jones and the Hon. Elisabeth Kirkby will support this bill in recognition of its fundamental importance to the health and welfare of the citizens of New South Wales. I commend the bill to the House.

Debate adjourned on motion by Mr Downy.

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BUSINESS OF THE HOUSE

Order of the Day

Lapsed Crimes (Republican Debate) Amendment Bill restored as an order of the day for tomorrow on motion by **Mr Scully**.

HOSPITAL DEVELOPMENT PROJECTS REVIEW BILL

Bill introduced and read a first time.

Second Reading

Mr HATTON (South Coast) [9.20]: I move:

That this bill be now read a second time.

The privatisation of public hospitals and public hospital services is, beyond doubt, a vexed and contentious question. The vast majority of the people of New South Wales have a fierce loyalty to and a sense of ownership of public hospitals. The support for the public hospital system manifests itself in many ways: the raising of millions of dollars through the United Hospitals Auxiliary Movement Fund provided by churches and charities, individual bequests and donations, involvement of staff and hospital support groups in fundraising; voluntary visiting services; and provision of equipment and comforts to patients. There is a sense of outrage when governments fail to adequately fund public hospitals, wind back their services or close them down. The hospital coalition lists 25 hospitals in New South Wales that have either been closed down, privatised or marked for privatisation, partly closed, or where services have been seriously curtailed. This, to me, is an absolute public outrage.

Though it is recognised that hospitals are only part of a health delivery system, it is widely accepted that they are a key element in that system and are there to ensure the equality of access to the health

system through patient and inpatient services for the people of New South Wales. The privatisation of Port Macquarie hospital is a classic example of the sense of outrage that citizens felt when their only public hospital was, in effect, sold off to a private enterprise - to be owned and operated by Mayne Nickless, which owns and controls the only other hospital in the town of Port Macquarie. The result is that hospital services, including the base hospital which services the Hastings Valley, are to be owned by private enterprise in a monopoly situation. Even though the contracts have been signed and the hospital is nearing completion, public meetings of protest in Port Macquarie still attract hundreds of people - 300 and 400 people at a time.

Clearly, the examination of the service contract for the privatisation of the Port Macquarie public hospital was a charade. As members of the expanded Public Accounts Committee, my colleagues and I were not aware of the detail of the financial implications of the service contract. Very early in the examination sets of figures were waved before us. We did not have proper time or facility to examine and analyse them. We could not call in consultants. Obviously we could not memorise the figures, and we could not take away copies of them. These figures underwent changes and we were not privy to them. Attempts to delay the signing of the contract so that the Public Accounts Committee could properly examine the service contract failed. The Government used its numbers to ram through the project, so that it could be announced on the Sunday of that very week.

Since then a significant development has occurred. The Public Accounts Committee's report on government infrastructure recommends, among other things, that once contracts are signed, the details become public. The details of the Port Macquarie hospital contract have still not been made public, and I am outraged by that. Millions of dollars of public money - in the vicinity of $4 million in service contracts - are being paid to a private company, the Australian subsidiary of Mayne Nickless, a company that does not have a good track record and has been criticised in many places; and we still do not know the provisions of these contracts. The spurious excuse of their being commercial in-confidence is used; and it is about time that mask was dropped. The Public Accounts Committee, never mind the general public and the citizens of Port Macquarie, is still in the dark.

The Government introduced an almost identical bill to this one. After the initial furore over Port Macquarie, the Government recognised that the Public Accounts Committee should examine contracts and proposals for public hospital project development and ownership by private enterprise or sectional interests. It recognised that the process should be enshrined in law. I commend the Government for that. I solidly agree with it, and that is why this bill in many ways is identical with the bill presented by the Minister for Health. An amendment to that bill presented by the health Minister at that time provided for compulsory sanction by Parliament of the sale by government of public hospitals. When the Government recognised that, at least in the lower House, it did not have the numbers to prevent an amendment to that bill, the bill was withdrawn. Hence, I introduce this bill today, incorporating parliamentary sanction.

This bill not only provides for the examination and review of hospital development projects by the Public Accounts Committee, but also provides that such projects require the sanction of both Houses of Parliament before the services can be privatised. Although the services contract which privatised the public hospital at Port Macquarie passed through the lower House by a majority of one vote, the resistance to it was so fierce and the publicity so damaging that the Government introduced a bill to provide for scrutiny by the Public Accounts Committee of similar proposals. I recognise the distinction between a private for profit company owning a public hospital and the takeover of ownership and management of a public hospital by a church or charity. But I am opposed to both.

I draw attention to the sense of absolute outrage and the grave concern felt by specialists and doctors at Liverpool Hospital when it was mooted by this Government that the Catholic Church would be taking over the hospital, a base hospital which services a population greater than the entire State of Tasmania. Doctors had worked so hard for the hospital and planned to integrate a family medicine and

community health program covering the whole of the Liverpool area. There is no doubt in my mind that at the last election had the Greiner Government announced it was going to privatise major public hospital services or public hospitals, it would not be in office today. It was a sleight-of-hand trick and that is the whole point of the previous bill.

People have a right of say. If Government members have the courage, and if this is what they want to do, they should say to the people of New South Wales on 25 March 1995, "We are going to privatise a number of public hospitals. We are going to privatise water, and we are going to privatise electricity". I am confident they would be swept out of office by an overwhelming vote. I am in close touch with what is generally a conservative electorate and I know what the reaction would be. Had the Government said this at the last election, it would not even have its tenuous hold on power - with the Government relying on the support of the Independents - because the Government would not be in office. It is the Independents, together with the Opposition in this Parliament, that have put the brake on wholesale privatisation of core services, including public hospitals; and of that we feel justly proud.

Debate interrupted pursuant to sessional order, and resumption set down as an order of the day for tomorrow.

INDUSTRIAL RELATIONS (SICK LEAVE) AMENDMENT BILL

Second Reading

Debate resumed from 28 October 1993.

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.30]: The Government is of the view that when legislation is introduced it should be clear, precise and able to be understood. The same criteria apply to any amendments the Opposition chooses to introduce. It is clear that the bill did not satisfy the requirements of the Government in terms of being clear, precise and easily understood, because this bill seeks to amend the bill as previously amended by the Opposition some time ago, that is, the Industrial Relations (Sick Leave) Bill. The Government introduced a bill which was clear and precise. All honourable members understood what it meant. The Opposition then sought to amend it and in doing so it has created grave uncertainty about the operation of the original bill.

The bill is the direct aftermath of the successful amendments which were moved by the Opposition during the passage of the Government's Industrial Relations (Sick Leave) Amendment Act 1992. Honourable members will recall that the Act, which came into effect on 15 February 1993, outlawed the practice under New South Wales awards and former industrial agreements of employees being permitted to take the monetary benefit of untaken accumulated sick leave either on termination of their employment or at any earlier time. The Hon. Jeff Shaw, in leading for the Opposition in opposing the 1992 bill in the other place, made certain disparaging comments concerning the Government's intentions. I refer honourable members to the relevant *Hansard* of 15 October 1992, where the following sanctimonious remarks of the Opposition shadow Minister for industrial relations are recorded. He stated:

> The bill is a prime example of the Government's incompetent industrial relations policy formulation.

He continued:

> The policy has simply not been adequately thought through.

He stated further:

> Labor Party backbench members have been deluged with expressions of concern . . . It is quite

unfair and inappropriate that people should have that worry about the future.

The Government took much satisfaction in having the sick leave cashing-in practice legislatively prohibited. It was a lucrative privilege totally inconsistent with the equitable principle that sick leave entitlements are meant to cater for genuine illness and should not be used to financially reward someone for being fit and healthy during a term of employment. Prior to the legislative prohibition there were very few arbitrated decisions authorising this cashing-in practice. Generally its existence was the subject of cosy consent awards and agreements. Indeed, the Government's policy stance with the 1992 Act was quite specific, and it stands by that view. Sick leave should only be used when one is sick. It is not an additional payment which can be accumulated over time and used as a cash bonus at the end of one's employment.

It should be acknowledged that the whole intent of sick leave is to provide for those who are genuinely ill, and the Government has no objection to that. It is entirely appropriate that sick leave should be available for those who are genuinely ill; it should not be used in any other way. The Opposition, in its view of the provisions introduced by the Government, has got it wrong. In attempting to amend the Act, the Opposition has turned it into an incredible mess. I do not think it realised that the mess would be quite as severe as it has turned out to be.

The Hon. Jeff Shaw said the Labor Party changes to the Government's 1992 bill "have clearly proven to be not adequately thought through. They represent incompetent policy formulation and have resulted in much uncertainty and worry for affected employees". In other words, the Labor Party has bungled. The Government acknowledges that is something the Opposition has tended to do regularly in recent times. It cannot seem to get it right. It is

up to the Government to sort out the mess that the Opposition has created. The Opposition has bungled, and has now decided to try to fix it, so it has introduced yet more legislation.

Section 99A(5) is intended to guard against retrospective operation of the prohibited practice. By resort to a two-step arithmetical calculation expressed in the subsection, the safeguard is intended to work to ensure that employees' existing stocks of cashable sick leave as at 15 February 1993, the legislative commencement date, will be preserved so as to represent a maximum figure for eventual payment on termination of employment. Indeed, the safeguard stipulated that such preserved leave must be reduced by the number of any future sick days taken after exhaustion of an employee's later grants of sick leave credits.

This intricate subsection (5) provision is the direct handiwork of the Opposition. This is Labor's brainchild, the result of complex legal discussion and argument by Jeff Shaw and perhaps other legally qualified members of the Opposition such as the honourable member for Granville and the honourable member for Auburn. However, it has not worked. In fact, it has turned into a bit of a joke. It may well be that certain award peculiarities relating to the sick leave cashing-in provision have been brought to the attention of the honourable member for Granville. I am also aware of certain injustices wrought by the application of the Opposition's subsection (5) formula.

I refer to award sick leave cashing-in provisions involving two types of situations. First, provisions whereby an employee must have served, say, 20 years with an employer before being able to take the monetary benefit of unused sick leave credits on eventual termination of employment and, second, provisions referring to a threshold age - for example, in some instances 55 years - before the unused sick leave may be cashed in on termination of employment at that or a later age. To demonstrate the inadequacy of the Opposition's subsection (5) formula in such situations, I wish to illustrate two case examples.

Consider an employee who was 54 years of age and had 30 years employment service at 15 February 1993, or an employee who had worked at an establishment for 19½ years only at that date. A

strict literal approach to interpreting the words of the subsection (5) formula - sponsored, I repeat, by the Opposition and introduced into legislation by it - would mean that an employee who had not reached the award conditional requirement as at the operative date, 15 February 1993, would, under the notional terminational requirement of the step two calculation, be entitled to nil monetary benefit upon actual future termination.

Because of the Labor Party's incompetence, because of the way it has prepared this formula, these people miss out. The Government has no information about how many employees would be disadvantaged. There has been no empirical information from the honourable member for Granville, and the Government is of the view that the numbers affected would be quite small. However, perhaps the honourable member for Granville would like to inform the House of his own research into this matter, if he chooses to speak in reply. Turning to the bill introduced by the honourable member for Granville, section 99A(5) of the Industrial Relations Act is sought to be amended by the inclusion of words in the transitional formula which will render the prohibition on sick leave cashing in totally non-retrospective in the cases I have highlighted. I do not intend laboriously taking honourable members through examples to indicate how the Opposition's revamped proposal will work.

Mr Hatton: Can we vote on that?

Mrs CHIKAROVSKI: That is up to the honourable member. It is up to the red-faced members opposite to explain their gaffe; to explain how their incompetent policy formulation ended up in this situation. Opposition members will be the ones required to relieve certain employees' worries about the future. They are the ones who will have to admit that the consultation they have engaged in over the last 12 months should have properly occurred before they put their ill considered amendments to the Government's 1992 bill. Suffice it to say that the Government believes, through its assessment of the Opposition's proposed amendment - despite the blatant absence of any detailed or specific explanation of the intended provision by the honourable member for Granville in his second reading speech when introducing the bill - that the Opposition's amendment would serve to undo the perceived harm of the present provision.

I ask the honourable member for Granville: is he now confident that the Opposition's subsection (5) formula guarding against retrospectivity is fully workable? How many more quaint award provisions will come to notice in the next few months to justify another Industrial Relations (Sick Leave) Amendment Bill in, say, the 1994 autumn session or beyond? Is the Parliament to be subjected to periodic conscience legislation to cover up for the Opposition's policy and legislative failings? On the basis that Government backing for such corrective legislation by the Opposition cannot, as a matter of principle, be expected as other award peculiarities affecting sick leave cashing-in rights may be uncovered, the Government cannot in this instance support the bill before the House.

I said at the beginning of my speech that the Government is firmly of the view that the prohibition on sick leave cashing in should not be relaxed. Moreover, the Government holds to the view that the operation of the prohibition from a set date, however arbitrary, is justified in the circumstances. The policy decision behind the cashing in of sick leave and the prohibition on such a policy is right. We must maintain that view; we must accept that sick leave is for those who are genuinely ill, for those who need to take time off work because of ill health. Sick leave is not meant to be, and should not be, some sort of cosy bonus available to people at the end of their

working life. We encourage people - employers in their work practices, employees in negotiations with their employers - to formulate conditions of employment that suit them.

The Government has introduced an Industrial Relations Act which allows discussion about conditions of employment, and allows flexibility in those discussions of employment. In all that we need to stand by some principles, by some solid beliefs. That sick leave should be available to those who are genuinely ill is one of those beliefs. We will not resile from the fact that we believe the policy is right. We will stick by

that. We took that decision and we will maintain that position. We are absolutely of the view that employers and employees discussing their working conditions are entitled to have flexibility, but they are not entitled to use conditions which are genuinely available for a particular condition, such as health, in any other way. We oppose the bill for the reasons I have given. I ask members opposite to explain to the House and the community why they have got it all wrong in the first instance.

Mr NAGLE (Auburn) [9.44]: I have never heard so much nonsense emanate from the Minister for Industrial Relations and Employment and Minister for the Status of Women as I have just heard.

Mr Kerr: Absolute rubbish.

Mr NAGLE: I agree with the honourable member for Cronulla: what the Minister had to say was rubbish. The Minister wrote a letter to Mr John Robertson, the industrial officer of the Labor Council of New South Wales. I will quote from the letter in which the Minister defines the legislation. The second paragraph of the Minister's letter states:

> As you are aware, Section 99A(5) "preserves" employees' entitlements to payment for untaken sick leave accrued under an existing provision of an award or industrial agreement. Section 99A(8) defines an existing provision as a provision in an award which existed before 15 February 1993 (the commencement date of Section 99A) and which allows an employee to cash-in accumulated sick leave on termination (whether by resignation, retirement, death or otherwise).
>
> Therefore, at the time of ceasing employment -

That is underlined in the letter, which continues:

> - an employee must satisfy the requirements of the existing provision (e.g. resignation, retirement, death, attaining a certain age or length of service).
>
> Section 99A(5) also provides a formula to calculate the amount of untaken sick leave that may be cashed-in.

The Minister then refers to step 1 and step 2 of the formula. The letter continues:

> In summary, the following procedure, should be used in the application of Section 99A(5):
>
> * at the time of ceasing employment, an employee must satisfy the requirements of the existing provisions of the award or agreement, otherwise there is no entitlement to cash-in untaken sick leave. If the employee satisfies those requirements, the number of days (or other periods) of untaken sick leave has to be calculated (Step 1);
>
> * if an entitlement under Step 1 exists, then a further calculation (which determines the amount of untaken sick leave accrued prior to 15 February 1993) must be made under Step 2; and
>
> * the lesser of the amounts calculated in Steps 1 and 2 is the number of days (or other periods) that may be cashed-in.

That letter is signed by the Minister for Industrial Relations and Employment and Minister for the Status of Women - it is a bit of a scribble, but we believe it to be her signature. The Minister has not disowned the letter, which is dated 30 June 1993. The Minister is very sensitive. The last paragraph of the letter states:

> I trust that the above advice has clarified the correct application of Section 99A. Consequently, I do not consider that any good purpose would be served in arranging a meeting.

Because there was a bit of a hiccup with the legislation one would have thought that a responsible Minister in a responsible government would say, "We are not going to see the workers of New South Wales ripped off. Parliament has already approved this legislation; this is a way of clarifying a misinterpretation". One would have thought that this responsible Minister would have said, "Yes, this will go through without much problem. We will agree to all this". The Minister's whole defence is that the Opposition made a mistake when it introduced the amendment. That is why she is opposing it, not because of bad health and people die or are sick and want to accumulate their sick leave. The Minister does not want to help anyone. The Minister's famous comment when someone begged her to help them when they were losing their home was, "That type of argument does not cut mustard with me". That is the type of Minister we have in this House.

All the Minister had to say was that the Industrial Relations (Sick Leave) Amendment Bill aims to clarify what may be a misinterpretation without the cost of taking it to court and arguing the case. Section 99A of the Industrial Relations Act 1991 is amended by inserting after the words "that commencement" in step 2 in subsection (5) the words "and all conditions in the existing provision that had to be satisfied before accumulated sick leave could be paid to the employee (as, for example, attaining a specified age or completing a specified period of employment) were satisfied". That is how simple it is. That would rectify the whole problem. We are talking about people who are reaching 55, who have served their bosses for many years, accumulating sick leave. That was the agreement.

People were encouraged not to take their sick leave, even if they were sick, and to continue to work because the sick leave would accumulate and at the end of the day when they retired or died that money would go to them or to their family. That is the situation with regard to this bill. The Minister wrote a letter and one would assume, because of the way the Minister explained it, she is sympathetic to the problem. Unscrupulous employers are trying to use the loophole to get out of their obligations.

Honourable members should remember it was the intention of the Parliament that these workers would be able to cash in their accumulated sick leave or if they died their families would be able to be paid for the accumulated sick leave based upon the industrial award or agreement that existed. That was the intention of the Parliament. The legislation was proclaimed by the Governor and it became part of the Industrial Relations Act.

It appears that some unscrupulous employers are placing their own interpretation on the Act. The Minister said, "You made a mistake in the drafting, that is why the Government will oppose this legislation". The Minister is not saying that it would be right for the Government to support this legislation and that the men and women under these awards have the right to accumulate sick leave and are entitled to claim it. The Minister is saying, "We will oppose this legislation because the Labor Party got it wrong when it moved the amendment in the first place". What a disgrace for a responsible Minister and a responsible Government in New South Wales!

Mr Kerr: Should she resign?

Mr NAGLE: I believe she should resign - and the sooner the better. This is the problem employees are experiencing with sick leave entitlements. One would think the Minister would say to this House, "As I am a responsible Minister I agree that this legislation should be amended and the only people who should debate this bill should be the honourable member for Granville and the Minister". The Minister should say, "The Government will agree to the legislation because we believe it is right". Let right be done in this case. We agree that that would clarify matters. The interpretation of the Act by some of these unscrupulous employers who have been ripping off workers has not been tested in the court. That would save a lot of time and effort. The honourable member for Granville, in his second reading speech, made it quite clear that this legislation was all about retrospectivity. He said:

> The Labor Party moved a series of amendments to the Government's legislation which were

designed to protect the position of employees' existing sick leave entitlements. That is, the Labor Party amendments sought to eliminate any element of retrospectivity from the Government's legislation.

From the date of the proclamation of this legislation any sick leave that accrued prior to 15 February 1993 will come within the provisions of the Act. The old system will be retained and employees will be allowed to accumulate sick leave. It is a fundamental principle of the Liberal Party not to introduce retrospective legislation. One has only to read a speech made by this same Minister in regard to another industrial relations bill, in which she panned its retrospective nature. The legislation had to be retrospective to protect a lot of people who had lost their jobs a few years prior to its introduction.

When that bill is reintroduced I would like to see what the Minister says about retrospectivity. Retrospectivity was all right when we had scratch lottery tickets. When the Government was going to lose a lot of money it introduced retrospective legislation to retain its taxable base in regard to scratch lottery tickets. But when it comes to helping workers in New South Wales the Government says, "We cannot have retrospective legislation. It is terrible". The honourable member for Granville, in his second reading speech, made it quite clear that the purpose of the bill was to alleviate confusion that had developed concerning an interpretation which he says is erroneous - I agree with him - but which employers had placed upon the legislation. He described the purpose of the bill succinctly when he said:

> Specifically, the confusion relates to section 99A(5) of the Act. Section 99A(5) preserves employees' entitlements to payment for untaken sick leave accrued under an existing provision of an award or industrial agreement.
>
> Section 99A(8) defines an existing provision of an award or industrial agreement which existed before 15 February 1993 and which allows an employee to cash in accumulated sick leave on termination, whether that be by way of resignation, retirement, death or otherwise.

That statement appears to be very similar to a statement made in a letter written by the Minister. The honourable member for Granville and the Minister have similar views about the interpretation of the legislation, but unscrupulous employers are trying to frustrate the will of the Parliament and of the people of New South Wales by not applying the true spirit of section 99A. Ministers make second reading speeches in this Parliament to enable courts, when they are interpreting legislation, to determine the aim of that legislation. The aim of this legislation is to clarify sick leave entitlements so that everyone is aware of them.

The honourable member for Granville said that this misinterpretation by some employers was either genuine or deliberate. It could be a genuine misinterpretation. They may have received legal advice in respect of this matter. But I take the view that a lot of employers are deliberately placing this interpretation on the legislation to avoid obligations to their employees. It should be remembered that their employees have given them loyal service for more than 20 years. Those employees worked for their employers, helped to build up their companies and were part and parcel of the management of those companies. They gave of their services, yet their employers tried to persuade them not to take their sick leave entitlements. Employers said to employees, "If you do not take your sick leave and you accumulate, it you can have it at the end of the day".

I understand the philosophy behind the Government's view. Eventually, employers were paying out enormous amounts of money because employees were taking sick leave entitlements at a time when the payout figure was much higher. That problem could have been corrected simply by including in the legislation a yearly sliding scale provision. That would have been a simple way of resolving the problem, but instead of doing that the Government tried to strike it out. This problem is prevalent in local government. Men and women who work in local government, in various government

departments and, more important, for private enterprise, should have their expectations met by the New

South Wales Parliament.

This legislation will enable the provision of sick leave entitlements to people who have been working for more than 15 years. This bill will clarify the confusion - which the Minister tried to do in her letter to Mr Robertson of the Labor Council. I am sad that this has not been achieved through a legislative package prepared by both the Opposition and the Government. Right is on the side of the recipients of accumulated sick leave; they are entitled to that sick leave. I support what the honourable member for Granville has had to say. I am pleased that he was able to discover a loophole in the legislation through his contacts with the union movement. He moved quickly to bring this matter to the attention of the Parliament. I ask the Government to reconsider its position. It should support responsible legislation. It should support the will of the Parliament. The Government proclaimed the legislation; therefore it supported it. It is totally irresponsible for the Minister for Industrial Relations, or the Minister for irresponsibility of industrial relations, as she is known outside this House -

[*Interruption*]

The Minister should calm down. Her day is coming. I support the bill and call upon all members to let right be done in this case.

Mr KERR (Cronulla) [9.59]: I support the Government's view that the Industrial Relations (Sick Leave) Amendment Bill should be opposed. The bill was introduced by the honourable member for Granville, but no detail, no account of its need and no explanation of its provisions have been forthcoming from Opposition members to members of this House who represent the people of New South Wales. In short, it is apparent that this House is being asked to support a legislative proposal which is not only scant in words but also sparse in justification. I am sorry that the honourable member for Auburn has left the Chamber, as his contribution was very strange - it involved the reading of other people's mail. Where were the honourable member for Auburn and the honourable member for Granville when the great betrayal occurred in 1987? All honourable members would remember that the Unsworth Government reduced benefits payable to working people who were injured. It reduced workers' compensation. Where was the care and concern for those people at that time? It took this Government and the Greiner Government to restore and increase those benefits. Where were members of the Labor Party in 1987 when the attack was being made, not just on the working-class but on the sick of the working-class? They were nowhere to be found except in support of the Unsworth Government's proposal. It took this Government -

Mr Price: All you protected were your legal mates. What are you talking about?

Mr KERR: The honourable member interjects.

Mr Price: And very well, I might say.

Mr KERR: The price is not always right, if I might say. Let us talk about those legal mates. Who were the ones benefiting? It was the honourable member's union mates and their legal mates who really benefited from the workers' compensation system. This Government provided justice in the system.

Mr Price: What about the paraplegics?

Mr KERR: We will talk about paraplegics. There were demonstrations by those very people outside this House in relation to what was being done to them.

Mr Price: In support of our legislation.

Mr KERR: No, not in support of your legislation; against your legislation when you were in government. I have to say that to the credit of Opposition members they did not oppose any of the

increases in benefits that have come about. Once again, this Government is looking after working-class people. That should be said from the rooftops in the Hunter and the Illawarra. Many people would have been badly effected. Action was taken to reduce or sustain insurance premiums because we were losing industry to Queensland and Victoria at that time. Look at what has happened with workers' compensation in Victoria. There is a massive unfunded liability.

Mr Price: That is why we avoided their path.

Mr KERR: Who brought that in? It has the mark of Cain. It was the Cain Government that brought in that workers' compensation system.

Mr Price: Read the next chapter.

Mr KERR: I will. The new Government has to sort out the problem in Victoria after what Labor did there. That was to no one's benefit.

Mr Price: Tell them to work harder at it.

Mr KERR: They should be working even harder at it because it is about justice and the fundamentals of government. I agree with the Minister for Industrial Relations and Employment and Minister for the Status of Women who in her contribution to the debate exposed the bill as a cover-up for past bungling by the Opposition in its mischievous tamperings with a former government's legislation relating to the prohibition of the practice of the cashing in of sick leave. The honourable member for Auburn said, "We may have made a mistake but right is right". That is typical of the Opposition. What is its policy? To leap into the dark, have a look around, and take another leap? That is just not good enough for the workers. I congratulate the Minister on her foresight in seeing through the Labor Party's gaffe of now introducing a bill to overcome its mistake of the past. What has to be said here is that we are from the Government and we are here to help.

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Let the House be in no doubt that the genesis of the bill lies in the Opposition's successful moving of an amendment to the 1992 Government bill. That amendment has proved to be poorly thought through and inadequate. I refer to section 99A(5) of the Industrial Relations Act. All members would be aware of that provision. Under section 99A a government initiative outlawed the practice, under New South Wales awards and former industrial agreements, of employees being permitted to take the monetary benefit of untaken accumulated sick leave on termination of employment or at any earlier time. Essentially the practice represented an anachronistic privilege at odds with the accepted principle that sick leave entitlements are meant to cater for genuine illness and should not be used to financially enrich an employee for being fit and healthy while being engaged in employment. The Government does not want to be part of the charade. This Government has always been about equality of opportunity, looking after the less fortunate in our society and getting rid of unmerited privilege. I say that because that is the Cronulla way.

I repeat that subsection 5 is the Labor Party's own creature. It was supposed by its architects to totally guard against retrospective operation of the outlawed practice. The subsection (5) structure devised and built by the eminent legislative architects opposite has now been portrayed by one of their number, the honourable member for Granville, as being deficient - basically being built on sand. That sort of thing is constantly exposed in this House. I understand that the honourable member for Granville was asked to address a public meeting on this subject. That is appropriate because, as one of the architects of this sort of scheme, he is used to drawing poor houses. The operation of the subsection (5) formula has been shown, through the existence of certain award peculiarities, to be lacking in thoroughness. On that basis, the honourable member for Granville has introduced this amending bill. It takes political correctness to an art form. The honourable member has done so by little more than

referring to certain award provisions providing for the cashing in of sick leave upon termination of employment at a certain age or after a certain period of service.

Mr Yeadon: It is the will of the Parliament, not political correctness.

Mr KERR: The will of Parliament is to do these things correctly. We have a saying in Cronulla: things not only have to be done well, they have to be seen to be done well. I accept that the expectation of a future windfall by a relevant employee may have been dashed by the non-satisfaction of these threshold conditions at the time of the prohibition of the legislative commencement on 15 February 1993. However, it should be apparent to all honourable members that the bill's sponsor has been deliberately reticent in not informing this House of the known numbers of disadvantaged employees and whether it could be expected that other award peculiarities not covered by the Opposition's section 99A(5) handiwork will further surface. It is hard to believe that the honourable member can dutifully assist the House in its proper consideration of this bill by answering these questions but we will all await his reply with eager anticipation.

It would assist the House to know how many people will be affected and how many people are likely to be affected. What we are really asking for is a diagnosis and prognosis in relation to this matter. Can the House have any confidence in the standing of Labor Party research that has brought forth such an amending bill when it lacked the relevant policy understanding in late 1992 to implement its non-retrospectivity goal in this area? Without requiring a great deal of courage, I would suggest not. Opposition members should get their research people working on this. I was pleased that the honourable member for Auburn took part in this debate. He is generally regarded as having the best legal brain on the Opposition side of the House.

Mr Price: That is true.

Mr KERR: And that is why, if the Opposition is looking for a shadow attorney general when the honourable member for Ashfield leaves, the honourable member for Auburn ought to be a sure thing.

Mr Price: Do you want report cards for the lower House too?

Mr KERR: That would be helpful. When the honourable member for Granville is drafting this sort of legislation he should seek the assistance of the honourable member for Auburn. I challenge the honourable member for Granville to justify the operation of the bill. Let this side of the House and members on the crossbenches be comprehensively informed by the honourable member just how the proposed amendment will trigger the operation of the formula in subsection (5) adequately to protect identified employees. Simply put, the Government and I seek to be convinced of his ready understanding of the issue for which he is promoting the need for legislation. The honourable member for North Shore is in the Chamber. She has not been a member for long and she needs to have these issues explained, as do the Independent members. We are only asking for some sort of figures or assistance on the matter. I am glad that the honourable member for Auburn is in the Chamber now because he will be able to assist the honourable member for Granville to respond to the Minister's research.

I request also that the honourable member enlighten this House on the number of employees affected by the award provisions and whether the Labor Party has admitted to those employees that their predicament has been, as a matter of history, essentially manufactured by the Labor Party. I hope that the member will do the honourable thing and write to each of them setting out the history of this matter. Indeed, it would be most interesting if the honourable member chose to speak in reply to these matters. A number of matters would assist the House to formulate a response to the honourable member's

suggestion - if it is to be proceeded with. It may well be that the honourable member, having heard my contribution, will want to adjourn the debate to allow time to consider what has been raised. This matter

is very serious, and we want to ensure that justice is done for everyone. That is what the Government is about.

Mr Nagle: It is easy to do justice, hard to do right.

Mr KERR: That might be the situation in Auburn, but in Cronulla we say that often doing the right thing is the easiest way.

Mr Price: I live in Waratah.

Mr KERR: I am sure the same applies in Waratah. This exercise is another leap into the dark - of which we have had far too many from the Opposition. It is time that the House was enlightened on this matter. I advise the honourable member for Auburn that to do right one must first commence on a firm foundation, and that is really all the Government is asking for.

Mr Price: I will use that.

Mr KERR: Please do. If one does right on a firm foundation, when the winds of change come the legislative structure will not be affected. It will provide shelter for all those that we in this House are trying to protect. They are entitled to have that legislative shelter and for it not to be blown away by the winds of economic change. The people look to all honourable members in this House to approach these matters in a common sense and practical way. But let us not do things because they sound right. Let us not take the defensive. [*Time expired.*]

Mr J. H. MURRAY (Drummoyne) [10.14]: This bill seeks to amend section 99A of the Industrial Relations Act 1991. This section commenced on 15 February 1993. Its main purpose was to prohibit industrial awards from granting employees the right to cash in accumulated sick leave. The prohibition was not intended to apply for sick leave that had accumulated under provisions of awards prior to 15 February 1993. Unfortunately, doubts have been expressed as to whether any entitlement under this test would apply if, for example, the award required the employee to have reached the age of 55 years or to have served for 20 years before accumulated sick leave could be cashed in as at 15 February 1993.

The purpose of the bill is to clarify the situation concerning the treatment of the cashing in of accumulated sick leave under present provisions contained within some State awards. It does not, however, attempt to alter or change the way in which the cashing in of accumulated sick leave is treated at present, but simply to resolve the apparent confusion among some employers that has arisen under the existing Act. When this legislation first came before the House, the Labor Party moved a series of amendments, which were designed to protect the position of employees' existing sick leave entitlements. Interestingly, the Minister and the honourable member for Cronulla took the Labor Party to task for introducing these amendments, which were designed to eliminate any element of retrospectivity within the Government's legislation. Retrospectivity is the key word; it was the basis of the debate at that time.

The Labor Party's amendments were agreed to, and one of the effects of those amendments was that the rights of present employees would be preserved so that they would not need to use accumulated sick leave for future absences, unless they exhausted their future entitlements to sick leave. Therefore, there was to be no interference with existing rights and entitlements regarding the cashing in of accumulated sick leave. Obviously many organisations, whether in the public or private sectors, would have set aside the necessary reserves to cover payments to employees for accumulated sick leave. Awards specifically referred to that provision. Organisations were obliged, statutorily, to put aside funds to cover such payments, particularly for employees who had reached the age of 55 or who had attained 20 years service with the organisation.

However, some avaricious employers are interpreting this provision to benefit from the windfall that will be available to them in the form of reserves put aside to pay employees for untaken sick leave. If

such payments are not made, the only beneficiary will be the employers. That anomaly should be rectified. The problem is that when unions have confronted employers with this anomaly the employers say, "Well, that is our interpretation. Do something about it". Unions have been compelled to say, "Well, we will do something about it". When the union wrote to the Minister for Industrial Relations and Employment about the problem the Minister, quite contrary to her closing remarks in this debate that the Government would oppose bill, said:

> This procedure, therefore, ensures that any sick leave accumulated prior to 15 February 1993 would be calculated in accordance with step 1 or 2 of section 99A and kept for the purposes of cashing-in when an employee met the conditions required by the provisions of the award for the cashing-in of that accumulated sick leave.

She said further, however:

> Nevertheless, I will give further consideration to your proposals when the Government next considers possible amendments to the Industrial Relations Act.

It is not a black and white answer conceding that there is a problem and agreeing to do something about it when the Industrial Relations Act is next before the Parliament. That was in June 1993, and we are now in March 1994 - 10 months down the track. Because some employers are interpreting this provision to their advantage, employees who have reached 55 years of age, who have 20 years service with an organisation, who are wanting to retire either voluntarily or with a redundancy package, or who wish to change their vocation cannot take their untaken sick leave.

As a consequence the Labor Party has been forced to introduce a private member's bill. Today the Minister said there was a difficulty. She said that

the provisions of the Act were not to prevent those two situations occurring and that the problem has arisen because the Labor Party drafted the amendments in a hazy manner. However, I believe the Act makes such a provision. Though the Minister wrote to the Labor Council 10 months ago saying exactly that, Government member after member is playing politics and saying, "The Minister is right and we are going to oppose it". That is pure bloody-mindedness and does little for the credit of the Government and the Minister.

Some employers believe that employees with sick leave accumulated prior to 15 January 1993 have no entitlement to cash for that accumulated leave on termination if they have not fulfilled the existing requirements of the Act. That is a complete misinterpretation of the intent of the provisions, and that situation must be remedied. Time and again the Minister for Industrial Relations at that time - he is now the Premier - informed the media that there will be no retrospective action taken in this legislation in relation to untaken sick leave. Such statements created difficulties for many people, especially those working in local government and for Sydney Electricity and similar organisations who had as part of their award conditions an entitlement to be paid for untaken sick leave.

One might ask why such a provision applied to some employees but not to others. The reason is that during their working lives those employees forfeited other conditions, such as wages, for a provision to have untaken sick leave paid as a lump sum on retirement. Employers thought the provision reasonable as it would act as an impetus for people to come to work rather than take a day off if they felt a little woozy. As a consequence, large numbers of people in those industries had not had a day off from work for five, 10 years and sometimes 20 years. Under that condition, employees who were not feeling the best, suffered their illness, came to work and put in a day's work instead of staying at home. Organisations increased their productivity as a result.

It was a two-way street. Sydney Electricity, Drummoyne Council and any other organisation that agreed to such a provision increased their productivity because staff came to work. In most instances it

is preferable that someone work at 75 per cent capacity than be absent from work - especially if that person is a vital cog in the organisation. For that reason employees were happy to have that provision included in the award. Though that entitlement is provided for in legislation and sanctioned by the courts, the Government is seeking to take it away because some employers have misinterpreted the intent of the legislation. It is a sham. The key to this legislation is retrospectivity. I have been inundated with hundreds of letters from constituents about this matter. I am sure all members of the House would have received similar correspondence.

Mr Jeffery: I did not get one letter.

Mr J. H. MURRAY: The honourable member for Oxley is never in his electorate office, so he would not know what correspondence he gets. Assiduous members of Parliament would have received similar correspondence. The Minister for Industrial Relations at that time, now the Premier, gave a seemingly watertight guarantee that there would be no retrospective legislation and the provision would be honoured. For that reason, it is important that this legislation is passed. Those who worked in industries that provided for a lump sum payment of accumulated sick were told day after day that the provision would be honoured, that they would receive a lump sum on retirement. In some instances employees were working under the assumption that the lump sum for untaken sick leave would only be received by employees who remained in the industry until 55 years of age or, alternatively, worked 20 years with an organisation or in the industry. The employees are entitled to be paid for their untaken sick leave - which was the intent of the original legislation. This bill will ensure that the provision is honoured.

Mr PRICE (Waratah) [10.26]: I support the proposed amendment to the legislation. I was a member of Shortland council at the time when the provision for the payment as a lump sum of accumulated sick leave was introduced as an award condition. I recall some of the debate that ensued in the county council at that time. One factor that emerged was that certain conditions and salary increases were forgone when sick leave provisions were introduced at the beginning of the second world war. We should not lose sight of that. We are not talking about something that was new and innovative and designed to deprive employers absolutely; it was the sophistication of a scheme that had been in existence for some time at considerable expense to the workers, because the wages and conditions that were forfeited have not been returned.

We are not talking about something unreasonable or unfair. Each one of those awards was implemented in the correct fashion, with the force of law and with the agreement of both parties. It may have taken some time and some debate but ultimately agreement was reached about the provision. I am sure some enterprise agreements at State and Federal levels will contain conditions not unlike the condition that this Government has deleted from existing awards in this State through its philosophy and objection to the principle of accumulated sick leave. The Government's action caused a lot of angst among employees who were to be beneficiaries of the existing award conditions. I am sure that absences due to sickness increased among workers as a result of people not knowing whether the benefit they had agreed to several years ago and were legally entitled to up until this legislation came into force would be taken from them by retrospective legislation. Retrospective action did not occur, and that is to the Government's credit.

Although I disagree with the philosophy, nevertheless it has been accepted and the terms and conditions that allowed the winding down of those award conditions were the best compromise available through this House. Interpretation is always difficult.

It does not matter whether one is interpreting the Bible, a message contained in a textbook or an industrial award, there are always differences of opinion. Without interpretation the legal fraternity would die at the starting gates; it would not get a run anywhere. Interpretations are important. The Minister's letter, quoted several times today, indicates very clearly that the Government's intent, with the Labor Party's amendments, was that the particular payments would be made when they became due under the terms and conditions of the two formulae mentioned; that the impact of the Act was to apply from the

prescribed date of 15 February; and that award conditions would prevail up to and including that date.

There was no doubt about the Government's interpretation; and there certainly is no doubt on the Opposition's intent or interpretation. It comes down to the fact that a number of employers feel they can screw the knife in just a little bit more, just one more time, in memory of the good old days and to hell with good commonsense public relations and industrial relations. There is a problem with interpretation and the easiest way to resolve it is to pass the proposed amendment. The amendment will clear up the issue so that there is no doubt, and workers will be able to look forward to retirement at whatever age, provided they take action within the prescription of the existing Act, and employers will have no room to manoeuvre to try to avoid their responsibilities. As the honourable member for Drummoyne said earlier, companies have made provision on the basis of the existing award conditions. There is no doubt of that. Any sensible company, in its forward budget, would include a condition and provision to take account -

[*Interruption*]

As my colleague has said, the law requires that that occur. What has been created by this bill? The legislation has created windfall profits for one year at least, because companies will be able to remove accumulated provisions for sick leave as and from 15 February 1993. That is great. The company can make a dollar out of it, but what happens to the poor old worker - and they are a diminishing squad. From 15 February 1993 there had to be fewer. Every day after that if someone retired, liability on the company diminished. The situation now is that workers are concerned that their legal benefit may be even further tampered with; that would be crazy. I would be astounded if some firms carried matters that far. To take deliberate action to reduce award benefits and destroy a harmonious relationship within an industrial organisation borders on lunacy.

I was formerly involved with the maritime industry, and I was required to negotiate with 14 unions on a daily basis in the final years of my employment. In any relationship with individuals, knowledge of their conditions and awards was essential. Once something was agreed, it was agreed by both sides - grudgingly or otherwise - and that agreement had to be implemented. I am stunned to learn that some companies are attempting to take advantage of this legislation to such a degree, and therefore I am grateful that the amendment has come forward.

The amendment will resolve a number of problems. It will certainly resolve problems for workers at the county council in the electorate of Waratah who are still greatly distressed about the issue. I can recall one distortion when the legislation was introduced. A very senior officer in the county council had worked for councils continuously since the age of 14; and at the level at which he was being paid in that organisation, his accumulated unused sick leave, which dated back through possibly seven councils and county councils, amounted to about 300 days. When that worker retired, he walked away with a year's extra salary at the top award rate. That was the absolute distortion; however, such people were in the minority.

Amendments to the legislation were introduced to assist the linesmen, ironworkers, cleaners, and people who needed an additional boost - if their health allowed them to have it - on their retirement. I see no reason for that to be denied. Of course, the Government has decreed that it will be denied, but I see no reason why the legal accumulation prior to the agreed date should be distorted or abolished. It is clear that any sick leave accumulated from this point onwards must be used, and if the worker has a prolonged illness - and if sick days accumulated from the date prescribed have been used - the worker will be obliged to dip into leave accumulated prior to that date.

Sick leave is all about primarily ensuring that the worker has an opportunity to enjoy a full wage while recuperating. If the worker is in good health or, as the honourable member for Drummoyne said, can put in a full day's work, the company benefits; the worker will benefit because he is not lying around feeling miserable; and there is a cash incentive on retirement that will benefit the worker and his family. I give my full support to the bill. It is a pity that the amendment had to be moved. The situation has obviously

been contrived by certain employers. However, if the Labor movement considers that workers are being discriminated against in a most unreasonable and unfair fashion, it is essential that the amendment not only be moved but be carried - hopefully unanimously, because we must be seen to be a caring and just Parliament. To deny people their entitlement under the existing Act is not merely wrong, but it is a scandal. I support the amendment.

Mr YEADON (Granville) [10.36], in reply: I thank honourable members from both sides of the House who participated in the debate, although the contribution to the debate from honourable members on the Government benches was very much wide of the mark. To some extent that is not surprising, given that the Government's argument has no merit. I find it remarkable that the Government has opposed the Industrial Relations (Sick Leave) Amendment Bill, because it involves a straightforward matter - one of clarification. The Government's position has no merit. One can only suspect that it comes down to the ego of the Minister for Industrial Relations and Employment because she has acknowledged that the problem exists and that the interpretation placed on it

by the Labor Party and the Labor Council is correct. Indeed, she indicated to the Labor Council that the Government would look at the possibility of rectifying the matter at some future time, because she felt the matter was not important enough.

The Labor Party did not accept the Minister's proposition. It is not good to have industrial relations legislation that people are misinterpreting, whether genuinely or dleiberately, the Opposition sought to move quickly to rectify the problem. The Minister for Industrial Relations and Employment and the Government have opposed the legislation on the basis that it is the Labor Party that has sought to fix the problem. To briefly recapitulate, the Government, as honourable members will remember, introduced the Industrial Relations (Sick Leave) Amendment Bill in 1992. That bill sought to remove payout of accumulated sick leave provisions in a range of awards and agreements in New South Wales. The payout of accumulated sick leave provision was contained in awards that pertained, by and large, to local government and public utilities.

The Government's original legislation contained a retrospectivity provision, in other words, people who had accumulated sick leave over a long period were to forgo that accumulated sick leave. The Labor Party disagreed with that proposition and considered that, at best, it should be abolished from the date on which the Act was proclaimed. Consequently, the Opposition moved a range of amendments in this House and the other place. They were passed by the Parliament, which agreed with the Labor Party's proposition. The provisions then became part of the Act.

Not surprisingly, the amendment moved by the Labor Party relating to retrospectivity was drafted in consultation with the Parliamentary Counsel; and the best endeavours were made to ensure that that amendment was as clear and as precise as possible. I am certainly not in any way casting aspersions on Parliamentary Counsel. It is ultimately the Labor Party's responsibility to ensure that amendments put before the Parliament are correct. The amendment was straightforward but, unfortunately - and I think somewhat deliberately - some employers have sought to exploit the provision because it is a rather complex area affecting a range of matters, for example, the length of a person's service, at what age a person retires and so forth.

In her speech this morning, the Minister has reopened the old debate on accumulated sick leave. She did not address the merits of the provision before the Parliament because her position obviously has no merit. On a number of occasions she indicated that the Hon. J. W. Shaw, in another place, had been critical of the Government's policy in this area. That certainly was the case. The Labor Party does not resile from that criticism. It was criticism on the basis of the Government's policy of, first, removing the ability to accumulate sick leave and, second, to make it retrospective; it was not criticism of the drafting of the legislation or related matters.

The Minister stated that employers and employees should work out their entitlements, their industrial

relations agenda and that third parties should not interfere. I do not accept that in its entirety. On her own argument the legislation introduced by the Government in 1992 relates to a third party intervening in industrial relations between unions and its members, or workers and their employers, by prohibiting the accumulation of sick leave. That is a remarkable argument. Legislation should be as clear and precise as possible. The Labor Party sought to achieve that but unfortunately its implementation has not worked that way; therefore, the legislation needs to be rectified. That is occurring. The issue of policy has nothing to do with this. The Parliament made its will known and put in place provisions that prevented the legislation being retrospective. There is no debate about that between the Labor Party Opposition and the Government, or any other party.

The honourable member for Cronulla put forward a proposition in regard to where the problems were in the industrial relations arena. I do not have names, addresses, dates and places, but obviously the problem is centred very much around organisations such as the Electrical Trades Union and the Municipal Employees Union, which is to become the Australian Services Union. It is not surprising that the problem is occurring within that union because it has coverage of employees in such areas as public utilities, local government and the like.

The legislation has been pervasive. One would expect that if the problem were not rectified, it would become a greater problem because we will get further and further away from the time when the legislation was put forward. The only recourse for people will be to go back to the *Hansard* and try to determine what the will of the Parliament was when the legislation was enacted. Honourable members on the Government benches stated that there was some sort of cover-up by the Labor Party. That is an extraordinary accusation. How can it be a cover-up? The Labor Party boldly came into the Parliament with legislation to rectify the problem. It is upfront in saying that for good industrial relations in New South Wales, this matter needs to be rectified. Once again that shows that the Government has no argument in regard to this matter.

It is an ego thing by the Minister, who wants to be seen to be rectifying the problems rather than the Labor Party. She should have rectified them. As the honourable member for Auburn stated on a number of occasions, the Minister has been irresponsible. Any responsible Minister would move quickly to rectify any problem in the industrial relations arena. It is a complex area fraught with potential tension and conflict. Legislation dealing with industrial relations should not have unclear provisions, with the potential to create conflict in their interpretation. The Minister stands condemned for her irresponsibility and for not agreeing with the Labor Party's proposition for rectifying the matter, as well as for adopting the silly position that she and her Government will oppose the legislation because the Labor Party allegedly got the drafting of an amendment wrong in the first instance.

What a ridiculous proposition to put to the Parliament, and the electorate will consider it a ridiculous proposition. I ask all honourable members to support the legislation. I reiterate that it changes in no way the provisions intended by the Parliament to be contained in the Industrial Relations (Sick Leave) Act 1993. It is a clarification, and therefore no one is gaining anything and no one is losing anything. The legislation will put in place what is intended and what should have been, on and from the date of the legislation's proclamation on 15 February 1993. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CONSUMER CLAIMS TRIBUNALS (FEES) AMENDMENT BILL

Second Reading

Debate resumed from 11 November 1993.

Ms MACHIN (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [10.47]: The Government opposes the bill put forward by the honourable member for Mount Druitt. It is another way of going about something the Opposition attempted just over one year ago when fees were increased in the Consumer Claims Tribunal. At that time the Opposition moved a disallowance motion, which was not successful. If anything, the situation has improved in terms of usage of the tribunal; that would seem to weaken the case for the Opposition even more. I note that the shadow minister is not in the Chamber but, being the diligent chap that he is, I am sure he will be on his way down. I look forward to seeing him.

It is worth recapping the history of the Consumer Claims Tribunal and the role it plays today in serving consumers. Tribunals were established in 1974 to provide a quick, cheap informal and final resolution of consumer claims in respect of the provision of goods and services. A wide range of issues are covered, such as general insurance matters, professional service complaints or disputes, trade service disputes and obviously poor product issues where customers are dissatisfied with the product they have been provided. When consumers cannot reach agreement by dealing direct with the supplier or the trader, they go to the independent arbitrator in the form of the Consumer Claims Tribunal.

In 1974, when the tribunals were first established, the fee to lodge a consumer claim was $2. The tribunals were introduced by a coalition government, as were many other major pieces of social legislation that are now firmly in place in New South Wales, such as the Environmental Planning and Assessment Act, national parks and wildlife legislation, and a range of consumer legislation. It has always been the Liberal Party-National Party coalition that has led the way on issues that are intended to better the quality of life for the people of New South Wales. In 1992 under Labor, the fee rose from $2 to $10, a 400 per cent increase. At the time, a $2 fee for eligible pensioners and students was introduced. In 1992, under my predecessor, the fees rose to $40 and $5 respectively. The honourable member for Mount Druitt made much of the percentage increase in that period, but I point out that in a slightly shorter period the Government increased the fee by the same percentage magnitude, so he is a little inconsistent.

The fee for a building claim in the Building Disputes Tribunal has been always fixed at $100. It is interesting to note that this has not prevented an increasing number of people from using its services. In 1991 there were 646 claims; in 1992 there were 860 claims; and in 1993 there were 989 claims, a 53 per cent increase over the two-year period in the usage of that tribunal, despite a significantly higher fee. One could argue somewhat reasonably that those tribunals are hearing matters that are often worth more to a consumer. Until about two weeks ago the cap on an award was up to $10,000. The Government increased jurisdiction to $25,000 because these days not a lot of building work can be done for $10,000. It was considered practical to lift the cap. Nevertheless, the fee reflects the issue at hand - and it should. That is what the Government has attempted to do with consumer claims tribunals.

The stated objects of the bill moved by the honourable member for Mount Druitt are to restore access to consumer claims tribunals for consumers seeking redress for their problems or resolution of any matter of dispute that involves a relatively small amount of money; to establish a fee structure relevant to the value of the claim; and to introduce uniform fees for consumer and building claims. I turn first to the issue of restoring access. The honourable member for Mount Druitt pointed to the claims intake since the fee increase. He suggested that in the past two years since the fees were increased there has been a reduced number of claims and the effect has been to deny consumers access to the tribunals. That is a somewhat simplistic approach, as will be demonstrated later.

It is true that there was a reduction in claims, from about 6,200 in 1991 to just over 5,600 in 1992 and 4,500 in 1993. It is not so certain that the fall in numbers can be attributed solely to the rise in fees. That is something the Government has tried to analyse and has some theories about, but without

contacting individuals who may have decided not to come to the tribunals, that cannot be ascertained for sure. Formal complaints generally to the Department of Consumer Affairs for a similar period fell also, from just over 22,000 in the financial year 1991-92 to 21,632 in 1992-93. There has been a pattern of a decrease in complaints and people coming forward to have various issues resolved or addressed - whether direct to the department or by some form of tribunal. The best and reasonable view that I have been given is that it could well be a reflection of the lower trading activity and figures during the recession. Everyone knows

there has been a lessening of activity. That was particularly noted in the retail and service sectors; and it is a trend that would be very much relevant to the tribunals.

It is interesting to note that the trend crops up in a whole range of areas, from accident statistics, to employment statistics, and to complaints statistics. It is neither isolated to this area nor can it be attributed directly to cost of fees. Also, it is possible that cases that once may have ended up in tribunals have been resolved by consumers who have been empowered to exercise their rights in the market-place by the free advice given by consumer affairs officers, or by other education initiatives that consumers have become aware of and have employed for their own purposes.

A similar jurisdiction, the small claims court, handles claims on a somewhat wider range of issues, but it is a lesser jurisdiction, being capped at $3,000. Nevertheless, people have had other options in that period to take their claims forward. As I advised the honourable member for Mount Druitt the other day, the trend to lower claims has actually been reversed in recent times. During November and December 1993 and January and February of this year, the intake was higher than for the equivalent months in the preceding year. The figures for February this year show the greatest improvement. In 1993 the intake was 363; in 1994 it was 508, the highest monthly rate since the fee increase. Who are the consumers being denied access to the consumer claims tribunals?

In the past few months there has been a marked jump in usage of the tribunals; that bears out the theory that claims are linked to economic activity in the community - given the economy has started to pick up in that same time period. I do not think that pensioners and students eligible for the $5 concessional fee could say they are being denied justice. All but one of the tribunal members are lawyers, and I should have thought $5 to have a qualified, independent person hear a case and make a final decision is pretty cheap justice. That makes the tribunal most accessible. The fact that no legal representation is involved makes it much more user friendly. I offer apologies to all the lawyers in the Chamber but it is a fact that most ordinary people would feel most comfortable without the presence of lawyers.

The fee charged could be said to be a barrier. People will not be disadvantaged, because they can apply to the registrar to have the fee waived. So there is quite a degree of flexibility. The honourable member for Mount Druitt talked about small claims, those below $100. It could well be that some consumers unable to negotiate settlement of a dispute worth less than $100 may judge that it is not worth paying the $40 to appear before a tribunal, and they may seek to have the matter resolved by a third party. However, that is a decision for them to take. As I said, there are other avenues for them to get some advice and counselling, such as the Department of Consumer Affairs. If self-help does not do the trick, the department is always willing and able to intervene on behalf of a consumer, and it will approach the trader or the tradesmen involved to see if a solution can be mediated. If that breaks down, obviously an independent umpire is required; and that is the role of the tribunals. The Government aims to provide a service that is within the reach of all consumers, regardless of whether the amount in dispute is $100 or $10,000. As I said earlier, it is fairly cheap access to justice in those cases.

It is important that people in New South Wales take some responsibility for paying for the services they get, especially when it is a direct service that gives them a potential benefit when looking to improve their situation, or to get some money back or to have a product exchanged, or whatever. All members would agree that it is an excellent service. The service has been supported by members on both sides of

the House for many years, and both sides support its continuation. Nevertheless, if users of the service were forced to pay full costs, many would be denied access. The Government is not recovering the total cost of running these tribunals. It has not attempted to set a fee that tries to do that; rather, it has tried to set a fee that goes some way towards cost recovery but is still within the reach of ordinary consumers. Provision is still made for that concessional fee of $5 and the right to apply to the registrar to have any fee waived.

The schedule of fees imposed on the tribunal by this bill is unwieldy and somewhat unrealistic, particularly in relation to building claims. Some things proposed bear little relation to the service likely to be provided or to the value of the claim. Such claims can be complex and time consuming to resolve. To my mind there is no justification for introducing a uniform fee or for changing the current fee. This bill would introduce a sliding scale of fees. Though I can understand the thinking behind that, and although the idea of linking the fee to the value of the claim is superficially attractive, it is administratively cumbersome. We are talking about relatively small amounts of money. It would be potentially very expensive for the Government. Ultimately the money would have to be found from the budget of the Department of Consumer Affairs, but that budget is designed to service other consumer functions.

Consumers who make a claim for, say, $5,000 but are awarded only $2,000 may feel aggrieved at paying the higher fee, given that they did not get what they hoped might be the maximum award. Not all claims are expressed in monetary terms. For example, they may seek performance of work, as is often the case. It could be difficult to calculate the value of such a claim at the time the fee is charged. That type of scheme would be difficult to administer. In addition, consumers may perceive it to be unfair. I gave the House an example of a consumer in one place being charged a certain fee, but a consumer in a different place might be charged an entirely different fee for what might be thought to be a similar claim. The consumer would be entitled to feel aggrieved about receiving a different deal from that received by someone in another part of the State.

The bill proposes to extend the concessional fee to holders of the Seniors Card. As all honourable members would know, the Seniors Card is an administrative arrangement that is sponsored by the Government. It would not be appropriate to enshrine its use in this legislation. I appreciate the popularity of the Seniors Card. It has been successful in my electorate, which has a high proportion of senior citizens, and I have done a lot of promotion of it. I believe the Seniors Card provides good service to senior citizens. It is also good for traders: it is smart business for them to advertise their acceptance of the card. However, there is no need to include the Seniors Card in this legislation. The card is not means tested, as honourable members know. Those with a Seniors Card may well be in a position to pay the present $40 fee for the service. Were this proposal to be implemented, it would provide a cross-subsidy to those who are well off as compared with those who are not as well off and who use the Seniors Card.

I was surprised at the statement of the honourable member for Mount Druitt that the Government has continually eroded the authority of consumer claims tribunals over the past years. He might like to revisit that in his reply today. I point out some of the things the Government has done. I referred earlier to the fact that the Government has extended the jurisdiction of the tribunals into building claims in recent years. About a week ago the Government increased the monetary jurisdiction of the tribunals to $10,000 for consumer claims, and to $25,000 for building claims. That is purely for the benefit of the consumer. The 1991 amendments to the Act extended the definition of consumer to include public companies limited by guarantee so that services are now accessible to a wide range of individual citizens, small businesses and associations. The Government does not accept the contention that it has eroded the authority of consumer claims tribunals. On the contrary, it has taken a number of steps to strengthen their jurisdiction and role, and I endorse those steps. The tribunals provide a user friendly forum for consumers.

The other side of this is the cost to Government. I mentioned that there would be administrative problems and possibly some issues of equity with respect to determining fees for work of different value or claims of different value. I said earlier that the Government is not trying to achieve cost recovery, but to recoup at least some of the costs. Were the House to adopt the proposal suggested by the honourable member for Mount Druitt, in the first year the scheme would cost probably somewhere between $300,000 and $500,000. That might not sound much in the scheme of things; however, I do not have a huge department. It would be acknowledged by all members that the work of the Department of Consumer Affairs is widespread and is carried out on a relatively small budget, with a net cost to the taxpayer of only about $15 million a year. The rest of the department's budget is raised through fees, user charges, business registrations, licensing and the like.

The Department of Consumer Affairs operates at a very small cost to government. A cut in its income of that magnitude would be difficult bear and in the long run may result in decreased services to consumers. Were this measure to be adopted, it would be difficult and costly to administer and would not be fair to all concerned. However, if it is adopted, and if there is a drop in the department's income, it may all be to the detriment of consumers. The final telling point is that the number claims is increasing; there has been a significant upturn in the last couple of months.

Mr Amery: The jurisdiction has been lifted.

Ms MACHIN: The jurisdiction of the consumer claims tribunal has not been lifted in the last couple of months.

Mr Amery: In the last 12 months or so.

Ms MACHIN: It was a while back, but certainly not within my time as Minister - which has been some eight months now. The other interesting correlation is that the more that promotion is given to the consumer claims tribunals, the more that use is made of it. Of course, that is not surprising. The more people know about that form of tribunal and justice, the more likely they are to use it. I am very keen to pursue that and to promote the role of the tribunal in solving customer disputes with traders. However, that is also a double-edged sword for the department. That is why the income it gets now is very important. The more the tribunal is promoted, the more is costs the department, because those costs are not recovered. It is a bit like public hospitals: the more patients that go through, the more expensive it is for the Government. It is a cost worth bearing.

I do not believe that the fees have been proved to have the impact the honourable member for Mount Druitt claims. Times are changing and there is not more activity in the economy. However, previously it was not very active and, naturally, there was less use of this type of tribunal, reflecting the fact that less was happening in the market-place. Happily that has now changed and that is being reflected in our consumer claims tribunals. It is anticipated that, as trader activity picks up, genuine mistakes will occur and disputes will arise. Unfortunately it is likely that we will see some of the sharpies come out with smart ideas to make a quick buck. The department wants to be in a strong position to deal with that.

In closing, I emphasise two key points: The income to the department is an important factor, even though honourable members may not think it is much. This scheme would cost money. The rationale for this proposal seems to be access. However, I do not think it has been proved that access has been denied to people because claims have taken a significant upturn in the last couple of months. That is an anticipated trend that I encourage people to consider. On Tuesday a seminar was held on the subject of the tribunal targeting the ethnic communities because they are not accurately represented on a pro rata basis in our complaints patterns. That tells us that people in

ethnic communities and in the Aboriginal community are not coming forward to have complaints handled and disputes resolved through the tribunal or the department generally. Those groups are being

targeted to try to get them to consider the tribunal as a reasonable avenue to justice.

As has been the case in the past, that sort of promotion will lift the profile of the tribunal and result in further use of it, as is our wish. The Government has a responsibility to the taxpayer. I do not believe a $40 application fee is onerous, especially when there is a rate of $5 for pensioners or disadvantaged people, as well as the right to have the fee waived. The fact that use of the tribunals is increasing, despite the $100 fee in the Building Disputes Tribunal, and that the number of claims has increased markedly over the last couple of years, indicates that people are more interested in getting a fair outcome than they are in the cost upfront. In any event I believe that cost is reasonable. Nobody could say that $40 is a huge amount of money to appear before some form of court.

Mr Amery: It is if your complaint is only $34.

Ms MACHIN: If a complaint is only $34, I would have thought there were a number of alternative options available. How many complaints are for about $34? The honourable member has made the claim previously that it is those with small complaints that will be affected. The department examined the statistics and that complaint was not borne out in them. There was no overall trend that the department could discern in that regard. I asked the registrar and the senior referee about that. It was not possible for them to pull from the figures any clear indication that people with fairly low-cost claims were not proceeding with them. Obviously common sense would dictate that a claim of less than $40 is less than the fee itself.

Let us look at the role of the consumer claims tribunals. Its jurisdiction is now $10,000. There are potentially a large number of claims. The honourable member's bill makes no sense, especially in light of recent trends. In addition, the passing of this legislation would result in a negative impact on the tribunal's revenue. The bottom line is that money would have to come from the consumer services budget. I do not believe the honourable member's case is strong enough to argue that the bill should proceed. As I indicated earlier, the Government is strongly opposed to this bill.

Mr NAGLE (Auburn) [11.10]: When consumer claims tribunals were established by a coalition government the purpose was claimed to be for the settling of disputes over very small claims with tradesmen and such people. Later the Hon. Syd Einfeld became responsible for consumer affairs and expanded the role of the tribunal in many directions, giving it teeth, strength and capacity. It has been suggested that the massive use of the tribunal now weakens the case of the honourable member for Mount Druitt, but the contrary is true. The increase in jurisdiction shows the worth of the tribunal. As with everything else in life, the tribunal must be capable of being used. Its aim is to take people out of the Local Court claims system. The jurisdiction now is $10,000. Only recently the limit in the District Court was $10,000; it is now $250,000. The change was made only in the past decade. The aim of the tribunal is to give people access to dispute settling mechanisms without the need for lawyers. The complainant and the respondent - it may be a tradesman - can put their cases and the arbitrator or referee decides the issue.

The Minister for Consumer Affairs said that the fee was $2 under Labor in 1976 and when Labor lost office in 1988 the fee had risen to $10. I do not think that is a great increase over a 12-year period. The coalition government increased the fee from $10 to $40 in less than six years. That fee hurts people at the lower end of the scale. A person with a $5,000 claim, particularly a building case, can have the matter settled in the consumer claims tribunals, but a poor old pensioner wanting an appliance fixed - the claim might involve about $100 - will have to pay $40 for the privilege of going to the tribunal. A fundamental reason for the establishment of the tribunal was to keep costs down. The fee structure should not be relevant to the claims. I am greatly concerned about the Government's philosophy of user pays. It says that government should be run like a business, but government is not a business. Government is about dealing with the people we represent and providing services that many other people do not want to provide. It is about doing the right thing by the community and keeping the cost down as much as possible. This is one of the highest taxing State governments ever.

People could go to the Local Court to settle small claims but consumer claims tribunals were established to ensure that small consumer claims were dealt with by a body without lawyers so that both parties could put their cases. As the honourable member for Mount Druitt has pointed out, many people have been denied access to the tribunal because of the $40 fee. If a person wants to pursue a $100 claim as a matter of principle the possible loss could be $140. So keeping fees down in the tribunal is an important element. This is a cost government must bear in the same way as it subsidises the railway system and hospitals. An integral part of government is providing a service to the community. It is not all one-way traffic with the Government being a business and operating on a user-pays basis and charging like BHP. If government is a business, it should be returning a dividend to the people of New South Wales. The only dividend I have received was an $80 cheque from Sydney County Council when Nick Greiner gave an electricity rebate.

Mrs Skinner: What about goods and services?

Mr NAGLE: The honourable member for North Shore has not been out with the real people. She has probably never been past Redfern. If she went to my electorate of Auburn she would see the suffering that her Government has caused. She is

invited to visit at any time. I will go to her electorate to see the suffering there; there is no suffering in her electorate. The Minister might like to advise me at another time when public companies limited by guarantee had a right to go to the tribunal. It was set up for the people, not for public companies. The scale of fees in the bill proposed by the honourable member for Mount Druitt is $10 for a claim of less than $2,000, $20 for a claim of $2,000 but less than $4,000, $30 for claims from $4,000 but less than $6,000, and $40 for claims between $6,000 and $10,000. That is not an unreasonable scale of fees. It would allow people with smaller claims to put a case for $10. If they win, they are lucky and if they lose they have had their day in court and lost only $10.

I turn to the Seniors Card. This is not the time to debate why my office has to photocopy the Seniors Card material sent to it and attach it to the Government sheet, but today the Government announced that it would do many things for senior citizens of New South Wales. One of the ways - the Minister could start today - would be to allow people with Seniors Cards to lodge a claim of up to $6,000 for a fee of $2 and a claim of $6,000 to $10,000 for a fee of $5. Then people who need access to the tribunal will have it. One of the best provisions that the shadow minister for consumer affairs - the future Minister for Consumer Affairs - the honourable member for Mount Druitt has proposed is the waiving of fees in special circumstances. There should always be discretion to waive fees when people are impecunious. Some people can afford the fees but the majority of pensioners in my electorate cannot afford them. In my electorate one in six people is over the age of 65 and by the turn of the century one in four people in the electorate of Auburn, and throughout the whole State, will be over 65.

I have been told that access by companies to consumer claims tribunals was permitted in 1991. Companies are businesses. I cannot see why a company, whether it is limited by guarantee or in any way, should be using a tribunal which was set up for people to use. It was a people's tribunal, not a business tribunal for fights between businessmen. It was for people to take action against businesses for failure to perform according to contracts or parts of contracts. I find it incomprehensible that we are now allowing companies to use the consumer claims tribunals.

Companies can afford to fight disputes in the court system instead of using consumer claims tribunals. When Labor is in office next March after it wins the next State election, this Act will be repealed. I will do everything I can to make sure companies do not use consumer claims tribunals. The Local Court system is appropriate for use by companies. This system that was set up by a Liberal Party-National Party government and expanded by the Hon. Syd Einfeld was for the people of New South Wales. It was not established for companies and businesses to sue other companies and businesses, and that is why many people are not using this tribunal. The Government says the system is being

overused, but that is because the people who were to utilise it are being squeezed out by companies. I commend the bill and ask the members of the House to support the legislation.

Mr TURNER (Myall Lakes) [11.20]: What an astounding comment from the honourable member for Auburn: undertaking to squeeze out companies from access to consumer claims tribunals. I am concerned that he has actually practised law and does not understand what companies can be about. A company can comprise two struggling people who are trying to get themselves started in a business and who may be ripped off by someone else. The Labor Party will certainly deny those people the right to go before consumer claims tribunals merely because their business is incorporated. If that is not discriminatory, I do not know what is. Obviously, the Labor Party is totally out of touch with the community.

Myriads companies have been started in the community by young, struggling people, such as corner stores that may have been ripped off by larger organisations, yet the Labor Party will tell those people that they are out of the game. It would deny many people the right to appear before consumer claims tribunals. What will happen to companies incorporated under the Associations and Corporations Act - the tennis clubs and athletic organisations - that may have a legitimate consumer complaint because some equipment purchased for community activities is defective? The Labor Party will deny them the right to go to the tribunal. Those companies will be taken out of the ball park as well. The Labor Party is out of touch; it is not in the real world.

This bill will encourage people to litigate within consumer claims tribunals. If the Labor Party were fair dinkum it would be trying to bring in legislation to encourage reconciliation at the store level, or wherever the problem emanated, rather than throwing open the door and encouraging people to use the court or tribunal system. The honourable member for Auburn commented on complaints received about the fee increase, but he did not say how many complaints there were. The comments are all throw-away lines with no substance, but designed to upset people. There is little substance to anything the Labor Party puts forward. The flow of $100 claims continues, despite the recent fee increases. Who will pay for the proposals of the Labor Party? The consumer. That is the welfare mentality of the Labor Party. This Government does not print money; Paul might print money in Canberra - and he prints bucketloads to give Ros Kelly enough to fling around. Where will the money come from to pay for the running of the tribunal? From the State; from taxing the consumers of this State.

The figures proposed by the honourable member for Mount Druitt will result in discrimination. The proposed sliding scale fee shows that those claiming between $6,000 and $10,000 will get a better deal than those at the bottom of the scale who claim less than $2,000. Claims in the $2,000 to $4,000 range

will be paying 1 per cent of the claim and claims in the $6,000 to $10,000 range will pay approximately 0.4 per cent of the claim. The honourable member has not done his homework. The theme of his second reading speech is that there should be more claims because the Act is restricting claims. Surely that is not the object of consumer law and consumer relations.

What is the Opposition view on the reconciliation process? It has not acknowledged that most major stores - Grace Bros, David Jones and others - have a clear policy that if customers are not satisfied they can talk to management and reconcile the matter. That is probably why the number of consumer claims has reduced; retailers are actively working on good consumer relationships, and that obviously reflects on the store or organisation and encourages good will. The honourable member for Mount Druitt commented about discrimination in building cases. He says that the mechanism for resolution is basically the same as in other tribunals. Again that shows his abysmal lack of knowledge.

I have been personally as well as professionally involved in building cases. There is no way in the world that one can equate a building case with a consumer claim. A building case involves more technical aspects, a great deal more information, more time in putting the information together and verifying it, site inspections, and so on. All those things associated with a building dispute are far more

onerous than a claim made under other parts of the Act. For the honourable member for Mount Druitt to blithely say that the mechanisms of resolution are basically the same for building cases and consumer claims clearly displays that he has no understanding of the resolution of either side of the equation because he could not support that statement.

The bill also refers to the definition of eligible student. It is not enough that the Labor Party discriminates against low claims in its sliding scale; it now intends to discriminate against students. If a student wishes to complain about something that is wrong, the only way that can be done is if that student is in full-time education at a school, college or university and is the recipient of a student's assistance allowance. Any student not in receipt of a student's assistance allowance will be out of the ball park. The fact that a student's parents might be eligible pensioners does not necessarily mean that the student would be eligible. The school student might purchase the *Macquarie Dictionary*, find that 35 pages are missing and ask for $200 to be returned.

Under the Opposition's proposal the student would then have to show that he is a full-time student, he is attending school or college, and he receives a student allowance. This guy does not, so he is out of the ballpark. He cannot get in the door. The honourable member has not really done his homework on this bill; he has not considered the ramifications of it. The consumer claims tribunals are very effective in bringing forward small cases for speedy resolution. For instance, if someone attempted to bring a case in the Local Court, if honourable members take into account filing and service fees and taking the matter through to judgment - which is what the claimant would end up getting from the consumer claims tribunals - the fee involved for a matter up to $1,000 would be $299.

Debate interrupted pursuant to sessional order, and resumption set down as an order of the day for tomorrow.

SELECT COMMITTEE ON BUSHFIRES

Mr ANDERSON: I seek leave to amend the motion standing in my name by the insertion of some words.

Leave not granted.

Mr ANDERSON (Liverpool) [11.31]: I move:

(1) That a Select Committee be appointed to consider and report upon the recent bushfires with particular regard to the following matters:

- hazard reduction and other fire prevention measures;
- reviewing the proposals and findings of the Cabinet Committee established to inquire into the bushfires;
- reviewing the findings and recommendations of the Ministerial Committee on methods of fire service funding;
- treatment of victims, including the nature and speed of the provision of assistance and follow up assistance in the medium and long term;
- compensation for firefighters killed or injured fighting fires;
- the adequacy of systems for alerting the public of impending fire damage and the level of that danger;

- the adequacy of equipment available to, and training of, bushfire brigades;
- the adequacy or otherwise of building regulations currently in operation in New South Wales with particular emphasis on the Australian community bushfire safety standards for houses;
- the use of Commonwealth resources in the recent fires and in future fires;
- the role of the New South Wales Fire Brigades in bushfire fighting;
- the use of aircraft in firefighting;
- the progress of the joint arson committee; and
- any other relevant matters arising from evidence taken before the committee.

(2) That the Committee, where possible shall not duplicate examination of the evidence currently before the Coroner's inquiry.

(3) That the Committee consist of ten members, as follows:

(a) five from the Government;

(b) four from the Opposition; and

(c) one unaligned Independent

who shall be nominated in writing to the Clerk of the Legislative Assembly by the relevant party leaders and the unaligned Independent, respectively.

(4) That at any meeting of the Committee five members shall constitute a quorum.

(5) That such Committee have leave to sit during the sittings or any adjournment of the House; to adjourn from place to place; have leave to make visits of inspection within New South Wales; have power to take evidence and send for persons and papers; and to report from time to time.

(6) That should the House stand adjourned and the Committee agree to any report before the House resumes sitting:

(a) the Committee have leave to send any such report, minutes and evidence taken before it to the Clerk of the House;

(b) the documents shall be printed and published and the Clerk shall forthwith take such action as is necessary to give effect to the order of the House; and

(c) the documents shall be laid upon the Table of the House at its next sitting.

The issue to be dealt with by the proposed select committee is well known and there has been public discussion about the merits or otherwise of having such a committee. The Government will undoubtedly raise a number of concerns it has, and I would like to deal with them before outlining why we need such a select committee. The proposal is for a 10-member committee, and the Opposition gives a public commitment that if such a select committee is established, the four Opposition members will support the

Government's nominee for chair of the committee. That is an act of good faith, to indicate that the Opposition does not wish the committee to operate other than in the way in which committees of which I have been a member in the past few years have operated.

I notice the honourable member for Monaro is in the Chamber. As a member of the select committee on gun law reform he will be able to attest to the fact that that committee was given the task to report within four weeks upon a most difficult issue with a number of sub issues contained within it. The committee complied and produced a bipartisan report in accordance with those principles. The police select committee sat for a lot longer but again it was a committee whose members, Government and Opposition, approached the issue in a bipartisan fashion. The Minister for Police and Minister for Emergency Services, who is in the Chamber, indicated his appreciation of the way in which the committee operated, though he may not have agreed with its duration.

The duration of the committee will undoubtedly be raised. It is not my intention or the Opposition's intention that the committee become a standing committee. The Opposition acknowledges that it is necessary for decisions to be taken, be they administrative or legislative, before the onset of the next fire season. Some of the decisions are capable of being resolved within that time frame. Some may not. In terms of the proposed legislation - which the Opposition has yet to see but which we understand from press reports will come at some time in the short term - establishment of the committee could well smooth the transition of that legislation through both Houses of the Parliament.

Mr Cochran: Why the hurry?

Mr ANDERSON: Why what hurry?

Mr Cochran: Why are you in such a hurry?

Mr ANDERSON: Ever since the weekend of 8 and 9 January -

Mr Cochran: You do not understand it.

Mr ANDERSON: I do understand it; it is the honourable member who will not listen. I indicated within a week of the fires that the Opposition would make this approach. The Government cannot, in its own heart, believe that the community of New South Wales will accept recommendations and actions flowing from a closed Cabinet subcommittee inquiry. The reality is that the Cabinet subcommittee notified my colleague the honourable member for Bulli that members of the subcommittee were coming into his electorate to look at the Royal National Park. I have the letter in my hand. The honourable member then received a telephone call telling him not to construe the letter as an invitation to attend. I do not understand why. There were matters that the honourable member could have brought to their attention of which they may not have been aware.

Mr Cochran: He could have made a submission to the Cabinet subcommittee.

Mr ANDERSON: Why should the honourable member make a submission to a closed inquiry?

Mr Cochran: Did you?

Mr ANDERSON: No, I did not. I am not elected to make submissions to the Cabinet; I am elected to do things in this Chamber. I am absolutely staggered at the honourable member's approach. It is little wonder that nobody accepts the process adopted by the Government. If ever there was a necessity for a select committee, honourable members opposite have established the reasons by their interjections this morning. This should not be an exercise, flowing from those dreadful fires, of trying to apportion blame. It should be an exercise whereby everyone who has something to contribute will have input to the committee so that the vital decisions will be taken on the basis of an open process. Those who

assert things can be put to proof under cross-examination before the select committee, rather than there being some pronouncement on high from a Cabinet subcommittee. I start to wonder at the motivation of the Government. What is the Government so terrified about?

I can remember the same arguments being mounted in respect of the proposal for the select committee on gun law reform. The honourable member for Monaro, who has interjected a number of times, served on that committee. His views on certain issues are slightly different from mine; certainly his views differ widely from those of other members of the gun committee. Notwithstanding that, the gun committee was able in the space of four weeks to produce a most important bipartisan report, which became the basis for legislation introduced into this Parliament thereafter. If the honourable member could do it in respect of that issue, why can he not do it in respect of this one?

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Mr Cochran: It is a different issue. Why the hurry?

Mr ANDERSON: The honourable member is the one in a great hurry. I will tell him about his great hurry. The honourable member has been interjecting for five minutes. The people of New South Wales do not believe him or the Government. On 27 November 1990 the Hon. E. P. Pickering, then the Minister for Police and Emergency Services, informed the Legislative Council:

> At present New South Wales faces probably the worst risk from bush fires this century. Certainly my official briefings from the Department of Bush Fire Services have suggested that to be so.

Mr Cochran: What did you do?

Mr ANDERSON: What did you do, you boofhead.

Mr ACTING-SPEAKER (Mr Rixon): Order! The honourable member for Monaro might like to make his contribution to the debate shortly.

Mr ANDERSON: The day before, the then Premier Greiner said this:

> There is little doubt, as can be evidenced by the fires that have occurred so far this season, that New South Wales faces its most critical bush fire danger period in more than 15 years.

The 1991-92 annual report of the Department of Bush Fire Services raised the issue again, and New South Wales escaped tragedies and major fires because, for the fourth time since the mid 1940s, a total fire ban was not declared because the weather conditions or all those other aspects that can cause a conflagration did not come together. Honourable members will recall that in the 1992-93 report the Commissioner for Bush Fire Services issued a similar warning, and we now know that the Coroner had also raised the issue. That is not point of the exercise. We know there is a problem with bush fire prevention and we know there is a problem with hazard reduction -

Mr Cochran: And we know there are problems with your preselection.

Mr ANDERSON: The honourable member should worry if preselection on merit is introduced in the National Party, because if it is he will be finished. There is no simple solution on the issue of hazard reduction, and those who believe that by setting fire to everything they can stop fires are wrong. If honourable members read the comments of the Commissioner for Bush Fire Services, Mr Koperberg, they will know that he said that in his annual report. At the end of the exercise let us have a considered approach to preventing bushfires. It is also a question of whether the Parliament is satisfied with the processes to assist the victims of bushfires. We have heard only today that the money has been allocated. What is wrong with the Parliament, through a select committee, having a look at the

processes that were adopted?

The proposed select committee will be able to consider a whole range of issues. I repeat to the Deputy Premier and to the Minister for Police and Minister for Emergency Services that the Opposition makes the commitment that on the establishment of the committee, Opposition members of the committee will support the Government's nominee for the position of chairman. The Government will then have the casting vote. I do not understand what is wrong with that. The Government has a further commitment from the Opposition similar to the commitment given and honoured by the Opposition in relation to the committee on gun law reform and the committee on police administration. That commitment is that the Opposition will not unnecessarily impede required legislation or administrative action. Indeed, on both occasions Government speakers praised those committees for the way in which they approached their tasks.

Bearing in mind those undertakings and that track record, what does the Government have to fear? After tomorrow Parliament will not sit for another three weeks. The sitting pattern for the remainder of the year as forecast by the Leader of the House indicates that parliamentary sittings will not be months and months apart. Like the Government, the Opposition wants the matter addressed administratively and legislatively so that action can be taken before the onset of the next bushfire season. I believe that is a responsible approach. The Opposition wants the facts and the truth. Honourable members should know the reality rather than listen to the sorts of arguments that have been put forward since the fires took place. If Government members believe that is an unreasonable way in which to approach their parliamentary responsibilities, they have a different view of the Westminster system of democracy than I and my colleagues. I commend the motion. [*Time expired*.]

Mr ARMSTRONG (Lachlan - Deputy Premier, Minister for Public Works, and Minister for Ports) [11.41]: In leading for the Government in this debate I make it clear at the outset that the Government opposes the motion. In leading for the Opposition, the honourable member for Liverpool asked why one would make a submission to the Cabinet subcommittee. I do not understand why he said that because 485 submissions have been received from other governments, members of the Labor Party in this place, members of the public and people who had been affected by the fires, such as firefighters and victims of the fires.

Why is the honourable member for Liverpool so holy that he does not want to make a submission? Because he knows nothing about the subject. All he wants to do is pull a political stunt. He is not the slightest bit interested in contributing positively to bushfire management in New South Wales. He has been huffing and puffing about this committee now for some weeks, and he has left it until the last day before his pre-selection ballot to pull this stunt. He believes it will give him a nice line in the Liverpool paper. That is what this motion is all about. Although all

members of this place like him personally, they know darned well why he has pulled this stunt. Bushfire management and control should not be politicised, because it is too important to the people of New South Wales.

The motion is entirely unnecessary. It has not been moved out of genuine concern about an inquiry into the recent bushfires but out of a desire to create yet another forum for the Opposition's political posturing. Every time a matter is raised that Opposition members either do not understand or want to score some political points from, they call for an inquiry. I have a six-page list of some of the inquiries called for by the Opposition since 1991. About 25 inquiries appear on each page. If the inquiries suggested by the Opposition had all eventuated, the $16 billion budget of New South Wales could have been forgotten. The whole of the budget would have been spent on coping with these inquiries.

The Opposition is totally irresponsible in terms of the budget but, more important, it is unable to think of anything to do other than to create committees to conduct inquiries. Opposition members nominate themselves as members of these committees because they like the term of reference that enables

committees to take evidence from time to time in different places. Opposition members love the travel because it allows them to get out of their electorates when they have to face political pressures such as pre-selection ballots and allows them to go on little jaunts. The motion may have been taken seriously had Opposition members shown any real concern at the time of the disastrous January fires, but they were conspicuous by their absence. Where were they with their wet bags at the time of the fires? Talk about members not wanting to get into the act!

The Leader of the Opposition was not even in Australia and made no attempt to return to Sydney as much of the State's coast and tablelands faced the worst bushfire crisis in living memory. The shadow minister for police and emergency services, the honourable member for Liverpool, who is under preselection pressure, was invited to make a submission to the Cabinet subcommittee on bushfire management and control. He made no effort to do so, despite the fact that 485 individuals and organisations, including overseas organisations, responded to the Government's invitation. If it is good enough for 485 individuals and organisations to make submissions, why was it not good enough for the shadow spokesman?

The honourable member for Liverpool seeks to establish a parliamentary select committee to inquire into the January fires at huge expense to this State and the taxpayers, although he knows full well that a coronial inquiry is under way into the fires and that the Cabinet subcommittee on bush fire management and control has already completed the first stage of its ongoing inquiry into the fires. Both these inquiries have already amassed an impressive amount of evidence and information. The matters that the honourable member for Liverpool wants investigated by a select committee have already been, or soon will be, addressed by the Cabinet subcommittee and the coronial inquiry.

Apart from duplication and a wilful waste of taxpayers' money, what does the honourable member for Liverpool believe the select committee of inquiry will achieve over and above the two inquiries now under way? Is he putting forward the proposition that the Senior Deputy State Coroner is not competent to conduct a coronial inquiry? Does he believe a select committee will have access to information that the coronial inquiry and the Cabinet subcommittee will not have the power to obtain, or information that is not contained in the hundreds of submissions already received or yet to be assembled? Is the honourable member for Liverpool merely grandstanding for the sake of politics and for the sake of his and a few other pre-selection ballots? If that is the case, let me assure the honourable member for Liverpool and other members of the House that there is no room for party politics in relation to this matter.

The coronial inquiry and the Cabinet subcommittee on bushfire management and control are involved in most serious inquiries into matters involving the lives of the people of New South Wales and the lives of the thousands of professional and volunteer firefighters across the State. Those inquiries will be far reaching and exhaustive. They will result in many improvements to how land is managed, how houses are built, how fire risk is minimised, how fires are fought, and to the techniques and technology used to fight fires. Above all, the inquiries will result in greater safety for people and property. This is no time for the honourable member for Liverpool and the Opposition to yet again apply the handbrake to the process of government.

What the honourable member for Liverpool wants to achieve from this costly select committee is already being achieved in a highly efficient and non-political manner. The Government is getting on with the job. If a select committee is established to inquire into the January fires, what would it do first? Obviously it would have to set about assembling as much information as possible about the circumstances of the fires, take submissions from experts and individuals, sift the material, consider recommendations and write reports. All of that has been done, and will continue to be done, by the coronial inquiry and the Cabinet subcommittee on bushfire management and control. It would be nothing short of a scandalous waste of resources, time and taxpayers' money to overlay a parliamentary inquiry across the existing inquiries.

I hope the Independent members of this House appreciate the ludicrous situation that would be

created by yet another inquiry. As I mentioned earlier, this subject is not a matter for political point scoring or so-called bipartisan politics, because there are no politics in the dual inquiries now under way.

A serious job had to be done and the Government wasted no time getting on with that job. I am sure the Government would have been criticised if it had not acted immediately to establish inquiries once the fires had been brought under control. The Cabinet subcommittee on bushfire management and control has wide terms of reference. Let me outline those terms so that the House can compare the objectivity of the Cabinet subcommittee's inquiry with the duplication and potential for waste of the inquiry proposed by the honourable member for Liverpool.

The Cabinet committee's terms of reference are to examine and to report on: the adequacy of the powers held by the Commissioner for Bush Fire Services to prevent and to fight bushfires and the resources at his disposal; any inadequacies or inconsistencies in existing environment, planning, emergency services and local government laws; the adequacy of existing fire management regimes on Crown land and other public lands; the use of advanced technology and co-ordination of resources in fighting bushfires; the adequacy of funding for fire prevention and fire fighting for agencies managing Crown land; the experience of other States and from overseas in regard to fire fighting, fire prevention and mop-up operations; rehabilitation strategies to redress the environmental impact upon the State's flora and fauna; and the role of the Commonwealth. Those terms of reference are comprehensively wide-ranging and no parliamentary select committee could achieve any more.

All the matters proposed by the honourable member for Liverpool for the inquiry are already covered by the two inquiries under way: the coronial inquiry and the Cabinet committee inquiry. Add to that the extensive work carried out by task force Boyne, which is assisting the Coroner and reporting to the Minister for Police and Minister for Emergency Services, and the State Bush Fire Relief Co-ordination Committee, which oversees the distribution of relief funding to fire victims. Let us compare matters proposed by the honourable member for Liverpool for inquiry with what is already being inquired into by the coronial inquiry and the Cabinet committee.

The honourable member seeks a select committee to report on hazard reduction and other fire prevention measures. That is already done by the Cabinet committee and is also to be addressed by the Coroner. Another term of reference proposed for the select committee is reviewing the proposals and findings of the Cabinet Committee established to inquire into the bushfires. Why? Why the unnecessary duplication? Why the unnecessary waste of time? The honourable member for Liverpool will ask not only his party but the Independents to support an inquiry which would cast doubt and reflection on the Coroner's inquiry. The Coroner has been accepted since time immemorial in this State as being the appropriate authority to inquire into these types of natural disasters. [*Time expired*.]

Mr McMANUS (Bulli) [11.51]: I move:

> That the motion be amended by:
>
> Inserting in the first term of reference after "• the use of aircraft in firefighting;", the following:
>
> •the environmental impact of bushfire management and control on biodiversity and biophysical processes and the application of research, technology and management techniques to minimise the impacts;
>
> •the causal factors of the bushfires including an investigation of landuse decisions, development planning, and the responsibilities of property owners that will reduce bushfire risk and the environmental impact of bushfire management;

The Deputy Premier asked, why a select committee? Over the past month the honourable member for Bulli and the honourable member for South Coast -

Mr Cochran: It has to do with preselection.

Mr McMANUS: It has nothing to do with preselection. We have been in the media and on the airwaves asking the people of New South Wales, "Do you trust this Government?" The answer is very clear: they do not trust the Government. I have a file more than six inches thick of letters from people urging me to get into the Parliament and get this out from behind closed doors. This is how much the people of New South Wales trust the Government. I received a letter from the Cabinet Office of the Deputy Premier on 8 February saying that he was coming into my electorate. The letter said:

> As the Electorate of Bulli includes the Royal National Park, I felt it proper for me to let you know that the visit is to occur.

The Cabinet Office apparently had a second thought: "Wait a minute. This character might turn up and cause us a bit of trouble". So Mr Brown rang my office the next morning and advised my staff that I was not to regard the letter as an invitation to attend; it was to advise that his boss was coming to my electorate. His office does not want any input from a member of Parliament. Why should I have to sit idly by when a national park in my electorate has been ravaged by fire? Why should I have to write a submission to the Cabinet committee? Does the Minister know where I was on the days and the weeks of the fires? I was in Otford, getting ready to evacuate my 82-year-old mother-in-law. That is where I was as a member of Parliament.

My constituents are entitled, under our democratic process, to have their say to me, not just to the Minister simply because he is in Government. I have the absolute right to do exactly what I intend to do, and that is to have people come and see me, as well as members of the Government, and tell me what they think went wrong so that I can make some determination on the matter. Let us face it, we are going through a grieving process. We have to find out what mistakes were made and what went wrong before we can sit down and try to fix the problems. What hypocrisy for the Minister to stand before the Parliament of New South Wales and say that the Government is doing a great job!

The Staysafe committee is a fairly similar committee - and it is bipartisan. It has worked well for almost a decade. People are entitled to attend before that committee and make submissions on a bipartisan, apolitical basis. The committee makes recommendations to Executive Government on that basis. What is wrong with that? What is wrong with dragging the issue out of this cloak and dagger atmosphere, out of the Cabinet room and allowing people to have their say? I cannot understand why a democratic Government would recognise that a catastrophe has occurred in our State and then decide that it is not going to tell too many people what the Government will do about it. Why does it want to keep the matter hush-hush? Why not allow the democratic process to proceed? Is it that the Government does not want us to know what it is going to do because that might be politically unsuitable to the Government?

Let us get rid of the cloak and dagger stuff. Let us get rid of these clandestine hearings. Have these hearings conducted where they should be conducted - in the public arena, where people have the absolute right, as they should have, to approach their member of Parliament about the problem and have that member stand before the Parliament of New South Wales regardless of politics and say on their behalf, "This is what went wrong and we are not frightened to say so. This is what we think should happen to fix things". I support the motion moved by the shadow minister. I congratulate him and I congratulate the firefighters who went out there and did their bit. Now give them their due.

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [11.56]: Once again the only solution offered from the other side is more talk. We want action, not talk. There is no real comfort from what the Opposition has said for the victims of the bushfire tragedy. There is no

real support for the volunteers in anything that the Opposition has said. There are currently two major reviews into the recent bushfires. A coronial inquest is being conducted by the Senior Deputy State Coroner, Mr John Hiatt. It will examine the four deaths and 200 other fires that occurred in the period 30 December 1993 to 14 January 1994. The Coroner will be assisted and supported by a 60-strong police task force known as task force Boyne. Many expert witnesses, as well as volunteer firefighters, will be called to give evidence about prevention measures and fire behaviour.

Dr Macdonald: That is not the Parliament.

Mr GRIFFITHS: The honourable member for Manly has just said that that is not the Parliament. The Coroner's inquest is a very open and public process and, I believe, a very detailed process. I have tremendous faith in the coronial system. For many, appearing as a witness in court will be a demanding experience. Let us make no mistake about that. A coronial inquiry does not focus narrowly on immediate causes and consequences. The inquiry will be comprehensive and will run for many months. The coronial inquest will ultimately make a finding on each of the major fires that occurred during January, including findings about the losses and damage to private and public property and on bushland, the very things the honourable member for Bulli has raised.

The select committee proposed by this motion would duplicate most of the work already commenced by the Coroner. The same witnesses will be called. The same questions will be asked. The honourable member for Liverpool knows that it is deceitful to suggest otherwise. It is clear that if this select committee is formed, it runs the real risk of impeding the Coroner, not assisting him. Just as important, the vital work of the firefighting agencies will be hamstrung at a time when a new bushfire season is approaching. I stood in this House and said to the honourable member for Bulli that, as Minister for Emergency Services, I was proud of him as a firefighter, but today I am ashamed of him because he wants to put the added burden on all the volunteers. It is a disgrace.

Mr McManus: I want you to open it up.

Mr GRIFFITHS: The Coroner will open it up. The Department of Bush Fire Services is already overstretched coping with the aftermath of the January bushfires, and the honourable member wants to add to that burden. Senior staff are devoting significant amounts of time to the coronial inquiry. Now the Opposition wants to divert these people from their critical work to meet the demands of yet another parliamentary committee. Let us be perfectly clear, such a committee cannot be allowed to frustrate and delay the Government's reforms. Some recent committees have taken a minimum of 12 months - a full year of politicising the whole process, causing waste, expense and tremendous delay. I say quite seriously that if this motion succeeds the Department of Bush Fire Services will be stretched beyond its limits. It is disgraceful to even impose that upon the service. Important planning, recovery and operational work will be neglected because of the political opportunism of the Opposition.

That was the advice I received from the Commissioner of Bush Fire Services. Let there be no mistake, the aftermath of the January bushfires has placed massive demands on all combat agencies. The community expects those agencies to get on with their vital work before the next fire season. Let us be ready for it and not impede them. If that work is not done because of the empty posturing of members of the Opposition in a select committee, the community and the agencies will know exactly who to blame. The Government has acted quickly and responsibly. The closest the Leader of the Opposition came to bushfires was when he read about them in Venice while sipping a cappuccino, unlike the honourable member for Bulli who was involved.

Last November, and with bipartisan support, amendments to the Bush Fires Act saw an unprecedented rise in funding for the Department of Bush Fire Services. I also established a review into fire service funding by the former Auditor-General of New South Wales, Mr Ken Robson. I expect him to

report to me by 30 June this year. As I have already stated, a major coronial inquiry is under way into the bushfires. How can it be said seriously that a select committee to inquire into this same matter should be established? I oppose the motion to establish such a joint select committee. It has the potential to delay the whole process of legislative reform. We must improve bushfire management before the commencement of the next bushfire season. The establishment of a select committee would also prevent essential firefighting personnel from getting on with the job of protecting the people of New South Wales, and that would be a disgraceful outcome.

Mrs LO PO' (Penrith) [12.1]: I am pleased that the Minister for Police and Minister for Emergency Services spoke in this debate, because earlier this week that gentleman said he needed to respond to the community and he did a backflip. The Opposition is responding to the community and the Minister is opposing it. Many heroic deeds occurred during the bushfires, and I congratulate the people involved, but bushfire management needs to be clarified. I have jotted down questions I have been asked by people in my electorate. They include: how centralised should bush fire fighting be; what are the regulations that impeded the fighting of the fires; and was the equipment adequate. I attended a meeting at which someone tried to flog off a huge aeroplane because it was alleged that helicopters were totally inadequate in fighting the fires. By the time the loads of water were dropped, the water had vaporised and was of no use at all. There is real concern in the community about the efficiency of helicopters for firefighting, and people are saying that the Government should buy bigger and better air equipment. That would cost megabucks; and I do not know how that should be handled.

Another question was: should we return to the 1970s version of slash and burn. People are blaming the environmentalists for the fire, saying it was entirely their fault. They wish to turn back the clock 20 years and slash and burn, regardless of the environment. Other questions were: are more fire trails needed, are helicopters the best means of air attack, and are the State's building codes suitable. An article in one of the Sunday papers said that New South Wales building codes are totally inadequate for people building in bushfire areas. Those building codes need to be addressed. I note that the Deputy Premier made no mention of building codes.

The Government thinks it has covered all bases, but it has not. Another issue that should be addressed is the funding arrangements from various levels of government. Is the State Government allocating the appropriate funds? Are local governments participating at the proper level? How does this compare with other States, and what are their financial arrangements? What onus is there on the families who build in bushfire areas? Surely there should be some onus of care on those people. While the Minister suggests that his Cabinet subcommittee is covering all bases, I suggest it is not. Communities expect us, as their representatives, to get to the basis of this. The eastern escarpment in the electorate of Penrith is one of the most beautiful and sensitive areas in this State. Though it was untouched by fire this time, next time it might not be so fortunate. We need to get on top of this issue straight away. An article in the *Sydney Morning Herald* of 10 January stated:

> Anyone who imagines that our bushfire management methods cannot be improved upon need only reflect on the sacrifices made by volunteer firefighters in recent days . . .

People from the mountains, which were severely affected by the fires, are coming to my office expressing concern about what happened on the Hawkesbury Road. The Government would be aware that houses on Hawkesbury Road were devastated. Those suburban building blocks had no water. How could councils allow people to build on suburban blocks with no city water? That matter must be addressed. Though the eastern escarpment was saved, many people from the mountains are concerned about what is happening in the Minister's Cabinet subcommittee, because they want a more thorough investigation.

Mr COCHRAN (Monaro) [12.5]: There is no question that this is the second time in a week that this boofhead on the other side, this great pretender, has shown he is more concerned about his preselection than he is about the consequences of this tragic fire. He is completely preoccupied with this despicable act of political bastardry, and it will be seen by the community in the same way. The community will not

be fooled by him. There is no substance to this debate, as he well knows. There is no question that the contribution made by the honourable member for Penrith is a valuable contribution. All honourable members would recognise that.

The first part of the motion of the honourable member for Liverpool reads, "it is to consider the report of the recent bushfires". The second part reads, "that we shall not duplicate the examination". What he is proposing is enshrining duplication. What he is doing is duplicating what is already being undertaken by the Cabinet subcommittee and the Coroner. Is he questioning the credibility of the Coroner? That is what needs to be asked. He simply cannot handle the fact that he is not in on the act; he would like to be right in the thick of it. The honourable member for Liverpool is a political stirrer. He needs to win preselection. Honourable members know that the leadership of the Australian Labor Party is up for grabs and he is a contender.

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This motion proposes a seclect committee be established to consider and report upon the recent bushfires. I inform honourable members that the public, the firefighters, the property-owners and, no doubt, the Parliament will consider the report of the Cabinet subcommittee. The Coroner's report will be published. The honourable member will see it and will have an opportunity to comment on it. All of those important issues that the honourable member for Penrith raised - but which the honourable member for Liverpool did not see fit to raise - will be the subject, no doubt, of further debate.

I am completely disgusted with the motion of the honourable member for Liverpool. It is a cheap political point-scoring exercise. He has placed in question the credibility of the Coroner. There is no doubt that a coronial inquest will provide an independent report. It will be well resourced by professional people and will be unequivocally transparent, so that both sides of the House, the general public and the firefighters will have an opportunity to comment on that report as well. My advice to the honourable member for Liverpool is to keep politics out of the bushfire business. I well recall a former member for Goulburn, Ron Brewer, advising me shortly after I was elected of three things that should be kept out of politics - bush fire brigades, rubbish tips and pre-schools.

I suggest that the honourable member for Liverpool should get his snout out of the ballot-box on this exercise and take heed of the report of the Cabinet subcommittee and also the Deputy Premier's Cabinet subcommittee. They no doubt will provide a basis for debate and recommend amendments to the Bush Fires Act among other matters. If the honourable member for Liverpool had taken the time to look at the "Fire Management Manual" put out by the National Parks and Wildlife Service and offer some critique to add a bit of substance to the debate, he might have been offering something worth while. However, this cheap political point-scoring exercise will do nothing for his preselection. I suggest that he bury the motion, wait for the reports of the Cabinet subcommittees and the Coroner's inquiry to be produced in due time, and also await the public comment that will flow.

Mr ANDERSON (Liverpool) [12.10], in reply: I will be relatively brief in my reply, because there is not much to reply to. The Deputy Premier, Minister for Public Works and Minister for Ports has tried this for a couple of weeks with respect to select committees and trips. In my time in this place I have been on three select committees and I have had two trips. The first was in a police bus from here to the police armoury at Riley Street and the second was a trip on a police bus from here to Riley Street to investigate drug security. They are the two trips I have had in all my years here working on select committees. Why does not the Government publish details of its trips? Fair dinkum! Government members are getting frequent travellers points. The Government talks about coroners courts. For the years I was a police prosecutor I spent a lot of time assisting coroners in coroners courts.

Government members should look at what happened in 1983 as a result of the Grays Point inquest, which went for a year. It dealt with deaths that occurred in one place as a result of one fire. The Coroner is required to determine the cause and manner and the time of death of people who died in

different locations as a result of different fires. The Government will not have a final report from the Coroner for a year. It tells us that we cannot have a select committee because it wants everything sorted out before the next fire season. Talk about being inconsistent.

No wonder the Australian Security Intelligence Organisation got rid of the honourable member for Monaro. The Minister for Police and Minister for Emergency Services is always on about accountability. That is exactly what this is about. He told us about the letter he has from the Commissioner for Bush Fire Services. I got one too; it is dated 11 February. I requested that the shadow cabinet be briefed on these fires. We received a knock-back. I will read the last paragraph of the letter, because it is very interesting:

> I am also advised, that after Cabinet has carried out its review and drawn the necessary conclusions on a range of complex issues -

Wait for it:

> - the Parliament and the wider community will be informed of the decisions and how arrangements for bushfire management and control are to be improved.

I emphasise: will be informed. There is no opportunity for debate. The Government will tell us from on high what will happen. What was the Government so terrified about that it would not grant permission? I reckon the Minister for Police and Minister for Emergency Services wanted us to be allowed to have the briefing but he was rolled again. The Deputy Premier, Minister for Public Works and Minister for Ports wants to know where I was on that weekend. I will tell him. On the Saturday I was on the roof of my home with my son blocking the gutters and laying out the hoses. We had been up until after midnight listening to the radio to determine the path of the fire in the mountains. We spent that Saturday hoping for a wind change. It moved from the northeast towards Yarramundi and we were in its path as it came down. In the 19 December 1977 fires I had to evacuate my mother from her home, which was somewhat closer to Winmalee than I live.

Mr Cochran: Why did you not fix it when you were Minister?

Mr ANDERSON: On the Sunday I spent two hours at the Rosehill bushfire headquarters, which is more than you did, Spook. I was there for two hours, as was John Hewson, Premier Fahey and the Minister, subsequently. I was briefed about all the

fires. I was taken into the office control room. I saw a map of each area and exactly what had happened. That is what my shadow cabinet colleagues sought to be shown. But we could not be shown any of the detail of the fires. The Government had something to hide. I urge support for this motion to allow the people and the Parliament to have an opportunity to participate in what will be an absolutely vital process in the history of this State.

Question - That the amendment be agreed to - put.

The House divided.

Ayes, 46

Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Ms Moore
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Clough	Mr Nagle

Mr Crittenden	Mr Neilly
Mr Doyle	Mr Newman
Mr Gaudry	Ms Nori
Mr Gibson	Mr E. T. Page
Mrs Grusovin	Mr Price
Mr Harrison	Dr Refshauge
Mr Hatton	Mr Rogan
Mr Hunter	Mr Rumble
Mr Iemma	Mr Scully
Mr Irwin	Mr Shedden
Mr Knight	Mr Sullivan
Mr Knowles	Mr Thompson
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Yeadon
Mr McBride	
Dr Macdonald	*Tellers*,
Mr McManus	Mr Beckroge
Mr Markham	Mr Davoren

Noes, 44

Mr Armstrong	Mr D. L. Page
Mr Baird	Mr Peacocke
Mr Beck	Mr Petch
Mr Blackmore	Mr Phillips
Mr Causley	Mr Photios
Mr Chappell	Mr Richardson
Mr Cochran	Mr Rixon
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Downy	Mrs Skinner
Mr Fraser	Mr Small
Mr Glachan	Mr Smith
Mr Griffiths	Mr Souris
Mr Hartcher	Mr Tink
Mr Hazzard	Mr Turner
Dr Kernohan	Mr West
Mr Kinross	Mr Windsor
Mr Longley	Mr Yabsley
Ms Machin	Mr Zammit
Mr Merton	
Mr Morris	*Tellers*,
Mr W. T. J. Murray	Mr Jeffery
Mr O'Doherty	Mr Kerr

Pairs

Ms Allan	Mrs Chikarovski
Mr Carr	Mrs Cohen
Mr Face	Mr Fahey
Mr Ziolkowski	Mr Humpherson

Question so resolved in the affirmative.

Amendment agreed to.

Question - That the motion as amended be agreed to - put.

The House divided.

Ayes, 46

Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Ms Moore
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Clough	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Doyle	Mr Newman
Mr Gaudry	Ms Nori
Mr Gibson	Mr E. T. Page
Mrs Grusovin	Mr Price
Mr Harrison	Dr Refshauge
Mr Hatton	Mr Rogan
Mr Hunter	Mr Rumble
Mr Iemma	Mr Scully
Mr Irwin	Mr Shedden
Mr Knight	Mr Sullivan
Mr Knowles	Mr Thompson
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Yeadon
Mr McBride	
Dr Macdonald	*Tellers*,
Mr McManus	Mr Beckroge
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Noes, 44

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Mr Cruickshank	Mr Schultz
Mr Downy	Mrs Skinner
Mr Fraser	Mr Small
Mr Glachan	Mr Smith
Mr Griffiths	Mr Souris
Mr Hartcher	Mr Tink
Mr Hazzard	Mr Turner
Dr Kernohan	Mr West
Mr Kinross	Mr Windsor
Mr Longley	Mr Yabsley
Ms Machin	Mr Zammit

Mr Merton	
Mr Morris	*Tellers*,
Mr W. T. J. Murray	Mr Jeffery
Mr O'Doherty	Mr Kerr

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Pairs

Ms Allan	Mrs Chikarovski
Mr Carr	Mrs Cohen
Mr Face	Mr Fahey
Mr Ziolkowski	Mr Humpherson

Question so resolved in the affirmative.

Motion as amended agreed to.

NORTH HEAD AND MALABAR SEWAGE TREATMENT PLANT INCINERATORS

Dr MACDONALD (Manly) [12.27]: I move:

That in view of the adverse findings of the emissions testing program, including the risk assessment of emissions at North Head and Malabar and the health concerns of the local community, this House calls upon the Minister responsible for the Sydney Water Board to close down the Malabar sludge incinerators and decommission the incinerators at both the North Head and Malabar sewage treatment plants.

I put out a briefing paper to all members of Parliament to outline my concerns on this issue. In summary, after a three-year testing program costing $3.5 million to determine the safety of the incinerators that already have been operating for 20 years it was found they were unfit for operation. The risk assessment integral to the program - it is known as the science of uncertainty - showed a significant cancer risk of one in 10,000. In California incinerators will not be licensed if the risk is not less than one in 100,000. In New York the risk must be less than one in a million. At page 59 the Environment Protection Authority report entitled "The Revision of Health and Risk Assessment of Water Board Sewage Treatment Plant Incinerators" states:

The carcinogenic risk level is central to the Environment Protection Authority's risk assessment methodology. The EPA chose a one in 10^5 risk level (that is a probability of one in 100,000) for sewage sludge fired in sewage sludge incinerators.

So the EPA is damned in its own words. The level it set is one in 100,000 and the findings showed that it is one in 10,000 - a 10 times higher risk than set out in its own standards. Clearly, that is not acceptable and the incinerators should be decommissioned and not be recommissioned without a proper process of rigorous risk analysis. They should meet best overseas practice and a proper environmental impact statement, which the incinerators have never had. The response from the Minister for Planning and Minister for Housing, Mr Webster, in another place has been cavalier to say the least. I have a copy of a letter he wrote to the Leader of the Opposition - he may choose to quote from it today as well - dated 3 March, which states:

The operation of these incinerators is considered to be very safe with health risks to residents considered to be negligible.

I do not agree with that at all. He further says:

> In my view, there is no need to shut down multiple hearth incinerators at Malabar.

Mr Phillips: Are you an expert?

Dr MACDONALD: In the United States of America they would be closed down. I do not know why we should have anything less than they have in the United States. I am pleased to see the Minister for Health is in the Chamber because this is a health issue and the health department has been just as cavalier in its response over the years. The Environment Protection Authority has also been disappointing in this debate. In a letter dated 2 May 1989 from the then State Pollution Control Commission it describes the emissions as innocuous gases. I reject that. They are carcinogenic agents that are the product of combustion - dioxins, furans and the chromium VI that is the particular chemical responsible for the one in 10,000 risk. The only other known agent to which we are exposed that is more carcinogenic is tobacco smoke.

Mr Richardson: We know how you feel about that.

Dr MACDONALD: Everyone is aware of my feelings about that. The outstanding evidence supports my notice of motion to have the incinerators decommissioned. The Premier also has been involved in the debate. I received a letter from him dated 1992 when he was acting Minister for Housing. Again, the letter was totally dismissive of the community concerns, which are the concerns that I represent. In his letter he said:

> No data exist to indicate that the incinerator operation was in violation of regulatory limits . . . It is quite probable that the incinerator was perceived as a threat to the quality of life in Manly due to subjective media and certain residents being ill-informed.

The Premier of New South Wales is saying that. He went on to say:

> Secondly, the emissions from the incineration of sludge were never toxic and did therefore, not pose a threat to the health of Manly residents.

Where is the Premier now? Having seen the report, what would he say? Equally I reject those statements. The three incinerators used at North Head were 20 years old, inefficient, and not state-of-the-art. Even the Independent Commission Against Corruption in its report on the sludge tenderers indicated there was malfunctioning equipment when it said, "On 11 April 1991 all three incinerators at North Head malfunctioned". Yet exactly the opposite was said by the Water Board in a newsletter four months later when it said the incinerators were operating safely. I shall make further comments in my reply, but I urge the House to support this motion which protects the health of the people of Manly and Malabar.

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [12.33]: This motion is a deceit and a fraud. The honourable member for Manly would have the House believe lies in order to achieve his transparent agenda, which is to shut down the treatment plants and not just the incinerators. The honourable member for

Manly has his sights set on the people of Manly and also those of Maroubra. Does the honourable member for Maroubra have something to fear from this interloper upon his patch? I suggest that he does. No adverse findings have been made, as claimed in the motion. We must be clear on this point because it is the basis for the fabrication.

The honourable member for Manly, Dr Macdonald, has knowingly bent the truth in framing this

motion and in his memorandum circulated to members. He claims that the incinerator emission study shows that there is a significant risk of developing cancer from the incinerators. It says no such thing. The study says that the operation of the incinerators is considered to be very safe. The health risk associated with the incinerators is negligible. The incinerators were only minor contributors to the total air pollution in the surrounding areas. The honourable member is being mischievous and manipulating what he knows to be the facts. Indeed, he is very familiar with the emission study because he was involved through his position on Manly Council.

The study was overseen by a working party including Manly and Randwick councils, the EPA, the Department of Health and community groups. He uses the C word - cancer - and preys on people's fears and inexperience with issues such as risk assessment. The honourable member for Manly understands one thing: how not to spoil a good story with the truth. The risk assessment used in the emission study, which was instigated by the Water Board, project managed by the EPA and undertaken by independent experts, is very conservative. The one in 10,000 statistical risk on which the honourable member bases his false claims is a worst-case scenario. It is based on a hypothetical person residing for a lifetime, that is, 70 years, at the point of maximum concentration of emissions.

I will repeat that because it is quite an absurdity to take the argument to such an extreme. His claims are based on a hypothetical person residing for a lifetime, that is, 70 years, at the point of maximum concentration of emissions. His claim also assumes that the chemicals in those emissions are in their most toxic form. One does not have to be Einstein to work out that in reality no one has anywhere near this level of exposure. I repeat, the incinerator emission study shows that the health risks to residents is negligible. Frankly, one is at much greater risk in peak-hour traffic. The Water Board has invested significantly in determining the effects, if any, on the community from the incinerators. The study cost more than $3 million. Not satisfied with cancer, the honourable member for Manly also claims that the incinerators cause asthma.

The honourable member chooses to ignore the findings of a study released by the Department of Medicine of the University of Sydney in April 1992, which concluded that children living in Manly or Malabar near the treatment plant incinerators did not have a higher prevalence of asthmatic or allergic systems than children living in Cronulla where there is no treatment plant incinerator. The honourable member for Manly also claims that the incinerators at Malabar are sludge incinerators. Wrong again! Anyway, Malabar is not his patch, but I see the Leader of the Opposition, the honourable member for Maroubra, waiting patiently to make his contribution to this debate. The incinerators at Malabar burn screenings only, not sludge. Screenings are the remains after sieving types of processes - the leftover litter. On the other hand, the incinerators at North Head used to burn sludge, which is the solids left over after sedimentation or settling. The incinerators at Manly were shut down, but not for the reasons given by the honourable member.

The decision to shut down the incinerators at North Head was taken to meet this Government's commitment to cease ocean disposal of sludge and beneficially reuse it, rather than stop incineration per se. Indeed, the Government met this commitment and stopped putting sludge into the sea. The Water Board now recycles 75 per cent of its sludge, most in beneficial applications on land. The honourable member wants to close down the incinerators at Malabar without good reason. I would be concerned if I were the honourable member for Maroubra. If the screenings cannot be burned, what is to be done with them? The honourable member knows the answer: bury them in a tip. That is the only option! He might say, "Hang the expense". Why should he care how much it would cost Water Board customers to close the incinerators at Malabar? He is not accountable. But the community at Malabar might not thank the good doctor or the honourable member for Maroubra if the number of truck movements each day from the Malabar plant is almost doubled. Is that acceptable?

Mr Carr: No.

Mr SOURIS: Not acceptable?

Mr Carr: One small truck a day.

Mr SOURIS: That is interesting - one small truck a day. The honourable member for Maroubra has just painted himself into his own corner. We shall see what the residents of Maroubra think of the doubling of truck movements from the Malabar plant each day. The Water Board has done a lot of work with the local community at Malabar on issues such as the number of truck movements from the plant. At both North Head and Malabar monthly meetings are held with members of the community and the plants are regularly opened to the public for inspection. Members of the Malabar community know that the trucks carry sludge that is mostly used beneficially in land applications. The Water Board would not claim that it pleases all the people all the time but a balance has now been established, in the community's view. However, I doubt that the majority of members of the Malabar community want more trucks carting away screenings when those screenings can be safely disposed of by incineration.

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For the information of the House, the Water Board recently spent $2 million refurbishing one of the incinerators at Malabar and plans to spend $500,000 in 1994 on the other. The closure of the incinerators at Malabar would involve an outlay of an estimated $1.5 million in capital expenditure to establish a lime stabilisation facility to handle the screenings. The annual operating cost would be approximately $700,000. But, costs aside, the benefit to the environment of this action has not been proved. The Water Board would have to conduct a review of environmental factors to establish whether there is environmental benefit in the land disposal option. The honourable member for Manly, Dr Macdonald, having introduced recycling in the council area of Manly, is familiar with the problems associated with continuing to rely on landfill options for waste disposal.

It might interest honourable members to know that in respect of incinerators as an option for waste management the Environment Planning Authority's submission to the Joint Select Committee upon Waste Management concluded by saying that incineration, where it meets environmental standards, should not be discounted as a method of waste disposal when recycling and waste avoidance are not always options. It should be noted that the incinerator at Malabar operates within EPA licence conditions. The Department of Health has confirmed that the incinerators are not a significant risk and the EPA has required that practical options for the reduction of even this low level of risk be reported on by September this year. Indeed, the Water Board has initiated action to meet that requirement.

Options for future management of precious water resources are not as obvious or simplistic as some honourable members would have the public believe. Furthermore, those options will not be cheap. It is the height of arrogance to ignore the fact that the community has a right to be consulted about priorities and what they are willing to pay for. Members of the community also expect to be informed that they can participate in decision-making. Planning is the key to sustainable development of the Sydney region. The Government has demonstrated its commitment to excellence in planning through the preparation of key documents and consultation programs such as Sydney's future - the review of the metropolitan strategy. Significant reports have also been produced as part of the Government's clean waterways program during the past four years.

The Minister responsible for the Water Board, the Minister for Planning and Minister for Housing in another place, has launched such a document today for consideration by the community. The document, "Choices for Cleaner Waterways", invites the community's participation in the preparation of the Water Board's strategic plans for wastewater and stormwater assets. That is a balanced and intelligent approach. It is challenging because the waterways of Sydney are highly valued and many groups have different and sometimes competing priorities for how to protect them. The honourable member for Manly and the Leader of the Opposition - [*Time expired*.]

Mr CARR (Maroubra - Leader of the Opposition) [12.43]: This motion holds the Government to a

commitment it made on 1 August 1991 in a press release issued by the then Minister for Housing, the honourable member for Wagga Wagga, Mr Schipp. He said in the press release, referring to trialed trucking of sludge from Manly:

> The trial to begin on New Year's Day will hopefully remove the last hurdle before the incinerators at North Head and Malabar are shut down.

That was the commitment given by the honourable member for Wagga Wagga on 1 August 1991. The motion holds the same Government to the commitment made then. The alternative to carrying this motion is to say that incineration, which has ceased at Manly, will continue at Malabar - a double standard. The Minister asked what was the attitude of the people at Malabar to the prospect of what he described as additional truck movements. I have two things to say: I consulted them last night, and some of them are present in the gallery today, and they confirmed that they want an end to incineration. They want incineration to end at Malabar, as it has ended at Manly.

The second point is that the Minister continues to talk about truck movements. I will quote what the Water Board said about the amount of screenings - 1.8 tonnes a day of screenings that are incinerated; 1.8 tonnes a day that would require trucking out. That amount would fit into the back of a utility. The Minister talked of the number of truck movements involved each day, but that is only half a truck movement per day. That is what is required and should be viewed in the context of all the truck movements that occur now, in and out of the Malabar plant. The view of the people of Malabar is overwhelming. They want incineration to cease and they will accommodate that moderate increase in truck movement to achieve that end. If the Government rejects the motion, it is telling the people of Malabar that they have to live with incineration that has ended at North Head.

There are time constraints, so I will not canvass the other matters that I had wanted to; they have been referred to by the mover of the motion. The key to this is the question of a double standard. For three years the residents of Malabar campaigned for a public inquiry into this matter. They saw the incinerator at Manly closed, yet the incinerator at Malabar continues to be used, despite the fact that readings during the testing program were of a higher magnitude than those taken at North Head. After three years' study the people are entitled to hold the Government to the promise it made under a previous Minister on 1 August 1991. On the bottom line, that is what the motion is about.

Mr PHILLIPS (Miranda - Minister for Health) [12.46]: I want to address one specific issue in this debate from a health perspective. I do not object to members of Parliament pursuing issues of concern to their constituents but I object when they use obviously inaccurate figures and when they use words of fear - such as cancer - unreasonably in the community to achieve their political agendas. The Government knows that in the runup to the 1991 election, when the honourable member for Manly was elected, he ran a scare campaign about emissions at Manly and about how it would mean death and doom to the people of Manly. He said that something had to be done and that, in his expert opinion as a general practitioner, certain things would happen.

The honourable member said that numerous reports had been received of upper respiratory system ailments and a general malaise claimed to be associated with incinerator emissions. There was no evidence, no facts - just that claim. On that type of evidence the honourable member has said that asthma rates in Manly are outrageous, of major concern and caused by the incinerator. Everything in Manly is caused by the incinerator. That was the type of fear campaign he generated during 1991; it enabled him to win him the seat. The incinerators are no longer burning at Manly for economic reasons, but he wants to make that claim again, and run another headline in the *Manly Daily,* saying -

Dr Macdonald: I do not write the *Manly Daily*.

Mr PHILLIPS: No, but the honourable member created the fear and concern. That is the headline the honourable member is seeking. He is talking about the incinerator at Malabar but he wants a headline in his local paper, "Cancer". It is blatant electioneering. I am surprised at the honourable member for Manly, because he knows as well as I do that one of the most dramatic problems in the planning of health services involves doctors shroud-waving to achieve gains for their own favoured hospital projects or for their own incomes. That has warped the health debate and health resources. Claims are made that women will lose their breasts or that the death rate in a particular town will increase, but people do not ask doctors for the bottom line of their agendas or what is behind their motives. I am ashamed of the honourable member for Manly, who is crossing over political and medical grounds and shroud-waving on issues of incineration to scare the community.

Dr Macdonald: You are out of your depth.

Mr PHILLIPS: I am out of my depth? Earlier the honourable member for Manly said across the Chamber that incinerators would not be accepted in the United States of America. What are the facts about American standards? A quote from a United States Environmental Protection Agency document titled "Technical Support Document for Sewage Sludge Incineration" states:

> Based on existing data the unit (1 in 10,000) is protective of public health.

The document does not confirm the claims made by the honourable member for Manly. The public health officer in New South Wales has announced the health risk many times. If one stands on the spot of maximum emission for 24 hours a day for 70 years, the risk of developing cancer is 1 in 10,000. I want to know whether people who are travelling will catch a bus, a train, or an aeroplane or whether they will take lots of risks - [*Time expired*.]

Mr WHELAN (Ashfield) [12.51]: Although the Minister has claimed that the motion relates to local matters, the argument overwhelmingly and persuasively supports the honourable member for Manly and the Leader of the Opposition. Clearly the motion before the Chair has great substance. It ill behoves the Minister to attempt to personalise a serious issue confronting the people both of Manly and Maroubra. I strongly support the motion.

Mr HUMPHERSON (Davidson) [12.52]: Today the honourable member for Manly has revealed his true colours. During the past three years he has claimed to be a champion of the environmental cause. Clearly, however, that is not so. His real desire is to achieve and maintain power at any cost, even at the expense of the environment he says he wants to protect. If successful the call of the honourable member for Manly for the Malabar incinerators to be closed will produce a poor environmental outcome for the community. My colleague the Minister for Land and Water Conservation highlighted the use by the honourable member for Manly of the C word - cancer - to prey on community fears. That is not the only scaremongering tactic the honourable member for Manly has indulged in. He also tried to scare the community by the use of the I word - incineration. He claims incineration is evil, polluting and a risk to the community.

If the honourable member for Manly were referring to backyard incinerators or the burning of usable material, his claims may have some basis in fact. But he is not. He is referring to modern technology, which, combined with up-to-date management controls and modern emission reduction equipment, can effectively and efficiently reduce waste volumes and produce a stable, manageable residue. It is no accident that the Federal Government of Germany is introducing laws requiring that a wide range of waste materials be incinerated before being landfilled. Germany has realised that the best environmental outcome is to minimise the volume of waste going to landfill and that incineration is not inherently evil; it can be a viable environmentally responsible method of managing waste products. Governments in Scandinavia are following the same path, with positive policies in some of these countries promoting incineration over other methods of waste disposal.

It is worth while noting that modern incineration technology is able to achieve destruction efficiencies of 99.99999 per cent. Similarly, emissions can be negligible and very effectively controlled, but the honourable member for Manly has been absolutely scurrilous in his claims that dioxins and furans, two of the chemical compounds potentially generated in the incineration process, pose a risk to the community. The emission study commissioned by the Environment Protection Authority - one of the most comprehensive studies ever undertaken in the world - found that these substances posed no risk to the community. The only substance of any concern - and honourable members should bear in mind that the level of risk was only 1 in 10,000 at the most extreme point of exposure - was chromium hexavalent, which is a metal, not a dioxin or furan.

It is known that optimum conditions for the formation of dioxins and furans are at a temperature of 300 degrees centigrade with high oxygen concentration and the presence of metal chlorides on the fly ash particles. These conditions do not exist at the Malabar facility, where burn temperature exceed 800 degrees centigrade. In this context, emissions from motor vehicles are of greater concern. After all, cars are only incinerators burning motor fuel rather than waste, and they have poorer emission controls than would be available for use in conjunction with industrial incinerators. While I am speaking about pollution risks, let us consider for a moment the emission study that led the honourable member for Manly to rashly call for the closure of the Malabar facility.

This study concluded that the operation of the incinerators posed a negligible risk, but in line with international practice that conclusion was only reached by calculating risk at the maximum point of exposure over a 70-year period and assuming the highest possible toxicity levels for the material being burned. This level of exposure would never be experienced even by those living closest to the plant. It is a theoretical level designed to standardise risk assessment. At that level of risk, the standard practice is to develop strategies to reduce risk. Accordingly, the Environment Protection Authority has served a notice on the Water Board requiring the board to undertake risk reduction strategies. The board will comply with this requirement and is confident that risks arising from the operation of the incinerators can be reduced below the 1 in 10,000 level, which, as I have said, is the international standard for taking action.

It makes no sense to propose the closure of the incinerators to eliminate an insignificant risk when strategies to reduce that risk even further are still being developed. The honourable member for Manly is right on one point. We should not waste materials that can be reused. That is the reason the Government has ended the incineration of sewage sludge and has developed opportunities for the reuse of this bi-product. More than 75 per cent of sludge collected by the Water Board is now beneficially reused. Indeed, that is the reason the North Head incinerators, which were used to burn massive quantities of sewage sludge, have been closed. The material incinerated at Malabar is not suitable for reuse. [*Time expired*.]

Dr MACDONALD (Manly) [12.57], in reply: In my closing remarks I should like to pose one or two questions. If the risk is minimal, why has the Environment Protection Authority slapped a legal order on the Water Board? That is the first question. I wonder who wrote the speech of the Minister for Land and Water Conservation. It was misleading, and it trivialised the issue. The reason the testing was done was because of the dioxins and furans that were found in a 1989 test. It is disgraceful for the Minister for Health to defend the Water Board on a public health issue.

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

Dr MACDONALD: Various speakers have spoken about the community view. The view of the community has been upheld by Manly Council, the Manly Environment Centre, and the organisers of the campaign to end sewage smells in Malabar. Any politician who campaigns on the issue of incineration

with that evidence is dead in the water.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 44

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

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Mr Armstrong	Mr O'Doherty
Mr Baird	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Petch
Mr Causley	Mr Phillips
Mr Chappell	Mr Photios
Mr Cochran	Mr Richardson
Mr Collins	Mr Rixon
Mr Cruickshank	Mr Schipp
Mr Downy	Mr Schultz
Mr Glachan	Mrs Skinner
Mr Griffiths	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Turner
Dr Kernohan	Mr West
Mr Kinross	Mr Windsor
Mr Longley	Mr Yabsley

Ms Machin	Mr Zammit
Mr Merton	*Tellers*,
Mr Morris	Mr Jeffery
Mr W. T. J. Murray	Mr Kerr

Pairs

Ms Allan	Mrs Chikarovski
Mr Face	Mrs Cohen
Mr Langton	Mr Fahey
Mr Rogan	Mr Fraser
Mr Ziolkowski	Mr Tink

Question so resolved in the affirmative.

Motion agreed to.

[*Mr Speaker left the chair at 1.6 p.m. The House resumed at 2.15 p.m.*]

QUESTIONS WITHOUT NOTICE

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REGULATORY REVIEW UNIT

Mr CARR: My question is directed to the Premier. Did he pay Mr Gary Sturgess $96,000 to prepare his report on Fahey Government red tape? Did Mr Sturgess conclude that New South Wales needed three years, a new Cabinet committee, and a new bureaucracy to be called the regulatory review unit, to cut red tape? Is this report value for money?

Mr FAHEY: The answer to the last part of the question is yes. The reason that we need to do something about red tape in this State is that for 12 years Labor created volumes of it. Opposition members could well employ Mr Sturgess, or any other consultant for that matter, to review the red tape with their preselections.

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

Mr FAHEY: Clearly, they have so much red tape that, with all their rules and regulations, they do not have the faintest idea how they will get through the next few weeks.

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

Mr FAHEY: Lawyers will have a picnic on Labor Party preselections alone before 26 March.

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

Mr FAHEY: Let me get down to some serious matters. Opposition members have no ability to take this seriously. They have no policy. Week after week the Leader of the Opposition treats the Parliament as a joke.

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

Mr FAHEY: The first directive the Leader of the Opposition issues at the beginning of any parliamentary sitting week is in the form of a memorandum to all Opposition members. He asks, "Have you any good one liners for this week? I am in trouble again". He gets through the week by constantly coming up with one liners. Through open and accountable government, for which I make no apology, the Government has introduced a number of measures to encourage those who wish to invest and to ensure the creation of jobs in this State.

That is clearly being identified by the Sturgess red tape inquiry. It would well do the Leader of the Opposition to spend Easter in the bush, perhaps, thoroughly examining a copy of that report to see whether there is an opportunity for this State to progress this matter and to ensure that we do have a much more flexible system, a system that always covers what must be covered but which leads to progress.

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

Mr FAHEY: For decades in this State, agency after agency has come to a stop. Each one of those agencies has a role to play. What industry and business want to see is an opportunity to progress, to know exactly what it is they have to get through so that they can put up their investment. Some of the examples referred to in the report are striking. The owner of a Chinese restaurant took four months to get council approval to change the sign outside the front of his restaurant. Is that what we want in this State? Do we want regulations that impede people from getting on with their lives? We certainly do not. For decades legislation has gone through this Parliament with little regard to the regulation process that follows. Many people simply put up regulations that have little or no cohesive intent.

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

Mr FAHEY: The Government will proceed to get serious about red tape. That will progress over the next several months. At the end of the day people who want to invest in this State, whether or not they have existing businesses, will be able to progress their applications with the minimum of fuss, knowing exactly what it is they have to approach. They will not get bogged down and walk away from opportunities that this State can provide.

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

BONDI ICEBERGS SWIMMING CLUB

Mr YABSLEY: I address my question without notice to the Minister for Land and Water Conservation. Is the Minister aware of Waverley Council's desire to demolish the Bondi Icebergs Swimming Club? If so, will he advise what can be done to save this historic club?

Mr SOURIS: I thank the honourable member for Vaucluse for his question and for his considerable interest in the preservation of the Bondi Icebergs Swimming Club. It was the honourable member for Vaucluse who first brought this matter to my attention some months ago when he led a deputation from the Icebergs to see me, and at the time outlining the horrible problem they are faced with as a result of the actions of Waverley Council. This is a vicious attempt by a Labor mayor, Councillor Armitage, and a Labor controlled council to destroy a national icon.

Mr SPEAKER: Order! I ask honourable members to show a little more decorum in their response to answers given by Ministers, and in their reactions when questions are asked.

Mr SOURIS: There is an urgency on council's part to accept the need to preserve this highly

recognised and historically important institution.

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

Mr SOURIS: Council must accept the existence of massive community support to retain the Icebergs. It should take note of media comments, letters and messages. It should particularly take note of a rally of over 1,000 people which took place at the Bondi Icebergs Club last Sunday.

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

Mr SOURIS: Does the honourable member for Coogee support the demolition of the Bondi Icebergs?

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

Mr SOURIS: Let us put it on the record that the honourable member for Coogee supports the demolition of the Bondi Icebergs.

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

Mr SOURIS: I wonder whether the Leader of the Opposition wants to completely remove what is left of his appalling opinion rating in the polls by also supporting the demolition of the Bondi Icebergs?

Mr SPEAKER: Order! I call the Minister for Health to order. I call the honourable member for Baulkham Hills to order for the second time. I call the Treasurer and Minister for the Arts to order.

Mr SOURIS: This is a very good, well masterminded, well crafted election policy for the by-election which will take in this important area. It is a very interesting tactic. I was told that when it was asked at the rally, "Are there any ALP voters here who have changed their vote on account of the Bondi Icebergs?", 800 of the 1,000 people put up their hands.

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

Mr SOURIS: I am pleased to see that there are now virtually no supporters on the other side - I will leave a slight gap for the Bondi Icebergs. That is excellent. Yesterday I met with Peter Debnam, the Liberal Party candidate for Vaucluse, and the Icebergs. Peter Debnam led a deputation from the Bondi Icebergs to discuss the future of the club. The club was established in 1928 by a group of local lifesavers and has become firmly entrenched in the history and tradition of one of the world's most famous beaches. There is a need to ensure that this tradition is continued. The council is acting as trustee of Crown land. It is involved in a political exercise, incorrectly saying that the Local Government Act prohibits it from reissuing a lease to enable the continuity and saving of the Bondi Icebergs. It is entirely appropriate for council to reissue a lease to the Icebergs without public tender under section 55(3) of the Local Government Act. The only requirement of the council is that if the lease is to be longer than five years the council needs to make a public announcement in the local press.

There is nothing in the Crown Lands Act nor in the Local Government Act which prohibits the reissuing of a lease to the Icebergs. Yet, repeatedly, the Labor controlled Waverley Council, with this pathetic Labor mayor in charge who is purporting to be running for some preselection for the Labor Party, or is already the endorsed Labor Party candidate - I would not have a clue - is deliberately lying, another Labor lie, when she claims that there is something in the Act which prohibits it from reissuing the lease to the Bondi Icebergs to save the club.

The Bondi Icebergs have already invested huge sums of their own money in the club. In fact, they originally constructed it. Yet council has failed to recognise these existing rights. It is a vicious act of the Australian Labor Party council to destroy the Icebergs. The Icebergs have considerable funds available to contribute towards the restoration. They should be given a chance to prove themselves. After all, there is no doubt that in engineering terms the facility is capable of restoration. Indeed, I understand that the council's own engineering advice is just that. It is also in accordance with three independent engineers engaged by the Icebergs who state that the club is totally capable of restoration, preservation and retention as a continuing piece of Australia's national heritage.

The Icebergs are at the mercy of an Australian Labor Party controlled council and mayor. The last cruel act the council is proposing is that it will undertake the demolition of the Icebergs Club and it will build some basic amenities. That sounds fine, but it is denying to members of the Icebergs the ability to continue to conduct their licensed premises at the existing building which enables them to provide income for the continuing maintenance of the facilities there, including the baths which are listed on an interim heritage order and the club-house.

This is a disguised plan by the Labor Party, Waverley Council and the mayor to construct some facility without the licensed club, to destroy the licence component, to deny the club the ability to obtain income and, therefore, essentially to destroy the club. It is a deliberate Labor Party tactic to destroy the Icebergs. The Icebergs club deserves the complete support of the Government and the community to thwart the Labor plan to destroy it. We should give our support and offer whatever help is within our means to ensure the retention of the Bondi Icebergs as a most important feature and national icon of Australia.

STATE RAIL AUTHORITY TRACKFAST SERVICES

Mr LANGTON: My question without notice is directed to the Minister for Transport and Minister for Roads. Has the State Rail Authority decided to sell off Trackfast, which would result in the loss of a further 150 SRA jobs? Does this decision come during a $200,000 marketing campaign promoting Trackfast services? Have Hills Transport Pty Limited assisted Trackfast management in drawing up the tender specification?

Mr BAIRD: The honourable member for Kogarah has been wandering around the halls for the last week saying, "I have a much better question, if only they would give it to me" - and finally they have today. We know that Opposition members have run out of questions. They have had three weeks to do something. What have they achieved? Absolutely nothing.

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

Mr BAIRD: The honourable member for Kogarah has asked a question in relation to our plans to sell off Trackfast. I am very pleased to tell the House today that there are absolutely no plans to sell off Trackfast.

HIV-AIDS EDUCATION

Mr HUMPHERSON: My question is addressed to the Minister for Industrial Relations and Employment and Minister for the Status of Women. What action is the Government taking to educate employers and employees about HIV-AIDS in the workplace?

Mrs CHIKAROVSKI: I am grateful for the honourable member's question about HIV-AIDS. He

would be aware that there is no doubt that HIV-AIDS is an occupational health and safety issue in New South Wales. This morning I had the great pleasure of launching a new HIV-AIDS education and training package developed by the New South Wales WorkCover Authority with a grant of $125,000 from the AIDS bureau of the Department of Health. I would like to take this opportunity publicly to thank Reverend the Hon. F. J. Nile, M.L.C., and the Hon. J. R. Johnson, M.L.C., for helping to raise the profile of the launch this morning. The press release issued by the Hon. Johnno Johnson raised the question of whether the Leader of the Opposition and other members of the Labor Party share Mr Johnson's views on HIV-AIDS.

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

Mrs CHIKAROVSKI: Do they believe that we should be ignoring a very strong issue in the community about which we are concerned? All members of the community - except, I suspect, Johnno Johnson and some members opposite - believe HIV-AIDS should be addressed and discussed. We cannot walk away from it. It is affecting the community in many ways.

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

Mrs CHIKAROVSKI: Today we launched a package -

Mr A. S. Aquilina: Why are you wearing red?

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

Mrs CHIKAROVSKI: Is the honourable member showing his ignorance? This shows how concerned the Labor Party is about HIV-AIDS. The honourable member should ask the honourable member for Bligh. She will be able to tell him the significance of wearing red today.

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Mr SPEAKER: Order! The Minister for Industrial Relations will address the Chair.

Mrs CHIKAROVSKI: Mr Speaker, the package I launched this morning, which includes a 40-minute video, work books and other -

Mr Beckroge: And a condom.

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

Mrs CHIKAROVSKI: - relevant background information is aimed specifically at employers and employees in low risk workplaces.

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

Mrs CHIKAROVSKI: The honourable member for Broken Hill interjected about condoms. Yes, Mr Speaker, there were condoms on the table. Mr Speaker, I have to take this opportunity to apologise to you. I understand that WorkCover should have informed you that that was to happen. It did not, and I take this opportunity publicly to apologise to you, but I do not resile from the fact that the condoms were there. If we are serious about dealing with HIV-AIDS - and people in the Government have not walked away from this problem -

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

Mrs CHIKAROVSKI: If Opposition members are not prepared to say that this is an issue of great

concern to the community - all sections of the community, because this is not just an issue that affects -

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

Mrs CHIKAROVSKI: It affects all members of the community - employers and employees. That is why we launched the package this morning. I am particularly pleased to inform the House -

Mr A. S. Aquilina: It's a cover up.

Mrs CHIKAROVSKI: The Labor Party thinks this issue is a joke.

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

Mrs CHIKAROVSKI: The honourable member for St Marys thinks that HIV-AIDS is a joke. That is an absolute disgrace. The package that I launched this morning -

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

Mrs CHIKAROVSKI: - has been endorsed wholeheartedly by the New South Wales Labor Council, the New South Wales Employers Federation and by people involved in the AIDS community.

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

Mrs CHIKAROVSKI: The training package is aimed at providing New South Wales workplaces with an education and training resource kit that is consistent with the national strategy on HIV-AIDS. The emergence of HIV-AIDS over the past decade or so has presented a new and daunting challenge to employers and employees, as well as to occupational health and safety experts. This is a challenge that the New South Wales Government has not shied away from, as members on both sides of the House will acknowledge. My colleague the Minister for Health and his predecessors in the health portfolio have done an excellent job in ensuring that New South Wales is at the forefront in the battle against this dreadful disease. There can be no doubt that HIV infection and AIDS arouse very strong emotions in the community especially, but not exclusively, in the workplace. In 1992 the New South Wales Anti-Discrimination Board held an inquiry into HIV-AIDS and concluded that discrimination that related to HIV and AIDS was not uncommon.

Some of the evidence given to the inquiry was heartbreaking and the instances related were totally unacceptable. The inquiry also concluded that the cost of such discrimination and intolerance in the workplace was enormous, not only in social and human terms but also in economic terms. As most members would be aware, HIV-AIDS prevention procedures and training programs have been introduced or are being introduced for workers in high risk areas such as health workers, prison officers, police and firefighters. However, until now there has been no single suitable training resource on HIV which addressed the issue for employers and employees in what are generally regarded as low risk workplaces. It is hoped that this package will fill the gap. The package is, essentially, a plea for tolerance and understanding. It is important to realise that, while the consequences of infection with the virus are tragic, the risk of transmission to most workers is extremely low. There are only 33 confirmed cases of occupational transmission of HIV worldwide.

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

Mrs CHIKAROVSKI: This does not mean, of course, that we can or will ignore this issue. The package I launched today includes a video titled "Nothing Personal", which shows the types of problems a

workers diagnosed as HIV positive confronts in the workplace and the effect the virus has on his family, his friends and his workmates. The video also examines the response of the worker's supervisors and suggests positive strategies to deal with the issue. The message contained in the video and throughout the rest of the package is clear: people with HIV can and do lead successful

working lives. People living with HIV should, where possible, be able to hold on to their jobs without fearing victimisation or harassment at work, or anywhere else for that matter.

Equally it is important to acknowledge that all workers have a right to a safe workplace. With forethought, good will and understanding - and I suspect a good measure of tolerance - all needs can be met. This dreadful disease calls on each of us to overcome our fears and prejudices. The new educational package will help break down those seemingly unshakeable walls. I urge employers, union officials and all interested in occupational health and safety issues to make the best possible use of this package. I commend the new education package to the House. It was my strong hope that it would receive bipartisan support, although from some comments passed in this Chamber I suspect that might not be the case.

PROCLAMATION OF CENTENNIAL PARK AND MOORE PARK TRUST (MACQUARIE SYDNEY COMMON) AMENDMENT BILL

Ms MOORE: My question without notice is directed to the Premier and Minister for Economic Development. Why has the Government not yet proclaimed the Centennial Park and Moore Park Trust (Macquarie Sydney Common) Amendment Bill which was passed by this Parliament in 1992? Is the executive attempting to defy the will of Parliament and sell the showground.

Mr FAHEY: As the Parliament would be well aware, the honourable member for Bligh, with the aid of the Labor Party, moved legislation in this House that effectively took away the rights of the Royal Agricultural Society by simply forfeiting to the Crown the freehold land owned by the society. Of course, that was done in typical haste for base political purposes in an attempt at that time to hamper the Government assisting the Sydney Bid Company to mount the best possible case for Sydney to get the Olympic Games. Despite the impediments from the Opposition at that time and on other occasions, Sydney won the games.

Ms Allan: What happened to the bipartisan bid?

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

Mr FAHEY: The honourable member for Blacktown is talking about the bipartisan bid. One of these days I will tell the story about how bipartisan the bid was and about certain events that went on.

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

Mr FAHEY: I am not ready to embarrass certain people on that side of the House. I am not too sure they will be in their positions for much longer and it may not be necessary.

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

Mr FAHEY: Notwithstanding, the Parliament agreed to ensure that there was a proper process in respect of the future of the showground. Many difficulties are attached to the future of the showground, not the least of which is that the buildings are somewhat run-down, that there is a need for considerable money to be spent on the site to bring it up to a standard that would ensure occupational health and safety regulations are complied with, that ordinance 70 of the Local Government Act is under control, et cetera. Decisions are to be made on those issues. Sydney has the Games. Significant development

will take place at Sydney Olympic Park in the days down the track.

In accordance with the spirit and words of the resolutions of the Parliament and the requests of the honourable member for Bligh, the Government examined thoroughly the alternatives to accommodating the needs and demands of all sections of the community in respect of the site. There must be a sensible solution; the Government will continue to aim for a sensible solution. There can be no sale of the showground site under present legislation. A sensible approach should be followed on this matter. It is impossible to ignore many of the buildings on the site regardless of its future - many of them are the subject of heritage orders. Suggestions have been made for the use of the showground site, some of which have merit, such as the establishment of a film studio in which the Minister for the Arts has indicated that there is considerable interest.

The bottom line is that while there is a need to grab open space, we must be realistic and recognise the affordability of any project regarding an alternative site for the show, at the same time preserving many of the buildings and ensuring that the amenity of the area is not destroyed through any activity that might take place on the showground at some future time. The Government will continue to examine the proposals; the subcommittee of Cabinet is working on the matter. Cost factors and many other factors need to be evaluated. There is close liaison with the RAS to ensure that its needs and wishes are met. First and foremost we must ensure no disruption to the important annual event at Easter, the Royal Easter Show.

The show has been held for a long time and brings great joy to many children and many other Sydneysiders. The show brings the country to the city and demonstrates year after year what life in the country is about. Within all of those parameters the Government will continue to work sensibly, responsibly and ultimately will make decisions in the best interests of the community.

HOME SAFETY OF ELDERLY PEOPLE

Mr BECK: My question without notice is directed to the Minister for Community Services and Minister for the Ageing. Can the Minister advise the House of any initiatives the Government is undertaking to ensure the safety and well-being of older people in their own homes?

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

Mr LONGLEY: I thank the honourable member for Murwillumbah for his question. As I have said many times in this Parliament, the New South Wales Government leads Australia in many areas of social policy. One of the most important areas, and one where our track record is strongest, is providing services, policies, initiatives and assistance for older people. As all honourable members would be aware and would agree, and as Betty Friedan has so capably highlighted during her visit to Sydney, the ageing of the population represents both a challenge and a tremendous opportunity for our community. As Minister for the Ageing I am committed to ensuring that older people have every opportunity to live with confidence and independence, and to maximise both their lifestyles and contributions that they make to the community.

One vital area in which the Government leads the way is in the prevention of abuse of the elderly. I note with interest that the Leader of the Opposition recently spoke about the safety of older people. If he really wants to provide the help that he talks about, he should do two things. First, he needs to get up to speed with what the Government is doing and get his Labor mates in Canberra to turn their attention to this vital issue, because it has taken those in Canberra a long time to make any contribution. Abuse of older people in their own homes is a tragic social issue. The Government, in a co-ordinated and effective way, is both exposing the problem and dealing with it. Earlier today the Government took a further

important step forward when I launched a strategic plan and protocol on the abuse of older people. That plan of action for the next three years outlines preventive strategies to minimise abuse, neglect and exploitation of older people, and to improve services available for victims of abuse.

For the benefit of honourable members I will outline the recent history of the New South Wales initiatives on elder abuse that led up to today's launch. Policy development began following the publication of two research papers in the *Medical Journal of Australia* by Dr Sue Kurrle and Paul Sadler, who now works in the Office on Ageing. The New South Wales task force on abuse of older people was formed and that task force produced its discussion paper in 1992. The final report and recommendations of the task force were released on 15 March 1993, based on 15 statewide consultations which were attended by more than 550 people. The Government accepted the key recommendation immediately and established a committee on abuse of older people in May of last year.

A number of public seminars were held in May and June of last year, including two-day seminars in Orange and Sydney. The committee, with Kate Campbell as chairperson, has been working hard and has completed a strategic plan and the protocol on abuse of older people. The committee has highlighted the fact that the Government and the community must work together on this issue. There are many agencies of government and a broad spectrum of service providers, carers of frail older people and older people themselves who must combine their efforts if we are to fully understand and combat this problem.

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

Mr LONGLEY: The causes of elder abuse are complex. Tackling this issue will involve changing the negative attitudes about older people where those attitudes still exist in the community, and alleviating dependence and carer stress. Through the implementation of this plan the Government is making sure that the entire community takes responsibility for enabling older people to live with dignity and without fear of abuse. I urge honourable members to take an interest in this important issue, and to work with the Government as it tackles the serious problem of elder abuse. It is significant that earlier today the Opposition spokesperson on ageing issues, the honourable member for Mount Druitt, said:

> Any study to minimise abuse is welcomed.

He got one thing right, which is a good start. He then said:

> But there's no need for a three year study.

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

Mr LONGLEY: The honourable member got two things right. The thing he got wrong, however, is that this is not a study, it is an action plan.

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

Mr LONGLEY: The Opposition has done nothing in regard to this issue. What is worse, the honourable member for Mount Druitt also said that it is "a problem which had already been identified by State and Federal authorities". He is right about that but the problem is that the Federal authorities have yet to release information detailing what it proposes to do in this area. If the Opposition were serious about this issue and had any credibility, it would ask its federal counterparts to get off their backsides and start doing something. This is a key issue affecting as many as 25,000 people. Those older people in the community are affected by this type of abuse, but the Opposition is doing nothing about it and the Labor Government in Canberra is doing nothing about it. The New South Wales Government cares about people. It is a Government that cares about older people particularly. The Opposition stands

condemned for doing nothing.

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HOSPITAL WAITING LISTS

Dr REFSHAUGE: My question without notice is directed to the Minister for Health. Has Mrs Swan, aged 71, been waiting since September last year for an urgently needed double bypass operation at Prince Henry Hospital? How can the Minister claim that the average waiting time for cardiac surgery in the Eastern Area Health Service is just over two weeks? Will he now admit that waiting lists across the State are at a record high of 45,000 patients?

Mr PHILLIPS: Honourable members will understand that the preselections are on.

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

Mr PHILLIPS: When the Opposition did not have any questions to ask about health they appealed to the community to ring a 008 telephone number so that they could pick up the cases of people who have a concern. The Opposition wants to drag the names and cases of those people through this Parliament. Last week there was a disgusting example of this involving a woman from the Illawarra who was transported to Prince Henry for treatment and returned to the Illawarra in good health and good condition. She had been given medication and everything was all right. The lady is 82 years of age and the Opposition was preaching doom and disaster. The decisions made in respect of that lady were clinical decisions. Members of the Opposition must learn that the decisions have to be clinical and not political. I refuse to get down into the gutter with the Deputy Leader of the Opposition and start dragging people's names and cases through the Parliament.

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

Mr PHILLIPS: The lady whose name was dragged through the Parliament last week appealed to me, through health officers, to prevent information about her case being revealed. The Opposition revealed all - the length of her sickness record, how long she had had the problems, and gave a point by point description of her case - in the public arena, in the media and in this Parliament. I refuse to have that situation. Every member of this Parliament knows that if they have a particular concern about health matters, they only have to contact me or my office and the matter will be investigated; my office will investigate the clinical aspects involved and report back to the honourable member. I do not know about the particular case referred to by the Deputy Leader of the Opposition, but the sleazebag method in which people's names are dragged through this Parliament must stop.

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

Mr PHILLIPS: Let me get to the fundamental issue. Is it any wonder the preselections of Opposition members are under challenge? Is it any wonder members of the Labor Party are concerned?

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

Mr PHILLIPS: We know that the action has started because June is just a couple of months around the corner. That is evident when the comments of people like Ann Symonds are reported in the newspapers. She was reported in the *Sun-Herald* of 13 March as saying that all polls showed Opposition leader Bob Carr to be about half as popular as Premier John Fahey. Those comments were made by a Labor member of the Legislative Council.

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

Mr PHILLIPS: The article in the *Sun-Herald* continued:

> The clear differences between Labor and the Coalition were disappearing when it came to delivering social services, Ms Symonds said.

Mrs Symonds was also reported as saying:

> I don't think it is clear in people's minds what the ALP stands for at the State level.

The Opposition is bereft of ideas. That is what the membership of the Labor Party is saying. They are sick and tired of the honourable member for Ashfield and the Deputy Leader of the Opposition still being in the 1950s and 1960s.

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

Mr PHILLIPS: They are stuck back in the 1950s and 1960s and their policies fail. Why do they not come up with new fresh policies like their party? Let me talk about waiting lists. Every year the Government publishes the waiting time and booking list figures. What did the former Labor Government do about waiting lists? The honourable member for Liverpool would know how many times health records were published when he was Minister for Health. The former Labor Government refused to publish the figures and claimed on the public record that such figures did not exist. When the Opposition was in government it did not even keep waiting list figures. Since the coalition came to office, the figures have been published at the same time each year so the community knows what is happening. What do those figures show? They show some important facts.

Despite rising demand, the number of inpatients has increased to more than 1.1 million each year and is increasing at the rate of 40,000 inpatients per year. Those figures clearly demonstrate that the capacity of the health system is improving and increasing each year. More

importantly, they show that booking lists and waiting times are under control. New South Wales has some of the lowest waiting times and shortest waiting lists in the world. For people to pretend that there are no waiting times is absolute nonsense. That fact cannot be denied. As soon as a medical service is provided in the western suburbs, there is a waiting list of people wanting to consult the doctor. This year the Government asked a major independent international firm to audit the method of calculation and the reporting of it. The Deputy Leader of the Opposition wants to challenge the validity of the report. That report was published and should have put an end to this nonsense of using waiting list figures to whip up every scaremongering story in this State. That has got to stop. The dragging of people's names through this Parliament must stop. I will not play that game.

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

Mr PHILLIPS: If the Deputy Leader of the Opposition wants to know what is happening in relation to the matter he asked about, why do we not refer it to the clinician and find out? If the Deputy Leader of the Opposition gives me the details of the case I will find out personally, but I will not have it dragged through this Parliament.

WASTEWATER POLICY PLANNING

Mr KERR: I address my question without notice to the Minister for Land and Water Conservation. Will the Minister provide to the House details of community involvement that will take place in planning

Sydney's future wastewater services?

Mr SOURIS: The Government believes that the people of New South Wales have a right to determine the services they want and the price they are prepared to pay for them. That does not mean merely being able to express an opinion on something after it has already happened. The Government wants the community to be involved in the initial planning stage, not at the final stage. Last October the Premier released a discussion paper on planning for the future of Sydney's greater metropolitan region. That paper ushered in a major program of co-ordinated public consultation on Sydney's planning future. Today the Minister responsible for the Water Board, the Hon. Robert Webster in another place, launched another critical part of that program, the "Choices for Clean Waterways" discussion paper.

That discussion paper is part of an ongoing community consultation process on the wastewater and stormwater services provided by the Water Board. This consultation process will link in with another consultation process to be conducted by government regulators on water quality goals. No consultation process can be effective if the community is not in a position to make informed decisions. After all, the community will bear the costs and risks of these decisions, as well as enjoying the benefits. The "Choices for Clean Waterways" document provides this information for the community. It will enable the community to decide spending priorities and what capital should be devoted to water and wastewater services and what priorities should be given to competing demands.

Expensive environmental works will undoubtedly be required, because for decades Sydney has been allowed to develop with little or no thought being given to air and water quality issues. This document highlights the inextricable link between water and wastewater services. The community may become aware for the first time of competing demands that they will have to reconcile, for example, maintaining and renewing existing water and wastewater infrastructure; reducing wet weather overflow problems within the sewerage system; reducing environmental impacts of the existing and future wastewater systems on inland and coastal waterways; providing an assured and high-quality water supply for the future; and, finally, constraining customer charges.

The discussion document also puts wastewater planning in its economic, environmental and social context so the community can see the broad picture and the likely costs and consequences of any decision. The document explains the relationship between developing cities and waterways. The full cost of this growth has been hidden from most people in the past because it has been heavily subsidised. As the city grows, prices for water and wastewater should reflect the real cost of development so that people can make rational decisions about where that development ought to occur. Appropriate planning must be driven by a clear understanding of goals for water quality in our waterways. Water quality goals must be set by the Government in consultation with the community.

As I stated earlier, the "Choices for Clean Waterways" document is the first phase in an ongoing community consultation process. Other companion documents currently being formulated include a discussion document on issues affecting water supply for the longer term and summary documents for more general reference. In later phases of the consultation program, more detailed issue-specific or catchment-specific papers may be prepared to facilitate discussion on key issues. Issues papers are currently being prepared by both Government and non-government organisations, which will contribute to the overall outcomes of the Government's clean waterways program.

Some of these papers will come from peak environmental groups that the Water Board has engaged to assess its proposals for the management

of the wastewater system. I expect the community consultation process will take at least 12 months to complete and that it will be repeated at regular intervals or when plans require updating in the light of significant new information. Choices for clean waterways pose a challenge to us all. Tough decisions will have to be made and it is the Government's responsibility to ensure that these decisions are fair and reasonable. I urge all members of the community to participate in this essential community consultation

process.

HOSPITAL WAITING LISTS

Mr NAGLE: I ask the Minister for Health -

Mr SPEAKER: Order! It is impossible to hear the question. The honourable member for Auburn will start the question again.

Mr NAGLE: Was Mr Charles Goodstate of Lidcombe told last November he would have to wait two years for a prostate operation at Lidcombe Hospital? Why does the Minister claim that the average waiting time for urology in the southwest is seven weeks? Will he now admit that waiting lists across the State are at a record high of 45,000 patients?

Mr PHILLIPS: I am not surprised that the honourable member for Auburn is being fed a question and being dragged in by the defunct Deputy Leader of the Opposition. Why does the patient not speak to the doctor and ask that question? There is no reason whatsoever in this State that a public patient has to wait anything like two years for an operation - absolutely no reason at all. I want to know the doctor's name. The honourable member should come to me with the details and I will be more than happy to investigate it and explore the reasons. It is an outrageous accusation - if it is true. I want to know from the doctor why he has allowed him to wait two years.

Mr SPEAKER: Order! I have an extensive list of names of members who have been called to order on one or more occasions. I deem all members who have been called to order to be now on three calls to order. If they wish to remain for the duration of question time, they must conduct themselves in an orderly fashion. If any of the members who have been called to order attract the attention of the Chair again, they shall leave the Chamber forthwith.

SALE OF FIRST STATE COMPUTING

Mr RICHARDSON: I address my question to the Chief Secretary and Minister for Administrative Services. Following her announcement about the sale of First State Computing to the private sector, can she provide details about the sale and the effect on its employees?

Mrs COHEN: I thank the honourable member for The Hills for his interest in this Government's reform initiatives. The story of First State Computing is one that should be of great interest to this House, particularly at this time, as it provides a classic example of why the Government should not hold on to non-core businesses that will actually benefit from being in private sector ownership. It highlights also the fact that the Opposition's campaign of obstructing most privatisations - sometimes, I think, just for the sake of it - is completely misplaced. It is the product of outdated ideology. When I announced the sale of First State Computing in July 1992 it was one of the rare privatisations that did not provoke an orchestrated and outraged response from the Opposition. I think because First State Computing is a small business - in fact a very small but very professional business - it would have been extremely difficult to spread the misinformation and myths that the Opposition always spreads when the word privatisation is mentioned. But the principle behind the sale of First State Computing was exactly the same principle behind other sales, such as the sale of the Government Cleaning Service.

In relation to First State Computing, the Government basically made a decision that there was absolutely no good reason to own a computer service business when that service could be more effectively provided by the private sector. Funds freed up by the sale could be diverted to the Government's core priorities, while the business would be free of operational and budgetary constraints, equipping it to compete on an equal footing with other computing businesses. The sale of First State

Computing is believed to have been an Australian first in that this business, servicing government agencies, has been sold as a going concern with 40 staff members holding shares in the purchasing consortium. The consortium is made up of Fujitsu Australia, Australian Mezzanine Investments Limited and, of course, the employees. Honourable members may be interested to hear comments from Mr Ray Brown, Managing Director of First State Computing, as reported in "Directions in Government" following the sale. These comments succinctly highlight why moving businesses to the private sector is sometimes the most commonsense approach. Mr Brown said:

> The decision cycle in Government is built around the budget cycle and the lead time is long and costly. We need to supplement our cash flows and sales budgets with shorter time lags, and the opportunity to sell our skills in the private sector will enable this -
>
> We are a service organisation and we have to react very quickly. But we are restricted because we cannot invest quickly. If a client wants something and we need to provide excess capacity, then we have to do that to keep the business.

This was part of the rationale on which the decision to sell First State Computing was based. But as we all know, the proof of the pudding is in the eating. What has been the state of the business since its sale? I am very pleased to inform the House that

the business appears to be doing very well. I am informed that First State Computing not only has retained 95 per cent of its government clients, but also freed from government constraints it is forging ahead in other market segments, including the private sector. In the short time since it was sold, First State Computing has opened a branch office in Victoria and undertaken assignments in Canberra, the Northern Territory and Tasmania. First State Computing is now on a short list of two in final negotiations aimed at purchasing its sister company known as Vic Computing, in Victoria.

It seems that the Government's model sale of First State Computing is also gaining a great deal of interest in other States. For example, I understand that a representative of the South Australian Government will visit the business on Monday to discuss the model sale and how it might follow it in that State. I am informed that the business has also been able to retain its hard-won profitability, while at the same time putting resources into research and development. During its first year of operations, First State Computing invested more than $8 million in new capital equipment for use by its clients and has introduced substantial savings to its major clients. First State Computing is also now offering new services in the market-place, shoring up its position for the future.

It is particularly exciting to learn that First State Computing has increased its staffing levels by 8 per cent and the staff have had average wage increases of 5 per cent since it was sold. The managing director of First State Computing, Mr Ray Brown, has said that the biggest question currently on his employees' lips is, "How can I buy shares in the business". This is basically a business success story which could so easily have gone the other way if the Government had decided it was more important to shore up the public service than make sensible business decisions in the public interest. That is not the way the Government does business and the results speak for themselves.

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[*Notices of Motion*]

Mr SPEAKER: Order! When dealing with notices of motions and other items of business, it is important that members clearly indicate to the Chair their wish to seek the call. The Chair does not possess any qualities of clairvoyance, though sometimes people may think the contrary. I can only determine that a member is seeking the call if the member rises and addresses the Chair. I seek the co-operation of members to ensure that I fully understand from their actions that they are seeking the call.

Dr Macdonald: I have a motion for another bill. May I proceed?

Mr SPEAKER: Order! Under the standing orders honourable members are not permitted to give two consecutive notices of motions. The honourable member will have to wait until next week.

PETITIONS

Serious Traffic Offence Penalties

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

F6 Freeway Emergency Telephones

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

Shellharbour Public Hospital Children's Ward

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

Bulli, Coledale and Port Kembla District Hospitals

Petition praying that the present level of services be retained at Coledale, Bulli and Port Kembla district hospitals, received from **Mr Sullivan**.

Triple-antigen Victim Milvi Jalajas

Petition praying that triple-antigen victim Milvi Jalajas should receive compensation, received from **Mr Rumble**.

Prince Henry Hospital

Petition praying that Prince Henry Hospital, with all its current specialist services, be retained on the Little Bay site, and that funding be provided for refurbishment, received from **Dr Refshauge**.

Armidale and New England Hospital

Petition praying that the 1988 plan for the rehabilitation of the Armidale and New England Hospital be implemented as a matter of urgency, received from **Mr Chappell**.

Warilla Police Station

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

TRAFFIC (PARKING) AMENDMENT BILL

Message

Message sent to the Legislative Council requesting that the Traffic (Parking) Amendment Bill transmitted to the Legislative Council for concurrence during a previous session of the present

Parliament, not having been finally dealt with because of the prorogation of the Legislature, be now proceeded with under the Council's standing order in that behalf.

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BILLS RESTORED

The following bills introduced in the Legislative Assembly during the previous session of the present Parliament and not dealt with because of prorogation were restored to the business paper at the stage that they had reached at the date of prorogation:

Health Administration (Medicare) Amendment Bill
Occupational Health and Safety Legislation (Amendment) Bill
Workers Compensation Legislation (Miscellaneous Amendments) Bill
Mines Rescue Bill
Trade Measurement (Amendment) Bill

PROSPECT, WORONORA, MACARTHUR AND ILLAWARRA WATER TREATMENT PLANTS

Consideration of Urgent Motion

Ms ALLAN (Blacktown) [3.17]: I move:

That this House, pursuant to Standing Order 54, orders to be laid before it, by the rise of the House this day, the following documents:

(1) The report or reports by the Technical Evaluation Committee, chaired by Mr Graham Trickett, for the tenders for the water treatment plants at Prospect, Woronora, Macarthur and the Illawarra;

(2) Water Board file No. DMMB1506.890.

The release of these documents will prove once and for all that the Water Board and its Minister are intent on deceiving the people of New South Wales. The shroud of secrecy covering these important documents must be listed once and for all. The cloak and dagger approach of the Water Board and the Minister in covering up the procedures leading to the awarding of contracts to build and operate water treatment plants must be exposed. Is it any wonder the old chums at Newington College coined the charming nickname of skunky for the Minister for Planning and Minister for Housing. If anything smells it is this Minister and the rotten stinking deal that is behind the build, own and operate contracts for the water treatment plants foisted on the taxpayers of Sydney, without consultation, explanation or any proper regard to public accountability. While every resident in Sydney, the Blue Mountains and the Illawarra has been paying his or her $80 environmental levy, the Hon. Robert Webster had something else in mind. Not only do we now have the levy hidden as a permanent feature in every water rate notice through user pays, we now find something much bigger.

First there was the special dividend - $200 million was ripped out of the Water Board to prop up a teetering State economy; then there was the dismantling of the clean waterways program, which was underfunded, had no set goal and had no future funding guaranteed. In the words of Bob Wilson, David Harley and the Hon. Tim Moore, it was "a total breach of trust with the people of New South Wales". To add insult to injury, today the Minister for Planning and Minister for Housing shifted the goal-posts on the clean waterways program with the release of this document, tacitly admitting that he cannot meet the original objectives of the vision - an admission of guilt that the cash raids have compromised the $7 billion 20-year program.

There is clearly something rotten in the Water Board. Not only have we had these fiascos, but I can now advise the Parliament that the contracts for the water treatment plants - these grubby deals between the Minister and the private sector - will cost more than $100 million each year for the next 25 years, a total cost of $2.5 billion. That is the equivalent of the cost of one Eastern Creek a year or a Premier Fahey special dividend raid every year for the next 25 years. In effect, it turns every watermeter in Sydney into a cash register for private water companies. The production of these documents in this Parliament will prove once and for all that not only will the water treatment plants cost more per household in water charges, but they will also demonstrate for the first time the serious concern of the technical evaluation committee about the capacity of some of the water treatment plants to fulfil the contract objectives.

Forget about Tricontinental or Western Australia Inc - they are teddy bears' picnics compared with this financial farce. The Minister and the Water Board have done a great job conning everyone about the plants. The reason for the motion today is so that the public can see what they are getting for their money. This motion will see the Parliament open up for public scrutiny the Sydney Water Board's technical evaluation of the water treatment plants. All along there has been secrecy and deception. First, on 15 April 1993 the board's media spokesman - who was quietly booted out of his job last week - Mr Rob Weaver, told the *Daily Telegraph Mirror*, "The plants would be funded by the board's budget over the next 25 years". That was followed by the board's managing director, Paul Broad, claiming in the *Sun-Herald* on 18 April, "I expect the end result for customers is for costs not to go up". That is a pretty amazing claim. But unfortunately it is not backed up by others in the Water Board.

The regional manager for the Illawarra, Mr Greg Klamus, gave the game away when he confirmed in the *Illawarra Mercury* on 22 December that, "Residents now pay 65¢ a kilolitre, but the Water Board this week revealed that figure could increase by 50¢ to $1.15, to cover the cost of constructing and operating the plant". In other words, the plan is to hit residents with a 75 per cent increase in their water bills to accommodate the new plants. That is a fixed increase; the public is not able to reduce the size of the bill. There will be a 75 per cent hike for something that was supposed to be totally absorbed by the board's existing finances.

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

Ms ALLAN: Do not let the board tell honourable members that this is just a Water Board officer who has got his figures wrong. I know for a

fact that the board's pricing expert, George Bawtree, has already got his calculator working overtime to factor the total cost of the plants and the future water bills. The submission to the Government Pricing Tribunal is already in its draft form. For all we know, there could be other little surprises in the contracts of the plants. Sections of the draft report of the parliamentary Joint Select Committee upon the Sydney Water Board, which was leaked to the *Sydney Morning Herald* on 13 November 1993, show:

> The Water Board . . . gave a secret financial guarantee to the builders of Sydney's first privatised water treatment plants but has refused to divulge how much the pledge is worth.

Despite repeated requests, the guarantees were not provided for viewing by the committee. So who knows how much money ratepayers will have to pay if returns of the project are not adhered to! If one of the companies fails, it is quite likely that Water Board ratepayers will be forced to bail out these private businesses. The board has been so obsessed with secrecy that Sue Salmon, from the Australian Conservation Foundation, attacked it on 31 March 1993, saying:

> The Sydney Water Board wouldn't recognise a community consultation process if it fell over one . . . The Water Board didn't bother to consult the country's major environment organisation on the proposal to privatise its water treatment plants. If it did not consult the ACF, who does it consult?

There are several reasons why the Government should have adopted a publish or perish attitude to the documentation related to the private water treatment plants. By keeping the deals secret, the board has put the public in a position where consumers will be paying exorbitant water bills based on the discredited words and assurances of the Minister for Planning and Minister for Housing - hardly a reliable advocate. For instance, what if the three companies cleaning Sydney's water make a secret price-fixing deal? What if one company ends up controlling all the companies cleaning the water? Will that mean that all the water provided to Sydney will be controlled by a single company? How good is the technology, and why could the board not have provided it rather than selling out to multinationals?

How is it that questions are constantly raised about the capacity of these treatment plants to perform their stated function? How is it that the Water Board can ignore a request of the joint select committee into their operations to not sign the contracts until the inquiry had presented its findings to this Parliament? Why the haste? Why the secrecy? Why is it that the Sydney Water Board and the Minister do not produce details of the contracts and technical evaluations of the water treatment plants, despite the repeated requests of individual members of this Parliament, the Public Accounts Committee and the Joint Select Committee upon the Sydney Water Board?

Who could forget the farce of the Water Board officials huddled in the anteroom of the office of the Clerk of this Parliament handing out scraps of information about the contracts for certain members of the committee? In classic Keystone Cop style and traditional Water Board paranoia, the documentation was produced - but with every second line blacked out with a thick felt-tipped pen; and even despite the emasculation of the documents - with every piece of publicly valuable information removed - my colleague the honourable member for Moorebank was threatened by the Minister to be hauled before the Privileges Committee because he dared to record notes from the contracts. The Public Accounts Committee in its most recent report to this Parliament on private sector funding of public infrastructure put above all else the fundamental principle of the need for transparency in the dealings between government agencies and private sector contractors.

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

Ms ALLAN: Clearly the Sydney Water Board and its Minister are out of step. Their failure to create a clear and publicly accountable process condemns them as bureaucratic dinosaurs. If the Water Board has nothing to hide, its response to my motion today is simple: produce the documents.

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [3.27]: If the Government complied with the requirements of the motion moved by the honourable member for Blacktown, we would have a situation of crisis in this State. No private company would again tender for anything to do with a government job if it knew that the documents were going to be made, or could be made, public after the tender. The honourable member for Blacktown spoke on two different grounds: she put up a motion asking for technical reports and then spoke about pricing. This motion asks for reports of the technical evaluation committee. Let us deal with that. A number of companies have submitted tenders, not just based on price but based on their methodology and their way of approaching these particular projects. If this information then becomes public and these documents are laid on the table, every company with a different way of approaching things will know what every other company's approach is.

Mr Baird: It is intellectual property.

Mr WEST: As the Minister said, it is intellectual property. That is clearly the position we have to adopt. If a person went into a public tender such as this, and everyone knew that the tender would be or could be publicly available, we would have a different situation. These documents are commercially sensitive. The evaluation by the Water Board is commercially sensitive with respect to the way every one of them was done. These tender documents were submitted as commercial in-confidence. They are also documents that would be exempt under the Freedom of Information Act. The Labor Party in this

State wants to get around the Freedom of Information Act. It cannot get the documents that way, so it is trying to use the processes of this House to do so.

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The Government is not about to undermine the confidence of the business community of this State by laying on the table documents that were submitted in confidence. I am aware that the Public Accounts Committee has released a report recommending certain procedures, and my colleague the Chairman of the PAC will speak about that, but when those procedures are in place they will set different ground rules. We cannot retrospectively ask for documents that were submitted on a commercial in-confidence basis. The speech made by the honourable member for Blacktown did not ask for technical evaluations; all she did was discuss pricing. She talked about secret pricing deals. How long has she been a member of the House? She should know that everything to do with pricing by government monopolies, whether it be water or electricity, is handled by the Government Pricing Tribunal.

The Water Board cannot sharpen its pencils, start its calculators and try to set up price deals which will jack up the price of water. The honourable member does not have a clue. How can she, as a member of Parliament, suggest with any credibility that she knows how the process of government operates? She has left the Parliament very short of information on her knowledge. The motion smacks of the greatest hypocrisy. I make a genuine offer on behalf of the Premier: if the honourable member has specific concerns that there is something untoward in the way that the tendered document was handled, the honourable member for Blacktown and any other Opposition member or non-government member can meet with me, the Minister responsible and the chief executive of the Water Board and we will go through the issues and deal with any concerns. But we are not going to put commercial documents into the public arena. The honourable member is asking for a denial of trade practices.

Ms Allan: Oh, rubbish!

Mr WEST: It is not rubbish. You are the one who talks rubbish. You ask about one report and you talk about prices. It is all about scare tactics. The Opposition is not concerned about the way tendering is done. It is trying to scare the people of Sydney by telling them that their water prices will go up because of some secret report, some tendering process. I think the people of Sydney know a little more than the honourable member for Blacktown. They know that the pricing of water is now set by the Government Pricing Tribunal, not by the Water Board. The whole motion smacks of total hypocrisy. I assure the Opposition that those documents will not be provided in the manner asked for but if members accept the genuine offer that has been made -

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

Mr WEST: I am further advised that if necessary the motion could be amended to provide that the documents be made available to the Public Accounts Committee in camera to be investigated. If Opposition members are genuine and want to go through the documents in that process, the offer is available to them. If they do not take it up -

Mr SPEAKER: Order! I call the honourable member for Moorebank to order for the second time. He may speak in the debate if he wishes.

Mr WEST: If the Opposition does not want to accept the offer and amend the motion it will be on its head. That is where that matter stands.

Dr MACDONALD (Manly) [3.34]: I wish to comment on a couple of matters raised by the Leader of the House. He talked about the motion being just a matter of scare tactics. Prices may well rise if the water treatment plants go ahead. The Government Pricing Tribunal has already indicated in its response to this matter that it has grave concerns about the financial implications of the processes which have

been gone through. I will address that further in a moment. The arguments put up by the Leader of the House are quite spurious. The same arguments were put up about the Port Macquarie hospital contracts. The Minister for Health said that the sky would fall in if the contract were subjected to proper public scrutiny. That project involved only $50 million; we are talking here about $3,000 million, something like 60 Port Macquarie hospitals. I do not think this is about commercial in-confidence at all. It is absolutely proper that the Parliament should know about this massive public expenditure. It is about documents relating to technical assessment.

I make one concession to the Leader of the House: I do not believe that the details of the contracts that currently exist should be revealed. The committee which I chair has looked at the contracts. Much of them was blanked out, but we agreed with that at the time. This motion is about background, technical assessments. This gets to the very core of our concerns about the wisdom of moving down the track on water treatment plants. The anxiety that I see on Government faces to some extent could be due to concerns about commercial in-confidence matters, but I think it is also partly because Government members are worried that a gross misuse of public expenditure will be revealed. That may well prove to be the case. I direct my remarks to those who may oppose the motion: I think it shows a lack of concern about proper scrutiny of public expenditure.

The decision-making in the Water Board over the years has been veiled in secrecy, putting a blindfold on the Parliament. The Water Board spends $1 billion a year and there is no public participation in the process. There is no opportunity for the public to see how decisions are made. There are no proper minutes of the meetings. The Water Board is a closed shop and there is no access to information. It is proper to use standing orders in the way they are being used now. Local government has been required by the Local Government Act to be open but the Water

Board is exempt. We know that the Water Board plants will cost each ratepayer of New South Wales an additional $80 a year for the next 25 years. It is massive expenditure. What are the financial and environmental implications? The board does not have the answer, neither has the committee looking into the matter. No cost-benefit analysis has been done on whether the water treatment plants should have gone ahead versus catchment management. That is in the *Hansard* record of the hearings of the committee. There was no comparative analysis.

In my view it is possible that the privatised water treatment plants are not necessary. We may not need them. There may be alternatives. In any event, if they are required, the House ought to know what technical evaluation has been undertaken to come to that decision. Was it necessary to go overseas for that technical evaluation? Was the expertise available in the Water Board, could it have been done a lot cheaper? Surely those are questions which need to be answered. I do not have the answers, the Water Board committee does not have them and this Parliament does not have them. We cannot get access to the information. Was a proper assessment made and are the details of the contracts appropriate? Are there financial incentives for clean water and a reduction in demand? These questions are critical to whether the decision was made properly. What about the Government guarantees that were given? What about whether there will be price fixing or price increases, and what will happen if it is sold on? I return to the concerns of the Government Pricing Tribunal. At page 114 of its report it stated that it was:

> . . . concerned about the impact of BOO(T) schemes on future costs and revenue requirements. The projects require a sound environmental and economic justification and a reliable estimate of the total costs involved over the contract term of 25 years.

I do not know whether those requirements have been met. The Parliament does not know. By getting hold of this information we could make a proper assessment. This is major capital expenditure for which we do not have information. [*Time expired*.]

Mr TINK (Eastwood) [3.39]: The Public Accounts Committee has spent the past couple of years

looking at the general question of how commercial in-confidence matters should be considered in relation to these sorts of contracts. Therefore, it is opportune for me to say a few things on this. I have taken the advice of the Clerk in relation to the motion. As I understand it, if the documents sought are provided they will be in the public arena. From what I have seen of the sort of material that is in documents of this type, that would simply not be in the public interest.

Commercial in-confidence matters of the greatest importance and value are in these documents. If it is assumed - I understand it is a bipartisan view - that there is to be private participation in these types of projects, and in general terms that is not a bad thing, surely this is the best way to kill completely the co-operative approach. In the course of its inquiry the Public Accounts Committee held two workshops attended by a number of private sector people, senior public sector permanent heads, the Auditor-General, and someone from the Independent Commission Against Corruption to discuss the issue in detail. The upshot was recommendation 47 of the PAC's report into infrastructure financing. It says that the way to handle this issue and achieve the appropriate level of disclosure, including some of the matters raised by the honourable member for Manly, is to pursue a course that involves putting out contract summaries. That matter is currently with the Government.

The Auditor-General has specifically endorsed that approach. I refer to volume 2 of his 1993 annual report, particularly pages 172 and 173 - and the honourable member for Manly should again look at that report. The Auditor-General says that there must be a balance between private and public sector interests and that the contract summaries approach is the way to go. The private sector has genuine concerns about key aspects of commercial in-confidence matters relating to intellectual property and certain things related to costings, which are significant matters for private sector participants. If that information is compromised in any public disclosure, which is what this motion seeks, it will place the future of these types of projects in grave jeopardy. There is not enough public money to carry out these projects alone; private participation is needed.

If we are to maintain the level of investment that is needed within a reasonable time frame to bring forward the projects that are necessary in the public interest, we must think exceptionally carefully before going down the track of this motion. If we go down this track, we will achieve a result where there will not be private sector participation - a result that clearly emerged from the workshops. Five members of the PAC sat in two separate meetings on level 8 for six hours with approximately 35 business people from the public and private sector. On both occasions the Auditor-General spent time discussing these issues and came up with that result. The contract summaries idea did not come from on high; it emerged from the meeting. It emerged for a very good and proper reason: it has everything to do with the commercial confidentiality concerns of the private sector, which are very real. I conclude where I began: the terms of the motion are to make public documents which place private participation in projects of this type in the gravest jeopardy.

Ms ALLAN (Blacktown) [3.43], in reply: I am glad the honourable member for Eastwood, who is the Chairman of the Public Accounts Committee, entered the debate. I do not believe for one moment that his heart was in it. I am aware of his participation in workshop discussions with the Auditor-General and others about these very issues. I take this opportunity to remind him about some of the statements made by the Auditor-General, Tony Harris, at some of the workshops to which the honourable member for Eastwood has referred. On 7 April Tony Harris said:

> You can't tell if a contract is any good unless you know the (sometimes confidential details). For example, a power station contract like the Collie Power Station in Western Australia can only be evaluated in light of the take-or-pay price and comparative cost of electricity production by the Western Australian generating authority. If you don't know about government guarantees which form part of a contract, you can't tell if the contract is in the public interest.

The honourable member for Eastwood said that his committee spent five hours talking about these issues. I would like to tell the honourable member through you, Mr Speaker, that the Joint Select Committee upon the Sydney Water Board has spent many hours over the past 12 months trying without success to get basic information about the Government guarantees in relation to the contracts for the water quality treatment plants. It is significant that the Leader of the House has offered some members of the PAC the opportunity to look at these documents. How interesting, given that over the past 12 months the Water Board committee has repeatedly requested that information from the Water Board and the Minister. Mr Harris has made comments that diverge markedly from those of the honourable member for Eastwood, who really was not showing much enthusiasm. Perhaps he has just been wheeled out to make the Government feel credible. Commenting about other speakers participating in the workshop, Mr Harris said:

> Earlier speakers have said that they (both contractors and government agencies) don't like to provide too much information in case it is misused.

They were illustrious speakers, such as Bernard Fisk from the Roads and Traffic Authority and other senior bureaucrats. Tony Harris went on to say:

> They have also said that we shouldn't begin by distrusting our public officials. But doesn't the earlier statement indicate a mistrust of Parliament?

That is also what the Leader of the House said. He is not prepared to allow the Parliament to see the documents. He obviously mistrusts the Parliament, just like the Minister and the Water Board have mistrusted the Water Board committee for the past 12 months. If real co-operation had been exhibited by the Minister and the Water Board over the past 12 months, if the Minister had not been so secretive and so deceptive, the matter would not have reached this stage.

Now that we have reached this stage it raises the questions that were asked by the honourable member for Manly: is there something to hide, because the Minister is trying to avoid presenting them? What is there to hide? Is the Minister really trying to hide the fact that he intends charging individual ratepayers an extra $80 a year because of the implementation of these contracts? Has the Minister really got something to hide? Is he trying to hide the fact that the technology that has been contracted for is not really necessary, suitable, competitive, environmentally sound or environmentally useful? The Minister should show the contracts to the Parliament and thereby demonstrate to the people of New South Wales that the money that is to be collected from every hip-pocket and every purse from every family in this State will be honestly spent, that New South Wales will be given value for these multimillion dollar contracts, and that there are no grubby deals whereby private corporations are put ahead of the interests of the people we are all elected to represent.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 47

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr A. S. Aquilina	Ms Moore
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Carr	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Doyle	Mr Newman

Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mrs Grusovin	Mr Price
Mr Harrison	Dr Refshauge
Mr Hatton	Mr Rogan
Mr Hunter	Mr Rumble
Mr Iemma	Mr Scully
Mr Irwin	Mr Shedden
Mr Knight	Mr Sullivan
Mr Knowles	Mr Thompson
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Yeadon
Mr McBride	*Tellers,*
Dr Macdonald	Mr Beckroge
Mr McManus	Mr Davoren

Noes, 45

Mr Armstrong	Mr Morris
Mr Baird	Mr W. T. J. Murray
Mr Beck	Mr O'Doherty
Mr Blackmore	Mr D. L. Page
Mr Causley	Mr Peacocke
Mr Chappell	Mr Petch
Mrs Chikarovski	Mr Phillips
Mr Cochran	Mr Richardson
Mrs Cohen	Mr Rixon
Mr Collins	Mr Schipp
Mr Cruickshank	Mrs Skinner
Mr Downy	Mr Small
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	*Tellers*,
Ms Machin	Mr Jeffery
Mr Merton	Mr Kerr

Pairs

Mr Clough	Mr Fahey
Mr Gibson	Mr Photios
Mr Ziolkowski	Mr Schultz

Question so resolved in the affirmative.

Motion agreed to.

REMOTE AREA POWER ASSISTANCE SCHEME

Matter of Public Importance

Mr ROGAN (East Hills) [3.55]: I move:

> That this House notes as a matter of public importance concerns relating to the misuse of public funds and possible fraud associated with the State Government's Remote Area Power Assistance Scheme.

At the outset I indicate that my remarks today in no way reflect upon the scheme itself. The scheme is a very good scheme. It is one which should be encouraged and which the Opposition supports. For the benefit of honourable members, RAPAS - the Remote Area Power Assistance Scheme - provides financial assistance to landholders living in remote areas of New South Wales to enable them to obtain an adequate supply of electricity for domestic purposes, either through the grid supply or stand-alone system. The scheme was reviewed a year ago and the Minister announced that it would continue until June 1995.

Recently I received a letter - which has been the subject of a submission to Illawarra Electricity - from a Mr Ross Bunyan, who operates a company called Soft Options, Remote Power Specialists, which is located in Bega. In his letter Mr Bunyan makes a series of allegations which involve fraud by some contractors supplying solar power systems. In February this year when Mr Bunyan wrote to me he outlined the problems involving possible fraud, lack of clear policy, haphazard administration and lack of consultation with the private sector. In the years since 1988 the State Government has decimated the Office of Energy. As a result, it is now completely unable to monitor the scheme and protect it from rip-offs and the scheme is failing. Maladministration and underresourcing by the Government are costing the taxpayers money. It is ruining an important energy-saving scheme.

The allegations that have been made demand a full and independent inquiry. I understand the Minister has been provided with details of the allegations, so I am not required to detail all of them. Suffice it to say that the scheme and the alleged fraud involve contractors in two ways. The first involves inflating the cost of various components and installation and then giving a rebate to the customer, thereby enabling the customer to receive a solar power system valued on paper at, say, $30,000 but really worth only $24,000, thus attracting an additional subsidy of $4,000. The second allegation concerns removal of the installed equipment for resale after receipt of the subsidy payment. The guidelines do not specify how long the subsidised equipment must be retained.

The third and perhaps most serious allegation is that a system has been claimed for that has not been installed. That is possible because apparently not all supply authorities inspect the installation of equipment. After I gave notice of this motion, and following the representations to which I referred, I received a letter from Illawarra Electricity. I do not criticise Illawarra Electricity. However, Mr Bunyan's claims have been investigated. In his letter of reply Mr Greentree, the General Manager of Illawarra Electricity, had this to say:

> As a result of a request from the Office of Energy last year, we conducted an investigation, led by our internal auditor, into a number of the RAPAS installations in and around the Bega area. This investigation did not definitively find fraud, but we did see situations where people may be able to take advantage of the schemes. Our views have been communicated back to the Office of Energy.

I put it to the House that the use of the words "definitively find fraud" is indulging in semantics. The fact is that this is fraud, plain and simple. Some suppliers and consumers have conspired to defraud New South Wales taxpayers. When Mr Bunyan raised this matter with me he had already raised it with Mr Overy, the manager of the electricity distribution engineering section of the Office of Energy, and with a

representative of the Solar Energy Industries Association of Australia. Assurances were given that investigations would be carried out. I am unaware of what the investigations have revealed but, frankly, the motion deals with a scheme that paid out about $3.3 million last financial year. That is not small money; it is big money.

The Office of Energy simply does not have the resources to protect taxpayers from this alleged fraud. A full and independent inquiry into the defrauding of this scheme is needed. The inquiry should be initiated by the Minister as a matter of urgency. In addition, the scheme's guidelines need to be tightened by the following means. First, the subsidy for installation costs should be removed. At present the subsidy is about $1,500 on a $10,000 system. Second, the subsidy should only be paid on the recommended retail price and maximum prices for equipment should be set. Third, attempts should be made to ensure that the equipment remains in place for at least five years, and that should be verified by spot checks.

This scheme is too important to be destroyed by people who may be considered to be con men. The provision of alternative energy sources in remote areas is vital to rural people. Attempts to defraud that system put its continued operation in danger. Fraud against the scheme endangers public support for it. By investigating these allegations of fraud the State Government will not only protect taxpayers' funds, it will ensure long-term public support for a vital program. I commend to the

Government a number of positive and practical proposals submitted by Mr Bunyan. I will refer to one or two of those in the limited time available to me. The Office of Energy should now consult with this gentleman and his company. As I have stated from the outset, the scheme is a good one and should be continued, but rorting of public funds cannot be allowed.

Mr Bunyan has sent to me what he considers to be some policy directions. As he says, there seems to be little direction in the policy covering the remote area power assistance scheme. He would like set direction and standards for the solar industry, which is still in its infancy but has an enormous future. He also suggests that electricity supply authorities should be relieved of the burden of having to install and maintain unprofitable grid lines. He suggests that research and development for energy efficient appliances, especially refrigerators, should be initiated by helping to create a demand and testing the field for these products. In most cases it is often more cost-effective to use energy efficient appliances than to provide more power.

Finally Mr Bunyan suggests assistance to create a larger market for solar products, thereby increasing production and competition, and reducing costs. The remote area power assistance scheme saves electricity distributors vast sums of money. One kilometre of line costs roughly $20,000 to install and between $300 and $700 per kilometre per annum to maintain. The scheme means that people who live away from the powerline system are able to have power connected. We cannot allow this scheme to be defrauded. The allegations demand action and I call on the Minister for Energy to initiate that action. [*Time expired.*]

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [4.5]: In response to the matter of public importance raised by the honourable member for East Hills I must say firstly that I am a little concerned about the loose way in which he has suggested to the House that the whole scheme is fraught with fraud. One would get the impression that the fraud is massive. I am not able to be definitive on the extent of it at this stage, but I am concerned about the level of fraud that has been suggested. It must be borne in mind that this industry involves a huge number of competing private companies. They are all trying to sell their products. Many of the products are new on the market and all the companies are trying to obtain a market share. Allegations about competitor companies fly in all directions.

A number of allegations have been investigated and most of them have not been substantiated. That is not to say that the matters raised by Mr Bunyan do not need further consideration. I was pleased

that when the honourable member for East Hills was reading the representations made to him by Mr Bunyan he finally said something about the reply he received from Illawarra Electricity. That reply clearly points out that this scheme, which was set up by the Labor Party in 1987, operates under guidelines that were originally put in place by the Labor Party. To suggest that the Office of Energy has been decimated to the point that the scheme cannot operate is nonsense. Such a suggestion demonstrates a lack of understanding of the scheme. The scheme is administered by individual distributors who then make applications to the Office of Energy.

It has been suggested that the Office of Energy should receive the applications direct and inspections should be made of every site. That is not the role of government. That is the role of the distributor. The distributors have been conducting these investigations very well, and at no cost, because they recognise their importance. I accept and acknowledge that I was the Minister responsible for expanding the scheme in 1992. I realised its real value. In doing that, I also provided a sunset provision so that the scheme would cease in its present form in 1995. That will give the Government a chance to review how successful the scheme has been and where it should go in the future. The scheme is most generous; its benefits are not matched by any other scheme in Australia. As has been acknowledged by the honourable member for East Hills, it is a good scheme that deserves support. It is also true that the Government should not be ripped off to enable people selling generators to make huge profits.

The present scheme provides grants of up to $20,000 to assist remote area residents to connect to either the electricity grid or to install stand-alone power supply systems. To get the dollars in perspective, since 1988 the scheme has provided $8 million for 1,240 grants for stand-alone systems and $7.2 million for 950 grants for grid connections. The data that the Office of Energy has been examining also shows a huge increase in the cost of stand-alone electricity generating systems. In 1990 they averaged about $10,000 but this year they have risen to about $19,000. That difference cannot be explained by changes in technology or inflation. It may be explained by the fact that some in the supply industry have been strongly encouraging customers to install higher capacity equipment than is actually required.

There have also been allegations that applications were made for grants for equipment that was never installed. Those allegations are being investigated. Other allegations are that grants were sought for very expensive plant but that cheaper models were subsequently installed. Those allegations are being investigated also. Someone seems to be making a welter of this scheme and it will destroy it for everyone if that continues. As a result of allegations that have been made by the honourable member for East Hills today I have instructed the Office of Energy to forthwith suspend applications for assistance under the remote area power assistance scheme. I have also instructed the

Office of Energy to ensure that it reviews the scheme, the processes and the guidelines. The results of the review and level of the grants will decide the scheme's future.

It is fair to say that all allegations of abuse will be investigated. Honourable members should have no doubt that where evidence of fraud or attempted fraud is found the Office of Energy will proceed to prosecution. That is the appropriate direction and it will be done. Already one matter has been referred to the Office of Energy's legal advisers to determine whether sufficient evidence is available to commence proceedings. The Opposition cannot say that the Office of Energy has done nothing. It is aware of the problem. The public accusations by the honourable member for East Hills mean that not one more grant can be processed until the allegations are investigated. That may mean that some people are disadvantaged, but it is far better to do it this way and to do it properly than to abandon the scheme entirely.

I would not think that abandoning the scheme is the intention of the honourable member for East Hills; nor is it the intention of the Government. The Office of Energy will review the budget and ensure that any loopholes in the format are plugged so that these rorts can be stopped, if that is what they are.

This is a very serious matter. I can assure the House that during the time in which the suspension of applications is occurring the Office of Energy will do its best to ensure that it gathers as much advice as possible. If the honourable member for East Hills or any other member of Parliament gives me details about allegations, I will ensure that they are fully investigated and will report back to that honourable member.

Mr ROGAN (East Hills) [4.14], in reply: I am pleased to receive the assurances of the Minister in respect of this scheme. I reiterate that my raising these allegations today should not be taken by the Office of Energy as an opportunity to withdraw funding for the scheme or to wind back the scheme. It is a good scheme. But allocations of public funds - I talk of more than $3 million and of the allocations that the Minister said had been made in the past five years - need to be properly supervised and properly controlled. I was also pleased to hear the Minister's acknowledgment that the scheme was initiated by the former Labor Government, as were many very good schemes initiated by former Minister for Energy, Peter Cox.

The Minister said that the guidelines under which the Office of Energy is operating are those brought in in 1987. Although guidelines are introduced, it remains to be seen whether their implementation proves them to be effective and whether they do the job they are intended for. There would appear to be a need to tighten up those guidelines on the basis of what I have said in the House and, indeed, on the basis of what Illawarra Electricity, in its commendable approach to the allegations, has pointed out. I reiterate that Illawarra Electricity said that the investigation did not definitively find fraud, but that reply leads one to the inference that Illawarra Electricity is of the view that fraud could very well be involved.

I trust that any action taken by the Minister to suspend processing of the applications that have been made will not take long. The investigation of any of the matters referred to by Mr Bunyan and given voice to in the House by me today should be expeditiously investigated to determine whether the alleged fraud has occurred and, if so, the level of it. It seems that only then will there be a return to business and allowing these grants to be distributed so that those who benefit from the remote area power assistance schemes are able to be helped and provided with benefits that suburban people and rural people living in major townships take for granted - supply of electricity to run some essential household appliances, communication, television, radio and the like.

The Minister has also referred to a review of the budget loopholes. I sincerely hope that the review is carried out expeditiously and that, following the investigation of these claims, the scheme is back on course as quickly as possible. I would resent it most strongly if my remarks tonight were used as an excuse for the rejection or suspension of any claims. That would be an unfair use of the Minister's prerogative and powers. I hope and I expect that he would not do that. The Minister has given the assurance that they are being fully investigated. The matters have been raised in the interests of the taxpayers of this State, who are funding the scheme. I hope that the investigation is carried out as quickly as possible.

Motion agreed to.

BUSINESS OF THE HOUSE

Precedence of Business: Suspension of Standing Orders

Motion, by leave, by Mr West agreed to:

That Standing Orders be suspended to allow Government Business Notices of Motions to take precedence of the Address-in-Reply debate at this sitting.

SUPREME COURT (AMENDMENT) BILL

CRIMINAL APPEAL (AMENDMENT) BILL

Bills introduced and read a first time.

Second Reading

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [4.20]: I move:

That these bills be now read a second time.

The bills are the Supreme Court (Amendment) Bill and the Criminal Appeal (Amendment) Bill. As their prime purpose is to deal with related matters concerning the Court of Appeal and Court of

Criminal Appeal they are being introduced together as cognate bills. The bills deal with three matters. The first involves the amendment of section 5AA(3) of the Criminal Appeal Act 1912. Section 5AA of the Criminal Appeal Act permits appeals to the Court of Criminal Appeal from convictions or orders as to costs made by the Supreme Court in its summary jurisdiction.

Currently subsection (3) does two things: it provides that such appeals shall be by way of rehearing as distinct from a hearing de novo, and that they shall proceed on the evidence given before the Supreme Court in its summary jurisdiction and on any evidence presented at the appeal either in addition to or in substitution for evidence given before the Supreme Court in its summary jurisdiction. Subsection (3) also applies to appeals to the Court of Criminal Appeal from the Land and Environment Court exercising its summary jurisdiction, the court of coal mines regulation in its summary jurisdiction, and convictions for offences in the Supreme Court or District Court exercising their jurisdiction under part 10 of the Criminal Procedure Act 1986, which deals with the determination of summary offences related to indictable offences.

The amendments do not alter the first of these functions. The second is altered by the insertion of a new subsection (3A) which provides that the Court of Criminal Appeal may grant leave to adduce fresh, additional or substituted evidence only if the court is satisfied that there are special grounds for doing so. So far as its second function is concerned, subsection (3) in its current form represents a departure both from the general law position and that applicable to appeals in the Court of Appeal, which are also by way of rehearing.

At common law a verdict regularly obtained was not to be disturbed in the absence of some insistent demand of justice. In the context of fresh evidence this required the fulfilment of two conditions: first, that reasonable diligence must have been exercised to procure the evidence which the defeated party failed to adduce at the trial; and second, it must be reasonably clear that if the evidence had been available at the trial an opposite result would have been produced: *Wollongong Corporation* v. *Cowan* (1954) 93 Commonwealth Law Reports 435 at 444.

The common law rests on at least three considerations: that cases coming before courts ought to be properly prepared; that there ought to be a finality to litigation; and that a correct understanding of the role of appellate courts is the identification and correction of error in courts below. Although the context is slightly different, similar considerations apply where there is an application for a new trial on the ground of fresh evidence following the conviction of an accused after a trial on indictment. The authority for this is *Gallagher* v. *The Queen* (1985-86) 160 Commonwealth Law Reports 392 at 395, 400, and 409-10.

So far as appeals to the Court of Appeal are concerned, the common law approach is reflected in section 75A(8) of the Supreme Court Act, which provides that where an appeal to the Court of Appeal is

from a judgment after a trial or hearing on the merits, the Court of Appeal shall not receive further evidence except on special grounds. It will be seen that in its current form section 5AA(3) of the Criminal Appeal Act is anomalous in two respects. First, it creates a different test for the adducing of fresh evidence as between the Court of Appeal and Court of Criminal Appeal. Second, it is anomalous that the criterion governing the adducing of fresh evidence in the Court of Criminal Appeal from a conviction in the Supreme Court should differ according to whether the conviction followed a summary hearing or a trial by jury.

It is the purpose of the amendment to section 5AA to remove this anomaly and to introduce greater uniformity. It has the support of the Chief Justice. The second purpose of the amendments is to insert section 22A into the Criminal Appeal Act 1912 and section 45A into the Supreme Court Act 1970. The provisions are in substantially the same terms, and are designed to streamline the procedure for delivery of reserved judgments in the Court of Appeal and the Court of Criminal Appeal. Where judgments of the Court of Criminal Appeal or Court of Appeal are reserved, the judges' reasons are normally reduced to writing and are published formally by a bench comprising three judges of appeal, at least one of whom participated in the hearing of the appeal; or three Supreme Court judges comprising the Court of Criminal Appeal, at least one of whom participated in the hearing of the appeal.

The current procedure is somewhat cumbersome, and the amendments are designed to permit the publication of reserved judgments by a bench comprising one judge alone, who need not have participated in the original hearing of the appeal before the Court of Appeal or Court of Criminal Appeal. As the procedure for publishing reasons for judgment at the appellate level is largely formal, it is not necessary that a bench of three judges be convened for the purpose. Albeit in a minor way, the amendments will contribute to a more efficient use of judicial resources, and may shorten, again albeit briefly, the period during which litigants have to wait for appellate judgments. The provisions are very similar in their terms to section 42 of the Supreme Court of Queensland Act 1991. Among other things, that Act established a permanent Court of Appeal in Queensland similar to that established in this State in 1965. Again, the proposal has the support of the Chief Justice.

The third group of amendments is more significant. Currently, appeals to the Court of Criminal Appeal and Court of Appeal are heard by benches comprising three judges. The amendments which would add section 6AA to the Criminal Appeal Act 1912 and section 46A to the Supreme Court Act 1970 propose that in certain

circumstances the Chief Justice may direct that appeals to the Court of Appeal or Court of Criminal Appeal may be heard and determined by benches comprising two judges only. In respect of the Court of Criminal Appeal the power will be limited to appeals on the severity of sentence and in the case of the Court of Appeal the power will be limited to appeals concerning the quantum of damages in cases arising out of death or personal injury. In either case, the sections make it clear that the power shall only be exercisable in cases where it appears that no disputed question of principle arises. In the event that there is a division of opinion between the two judges comprising the bench for a quantum or severity appeal as to how that appeal should be determined, the matter shall be reheard before a bench of three judges. Should there be a difference of opinion on matters which do not go to the determination of the appeal itself, the view of the senior judge present will prevail.

The use of two-judge benches at the appellate level is not unusual, and they have existed in the United Kingdom for some years. It is convenient to note here that the current proposals for two-judge benches to deal with severity and quantum appeals are supported by the Chief Justice. The introduction of two-judge benches to hear severity and quantum appeals will not only benefit litigants in the Court of Criminal Appeal and Court of Appeal, but will also lead to a more efficient use of judicial resources. The Court of Appeal normally sits in two divisions, that is, two benches of three judges throughout the 46-week law term. Since 1992 the court has maintained a separate general damages list into which quantum appeals are entered, and has conducted damages appeals lists to dispose of quantum appeals. Currently there are two benches of three judges available to hear such appeals.

The amendments proposed by the Supreme Court (Amendment) Bill will allow there to be three benches of two judges to deal with such appeals. The implications for the disposition of quantum appeals, and benefits for parties to such appeals, are clear. It may also be that increased disposition rates of quantum appeals may make available more judicial time for the hearing of other appeals which will still be required to be heard by three-judge benches. Again, this should have benefits for parties to such appeals. As I have said, each bill provides that in the event that a two-judge bench hearing a severity or quantum appeal is unable to agree as to how that appeal should be determined, the appeal is to be reheard before a bench of three judges with, if practicable, the original two judges comprising part of the three-judge bench.

It is anticipated that it will only be infrequently that a two-judge bench will be unable to agree as to how a severity or quantum appeal should be determined. Accordingly, it is anticipated that rehearings before benches of three judges will be rare. However, to the extent that there may be disagreement between judges comprising a two-judge bench, it is acknowledged that litigants may incur additional costs by reason of the inability of such judges to agree. This has been anticipated by provisions in these bills and an amendment to section 6A of the Suitors' Fund Act 1951. That section currently provides that in circumstances in which, as a result of no act, neglect or default on the part of parties to civil or criminal proceedings a trial is rendered abortive and a new trial results, such parties are entitled to claim on the fund in respect of the abortive trial.

The effect of the proposed amendments is to deem a hearing before a two-judge bench unable to agree to be an abortive hearing within the meaning of section 6A of the Suitors' Fund Act, and the subsequent re-hearing before a bench of three judges to be a new trial within the meaning of that section. The intention is that, to the extent that parties may incur additional expenses in an appeal as a result of the inability of members of a two-judge bench hearing a severity of quantum appeal to agree, they would be able to apply to have such additional costs paid from the fund. The system of two-judge benches hearing severity and quantum appeals provided for by these bills will operate for an initial trial period of two years. During that period its administrative success and demands on the Suitors' Fund will be monitored.

As part of the monitoring process, the registrars of the Court of Appeal and Court of Criminal Appeal will collect, on a monthly basis, statistics as to the number of matters dealt with by two-judge benches; the proportional relationship between matters dealt with by two-judge benches and three-judge benches; the number of times there is a disagreement between members of a two-judge bench; and the additional time taken to dispose of a severity or quantum appeal where a two-judge bench has been unable to agree. Statistics, once collected, will be reported to the court's principal registrar and chief executive officer who will report to the Chief Justice and the Department of Courts Administration. The statistics will assist in showing whether the scheme is achieving its aim of expediting the disposition of severity and quantum appeals without increasing court resources. I commend the bills to the House.

Debate adjourned on motion by Mr E.T. Page.

JUDGES' PENSIONS (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [4.33]: I move:

That this bill be now read a second time.

The Judges' Pensions (Amendment) Bill will amend the Judges' Pensions Act 1953 to provide for the continuation of a widow's or widower's pension

entitlement should such a person remarry. At present, if a judge's widowed spouse remarries the pension entitlement ceases. The primary objectives of the Judges' Pensions Act are to provide for judges' pension rates and to provide judges' widowed spouses with pensions. The proposed amendments to the Act are in keeping with these objectives. In 1992 the Commonwealth amended its Judges' Pensions Act, repealing provisions which provided for the cessation of any pension paid to a widow or widower of a judge or retired judge upon remarrying. Accordingly, it is proposed that the similar restraint on pension entitlements of widowed spouses under the New South Wales Act be removed to allow such persons to maintain their pension entitlement on remarriage.

Consistency between jurisdictions of remuneration and pension entitlements for judges is seen as an important element in ensuring flexibility and mobility of judges between jurisdictions. As most movement of judges takes place between Federal and State jurisdictions, it is important that the New South Wales provisions are comparable with the Commonwealth. In keeping with the recent amendments to the Commonwealth Judges' Pension Act 1968, clause 7 of the bill provides for the restoration of a widow's or widower's pension where that person remarried prior to the passing of this amendment, and thereby lost his or her pension entitlement.

Such a person may apply to the Attorney General to have the pension restored on the basis that the person is in need or that the restoration of the person's pension is otherwise justified. Section 7(6) of the amendments requires the Attorney General to give reasons for his decision not to restore a pension. It is anticipated that this amendment will have only a minor revenue impact as pensions which would have ceased to be payable will now be payable. It is expected that the number of additional pensions payable will be very small. The Department of Courts Administration is only aware of one possible case at present where additional moneys may become payable. I commend the bill.

Debate adjourned on motion by Mr Davoren.

MARITIME SERVICES (OFFSHORE BOATING) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr ARMSTRONG (Lachlan - Deputy Premier, Minister for Public Works, and Minister for Ports) [4.37]: I move:

That this bill be now read a second time.

It is with great pleasure that I introduce this bill which will enhance the State's marine safety legislation and further the Government's objective of ensuring that all those who use our waters and beaches are properly protected by the force of the law. At present there are a number of dangerous boating practices, such as speeding and driving too close to swimmers in the water, which cannot be properly controlled in our off-shore waters where recreational vessels are involved because a requirement to do so was not foreseen when the legislation was framed many years ago.

The regulations controlling these activities, as presently framed, can be applied only in enclosed waters; that is, in our harbours, estuaries, rivers and lakes. The time has now come for the Government to take steps to extend the law - in this case, the Maritime Services Act - so that all of its provisions apply in off-shore waters within the territorial limits of the State as well as in enclosed waters. The number of

boating fatalities in New South Wales each year is, fortunately, not high when compared with deaths on the roads. The human and financial costs of on water accidents are nonetheless significant and inevitably the risks will increase as recreational boating activity continues to grow.

Community safety is a government priority and this Government is committed to minimising the boating accident and fatality numbers and their costs. It has already instituted two very positive safety improvements with the introduction of blood alcohol testing for boat operators and limits on vessel passenger overloading. In addition the boating industry has made many advances in vessel design, safety equipment and navigation aids which have also contributed to safer boating, but the number of boating accidents is still too high. Thirteen people died in recreational boating accidents in 1992-93. A recent analysis of boating accident statistics undertaken by the New South Wales office of ports policy and marine safety indicates that an increasing proportion of the accidents and fatalities that are occurring are in off-shore waters, averaging 30 per cent to 40 per cent in recent years. This is directly linked to the increasing number of vessels using such waters.

As a result of separate research by the Federal Bureau of Transport and Communications Economics we can also determine figures for the total economic and social cost of boating accidents. The sums involved are similar to the costs of a road accident and average about $38,000 in the case of an injury. More importantly, the loss of a single life is estimated to cost the community about $600,000. There are also boating safety related problems on our beaches, and a local government survey has indicated that the majority of coastal councils are concerned about public danger arising from jet skis being used off ocean beaches close to people swimming in the water.

At present the Maritime Services Board's regulations for the control of boat traffic generally do not apply on ocean beaches, and councils have indicated that they too are unable to regulate the use of jet skis. With no really effective controls on

ocean beaches the conflict between jet ski users and others, mainly swimmers, has escalated as the use of these craft increases. As a result the Australian School Surfing Association has asked the Government to address inappropriate behaviour by an irresponsible minority of jet ski users, as has the Professional Lifeguard Association, Surf Life Saving New South Wales and the Local Government Association. Due to the approaching holiday boating season the extension of boating regulations to these off-shore waters is now seen as an urgent requirement.

The Maritime Services Board is able to regulate commercial vessel activity but under the existing legislation it is not possible, as I have already indicated, to require recreational vessel operators within the three-mile limit to be licensed or to apply other controls which place an obligation on recreational boating operators to keep a lookout for, and stay clear of, swimmers in the water. The only recreational boating standards which the legislation, as it stands, allows to be enforced are the safety equipment regulations. The lack of a licensing requirement also puts at risk the full effectiveness of the Government's Marine (Boating Safety - Alcohol and Drugs) Act 1991 in its application to unlicensed off-shore boat operators because a principal sanction against drink-driving is the power to cancel boat operators' licences.

The need to ensure that off-shore boating is subject to the same safety rules as in the rest of the State was recently considered by the New South Wales Business Deregulation Review Unit. In its report on regulations and policies affecting boating it recommended extending the application of boating regulations into off-shore waters. The appropriate vehicle for this is the Maritime Services Act administered by the Maritime Services Board. The bill will enhance the levels of safety enjoyed by boaters and swimmers alike, and in future the regulations will be easier for recreational users of the State's waters to comprehend as they will be common for all waters. A single regulatory regime in both enclosed and off-shore waters will enable improvements to safety regulations to be prepared and introduced in a more timely and consistent manner than at present. This initiative will enable immediate action in the identified areas of concern as Waterways Authority officers, council rangers and police will all be empowered to enforce the regulations using existing resources, both personnel and equipment.

The legislation will not result in any additional costs and accordingly there will be no need to increase registration or licence fees.

The Government recognises that this legislation may generate some opposition from a comparatively small number of boatowners and operators who have, until now, not been required to be licensed or to register their vessels and therefore have not had to pay any boating fees. In the past these boaters have not contributed a cent towards the significant cost that their fellow members of the boating community and the Government must meet each year to provide navigation aids and estuarine and ocean boat launching ramps; and it is only fair that all boaters should contribute to the cost of these facilities. I am sure that honourable members will agree with me that the Government has an obligation to regulate the safety-related activities of recreational boaters off-shore. This legislation will ensure that this obligation can be fulfilled in a sensible and cost effective manner. I commend the bill.

Debate adjourned on motion by Mr Rumble.

PROPERTY, STOCK AND BUSINESS AGENTS (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr SOURIS: (Upper Hunter - Minister for Land and Water Conservation) [4.45]: I move:

That this bill be now read a second time.

The main purpose of this bill is to simplify the method by which interest accrues on agents' trust accounts and to enlarge the scope of the application of funds in the Real Estate Services Council's statutory interest account. The chief function of the Real Estate Services Council is to provide advice to the Minister on the most appropriate form of regulation for persons providing real estate services. The council licenses business agents, real estate agents, stock and station agents, strata managing agents and on-site residential property managers. In June 1991 the council initiated a review of its trust account requirements with a view to simplifying procedures, reducing the administrative burden on industry and maximising returns to the Government. Currently, licensees are required to deposit with the council 25 per cent of the amount that was the lowest balance in the licensee's or firm's trust account on any day during the 12 months ending on 31 March or, if more than one trust account is held, the aggregate of the lowest balances.

The money is deposited in the Real Estate Services Council special account, which is held with the head office of each bank. The bank issues each licensee with a letter of credit for the amount deposited and the funds are repayable on demand. The banks advise the council of the balance held in the special account and interest on this sum is paid direct to the council's statutory interest account. This system has been criticised by the industry as being cumbersome and a burden on licensees. In addition, it has been difficult for the council to monitor industry compliance with the requirements.

It is possible for licensees to minimise their contribution to the special account by arranging cash movements in their trust account to create an artificially low figure on any one day, which then becomes the base figure for the special account calculation. In July 1991 the council released a discussion paper proposing a new scheme to key

industry and consumer bodies, major banks, building societies and their associations. The council proposed that the Act be amended to allow trust moneys to be deposited by licensees into trust accounts held with recognised financial institutions, including permanent building societies with trustee status under the Trustee Act 1925.

The special account would be abolished and interest would accrue on all money in agents' trust accounts directly to the council's statutory interest account at 25 per cent of an appropriate short-term money market interest rate. This proposal would simplify the regulatory burden on licensees as they would no longer need to spend time calculating the required deposits for the special account. Also, the preparation of audit returns would be simplified and costs reduced. The simplicity of the system would assist in reducing council's administration costs. More importantly, the proposal would require financial institutions to pay a more reasonable return on funds deposited. The responses to the discussion paper were generally supportive of the simplified procedures. The majority of banks expressed a preference for interest to be linked to their at call rates rather than Reserve Bank rates, such as the 11 a.m. unofficial money market cash rate, as their computers could process the data automatically.

The bill is in three parts. Schedule 1 deals with amendments relating to trust accounts; schedule 2 deals with the statutory interest account, and compensation fund and minor licensing reforms; and schedule 3 covers savings and transitional provisions. So far as the trust account reforms are concerned, it should be noted that currently all licensees are required to hold clients' moneys in trust accounts established in a bank in New South Wales. The bill will allow banks and building societies in New South Wales with trustee status under the Trustee Act 1925 to hold agents' trust accounts.

All States and Territories but the Australian Capital Territory allow building societies to operate agents' trust accounts, and no difficulties are envisaged given the introduction of national uniform legislation for building societies in July 1992. Licensees will be required to notify the financial institution that the trust account is a trust account required under this Act. Both licensees and financial institutions must notify the council if a trust account becomes overdrawn. The bill provides that financial institutions that keep agents' trust accounts will become responsible for paying interest on these accounts to the council's statutory interest account. After consultation with the Treasurer, the Minister will determine a trust account rate for each financial institution at which agents' trust accounts are kept.

For the first two years after the commencement of this scheme, interest on trust account balances is to be calculated at 25 per cent of the trust account rate applicable to the institution. It is to be noted that the remaining 75 per cent is not paid to the council or to licensees; it is retained by the financial institution. Interest is to be paid monthly and calculated on daily balances held in trust accounts and credited to the statutory interest account, free of transaction charges. The prescribed portion of 25 per cent is to be preserved for a two-year transition period, after which time a more commercial return may be determined by the Minister in conjunction with the Treasurer.

In practice, the Minister is expected to approve the financial institution's at call rate, or a Reserve Bank rate, such as the 11 a.m. unofficial money-market cash rate, for those institutions that do not have at call rates, for example, small building societies. At call rates are appropriate because money in trust accounts must be available on demand. The relevant trust account rate for each institution will be gazetted. The Real Estate Services Council special account will be abolished. This simplified approach has been adopted by real estate licensing authorities in Victoria, Queensland, South Australia and the Northern Territory. The bill permits the council to hold money in its administration account, compensation fund or statutory interest account in a building society with trustee status, as well as a bank.

Schedule 2 deals mainly with the application of funds in the council's statutory interest account. The Act allows this money to be spent on supplementing the compensation fund, if necessary, and to meet costs associated with the delivery of approved licensing courses, professional development courses and the administration of the council's accounts. It is also used to meet half the costs of the Residential Tenancies Tribunal and may be accessed to meet costs associated with administering the Fair Trading Act. The bill extends the range of permissible areas of expenditure to include capital works funding for institutions providing approved licensing courses, grants for approved courses or professional development for valuers and grants to evaluate educational activities; community education programs;

costs associated with the introduction of co-regulation schemes, disciplinary tribunals or dispute handling bodies in the real estate sector; and shortfalls in the council's administration account.

Money in the statutory interest account that is not required for these purposes may be invested in accordance with the requirements of the Public Authorities (Financial Arrangements) Act 1987 or in any manner approved by the Minister with the concurrence of the Treasurer. The expanded application of funds in the statutory interest account will enable moneys in this account to be made available for purposes consistent with government objectives and industry and consumer needs. Schedule 2 also includes provisions to extend the time limit for claims on the compensation fund. The main purpose of the fund is to compensate people where licensed agents fail to account for money or other valuable property entrusted to them.

The bill extends the time limit on claims from within six months of a claimant becoming aware of a failure to account to within 12 months of this or within two years of the date of the failure to account, whichever occurs sooner. Each year a small number of claims are rejected for being out of time and the measure will assist such claimants. Another amendment will allow claims in relation to the non-lodgment of rental bonds to be made within 12 months of the termination of the residential tenancy agreement. In recent months the council has been concerned that it cannot compensate persons where agents fail to lodge rental bonds with the Rental Bond Board because the defalcation is often not discovered in time if the tenancy extends beyond two years.

The amendment overcomes the problem of the expiration of the two-year maximum period before the tenancy is terminated and both the lessor and lessee have become aware of a defalcation. The bill provides for two amendments in relation to the procedures governing applications for restoration of a licence. First, it is proposed the general manager of the council should have discretionary power to restore a licence without the imposition of a late fee where an application for renewal is received within seven days of the expiry date of the licence. The council regularly receives applications for the renewal of licences soon after their expiry dates and often delays in the mail have caused the application to be overdue. A grace period of seven days would permit the council to waive the late fee in those cases where applicants have attempted to renew their licences on time. The automatic imposition of a late fee is considered harsh by many applicants and gives rise to complaints that could be avoided if reasonable discretion could be exercised.

The second matter concerns the status of a person who has made application for restoration of a licence and the application is refused by the Local Court following the lodgment of an objection by the council to the granting of the licence. Section 23C(1A) of the Property, Stock and Business Agents Act 1941 provides that anything done between the expiration of a licence and its restoration is taken to have been done while the person was the holder of a licence. Thus, consumers retain the protective ambit of the compensation fund. However, if the court upholds the objection and the licence is not restored, there is no provision deeming that the actions of the person in the meantime were those of a licensee; nor is the person deemed to be licensed pending the hearing of the appeal. In the interests of consumer protection, this amendment will provide that anything done between the expiration of a licence and the refusal of an application for restoration of a licence by the Local Court is to be taken to have been done while the person was the holder of the licence and that the person should also be deemed to be licensed pending the hearing of an appeal against the court's decision.

The final part of the bill, schedule 4, deals with savings and transitional matters. Before abolishing the special account, the council will be required to return all money held in the account, approximately $33.6 million, to the trust accounts of the agents who contributed them. If the persons or firms concerned are no longer licensees, the money will be paid to the Treasurer's Consolidated Fund. As with all unclaimed money, any person entitled to it will be able to claim it from the Treasurer. As soon as all special account deposits have been repaid and unclaimed money paid to the Treasurer, the special

account will be closed. In summary, the bill streamlines trust account requirements for industry, enhances consumer protection in respect of compensation claims and maximises the use of the funds held by the council. I commend the bill.

Debate adjourned on motion by Mr Crittenden.

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [4.57]: I move:

That this bill be now read a second time.

This bill introduces further amendments to the Coal and Oil Shale Mine Workers' Superannuation Scheme. These further amendments follow major amendments that were made to the scheme in 1992 and are the result of consultation and agreement between the coalmining industry parties and senior officers of my superannuation administration There are two major objectives of this legislation. Briefly they are to clear away elements of uncertainty arising from the major changes introduced in 1992; to correct two anomalies in the scheme; and to make necessary changes for compliance following amendments to the Commonwealth's superannuation standards regulations.

As I have already mentioned, major changes were made in 1992 to the Coal and Oil Shale Mine Workers (Superannuation) Act, which governs the mineworkers' superannuation scheme. This scheme provides superannuation coverage for the New South Wales coalmining industry and was introduced in 1941. The 1992 changes to the scheme followed extensive negotiations and discussions between the industry parties that resulted in a major restructure of the provision of superannuation in the industry. Briefly, to refresh the memories of honourable members, the parties had been concerned for some time over the growing unfunded liability that existed in the superannuation fund. This unfunded liability had arisen substantially from 1978 changes which replaced a "pay-as-you-go" pension scheme with a lump sum scheme.

The lump sum scheme recognised all past service for which there had been no previous funding. Measures were taken to address the funding problem from two directions. The scheme was closed to new members from 2 January 1993 and the benefit structure for existing members was altered to provide for the accrual of future benefits in the privately operated New South Wales Coal and Oil Shale Mining Industry (Superannuation) Accumulation Fund, known as COSAF. A new contribution structure based on a salary sacrifice arrangement will achieve a higher level of funding which, together with the other measures, is intended to expunge the unfunded liability by the year 2001. At the same time, to assist in that objective, an arrangement with the Joint Coal Board will achieve a lump sum injection over a period of years of some $87.3 million specifically targeted at the unfunded pension liability.

The initiative taken by the industry on the occasion of this substantial restructure was commendable, and that was recognised by both sides of this House at the time. The bill, as I have indicated, is also the result of negotiations and discussions between the industry parties, and with relevant Government bodies. What I have thus far set out sets the context of the amendments which are to a large extent aimed at refining and consolidating the 1992 restructure. I would now like to outline the actual changes included in this bill. Now that the provisions introduced in 1992 have settled following implementation, it

has become clear that some of the provisions are in need of clarification and correction. I will briefly address each of the instances requiring amendment.

Benefit provisions in the scheme are generally based on industry service. Although the previous benefit structure before the scheme closure dealt with service prior to a break where a mineworker returned to the industry, this treatment was not continued in the new provisions. This was an oversight. The amendments now proposed will provide for payment of a benefit to cover a period of previous service in the industry where a mineworker had previously left the industry, and had returned but had not taken a benefit. A second amendment also relates to an omission in the 1992 amendments. The Coal and Oil Shale Mine Workers' Superannuation Tribunal, prior to the 1992 amendments, had the discretion to grant a death benefit where a former mineworker had died, and that mineworker's last period of service was terminated by retrenchment. This discretionary provision is being reinstated.

Also relating to death benefits in the new provisions is the use of the expression "notional service". That term is also used in the description of the incapacity benefit but is used there in a different context. The amendments will exclude the term from the death benefit description and reframe the benefit description in a simpler way. An error was made in transcribing the incapacity benefits from the old provisions to the provisions introduced in 1992. The total and permanent incapacity benefit that is not work related should be expressed as a percentage of the amount that is payable where the incapacity is work related, that is, a percentage of the higher amount. The 1992 provisions contained an unworkable formula. The amendments will correct this error. Various amendments have been made over the years to the provisions for a refund of contributions, leaving those provisions now in an unclear state.

The amendments will restate elements of those provisions and clarify the entitlement for a refund, while ensuring that the vesting requirements of the Commonwealth occupational superannuation standards continue to be met. Under the mineworkers' scheme a refund is not available where a mineworker has left the industry before 26 May 1971. The application of particular Commonwealth superannuation standards raised some doubt concerning these provisions. However, the advice of the Commonwealth Insurance and Superannuation Commission confirms that such provisions do not breach the Commonwealth standards. Amendments are now necessary to clearly state the application of the provisions. Provision will now be made for a former New South Wales mineworker, who has been retrenched from the industry in Queensland, to be granted a retirement benefit similar to that provided for a mineworker who is retrenched from the industry in New South Wales.

In addition, the amendments will include similar provisions for the States of Western Australia and Tasmania, as are presently made for Queensland. Amendments for these purposes reflect provisions in interstate agreements, between the State of New South Wales and each of those States, that were made redundant following closure of three of the four relevant statutory schemes. Those agreements have now lapsed and the power to declare a State a reciprocal State will be repealed by the amendments before the House today, as it is no longer required. Amendments of a minor nature will make clear the provisions covering an application for a benefit, and ensure that there is adequate provision to prevent more than one benefit being payable in respect of one period of service. References in the Act to the United Mine Workers Federation are varied to reflect a recent change to the union name following merger.

As I have mentioned, there are two anomalies in the scheme that are being corrected in the amendments. One of those anomalies exists in the death benefit payable to some children. The amendment will allow a higher benefit to be paid to a child where there is no surviving spouse, and where the amount of service of the deceased mineworker exceeds the level upon which a minimum death benefit would be calculated, that is, 240 months service in the industry. At the request of the parties this amendment will be made retrospective to cover the benefit payable following the death of a mineworker on 29 October 1993 who left an only daughter, and whose service exceeded the period of service on which the benefit is

calculated. The second anomaly relates to the operation of the safety net provisions. One of the features of the 1992 amendments is the safety net that applies to those mineworkers whose employer makes a contribution to the industry accumulation scheme, COSAF, which I mentioned earlier.

It has come to light that there are some employers who do not contribute to COSAF, nor can they because they were not a party to the industry agreement that preceded the 1992 scheme changes. The tribunal has therefore decided that mineworkers employed by those employers are to be allowed to roll over their accrued entitlement out of the scheme. The rollover is to take effect no later than 1 July 1994 and the benefit is to be payable to an approved deposit fund, another superannuation fund nominated by the mineworker, or be used for the purchase of a deferred annuity. The mineworker will not be able to be paid the entitlement personally as to do so would be contrary to the Commonwealth occupational superannuation standards. The employers affected are the Department of Mineral Resources and the Joint Coal Board. No further contributions to the statutory fund will be required by the employers after the affected mineworkers have rolled over their accrued entitlement.

Amendments will also be made to ensure continuing compliance of the scheme following changes in the Commonwealth regulatory requirements. For this purpose the benefit preservation provisions under the Act will be amended to state the specific circumstances for payment as set down in the Commonwealth standards. The provisions of the scheme relating to the furnishing of information to members will be stated more generally and will ensure future capacity to meet changes in the Commonwealth regulations. Honourable members will be aware that the Commonwealth superannuation standards are constantly changing. Major further changes are expected to flow from the passage of the superannuation industry supervision legislation by the Commonwealth Parliament. The important proposals before the House refine and consolidate the 1992 restructure. These changes were initiated by the industry parties who support the bill. The changes proposed in the bill have no cost impact on the Government. As I have said, this is an industry superannuation scheme, and any cost will be borne by the industry itself. I commend the bill.

Debate adjourned on motion by Mr Markham.

MINE SUBSIDENCE COMPENSATION (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [5.6]: I move:

That this bill be now read a second time.

The purpose of this bill is to repeal section 15A of the Mine Subsidence Compensation Act 1961 which is considered to be redundant. Pursuant to the provisions of the Conveyancing Act 1919 it is necessary to attach a certificate issued under section 149 of the Environmental Planning and Assessment Act 1979 to a contract of sale. Such a certificate states whether the land to which the certificate refers has been proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

Section 15A of the Mine Subsidence Compensation Act enables an application to be made to the Mine Subsidence Compensation Board for a certificate specifying: (a) whether or not certain land is within a mine subsidence district; and, (b), whether or not the board approves of a proposal for the erection or alteration of an improvement on, or the subdivision of, that land. As already stated, the information referred to in paragraph (a) may be obtained from a council when a person applies for a certificate under

section 149 of the Environmental Planning and Assessment Act. The board has not received any applications for the information referred to in paragraph (b). The Mine Subsidence Compensation Board has recommended that section 15A be repealed having regard to the duplication of information. The current cost of obtaining a section 15A certificate for the Mine Subsidence Compensation Board is $13 and it is considered that this is an unnecessary cost which must be borne by a purchaser of a property. The repeal of section 15A will result in a cost saving to the public and will expedite the conveyancing process by eliminating the need to obtain an unnecessary certificate. I commend the bill.

Debate adjourned on motion by Mr Rumble.

GAMING AND BETTING (RACE-MEETINGS) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr DOWNY (Sutherland - Minister for Sport, Recreation and Racing) [5.11]: I move:

That this bill be now read a second time.

Unlike all other States and Territories in Australia and many countries overseas, racing on Sundays in New South Wales is currently prohibited under the provisions of the Gaming and Betting Act. Honourable members will recall that during the 1991 budget session of Parliament, the Gaming and Betting Act was amended to allow the staging of race-meetings on eight Sundays during the period 1 January 1992 to 31 December 1993 to enable funding to be raised for Sydney's bid to host the year 2000 Olympic Games. This initiative proved extremely successful and in excess of $8 million was raised towards the costs of Sydney's Olympic bid. As a result of the success of those meetings,

the question of the continuation of Sunday racing on a limited basis has been raised with representatives of the racing industry who have expressed the industry's support for the proposal.

Accordingly, the bill will allow for the conduct of race-meetings on six Sundays each financial year commencing 1 July 1994 and ceasing on 30 June 2001. As occurred with the Sydney 2000 Olympic bid Sunday race-meetings, it is envisaged that the Australian Jockey Club and the Sydney Turf Club will share the Sunday dates, with each club conducting three Sunday race-meetings each year. Other New South Wales race clubs may also apply to conduct meetings on the selected Sundays in conjunction with the metropolitan clubs. It is intended that the Sunday race-meetings will also be programmed in conjunction with interstate fixtures so as to maximise revenue from the meetings. Based on revenue generated by the Olympic bid meetings held in the previous two years, it is expected that each of the Sunday race dates will raise approximately $1 million. Accordingly, it is anticipated that some $6 million per annum will be directed to the Consolidated Fund to enable, subject to the usual parliamentary appropriation process, payments to be made for specific purposes and contingencies which I will outline later.

The bill includes a provision that in the event that an approved Sunday date is unable to be utilised, for example, when programmed race-meetings are cancelled due to inclement weather and an alternative Sunday date cannot be allocated in that same year, the Minister may approve of an additional Sunday date in a following year, thereby ensuring that the date, and in turn revenue, is not lost. The bill also includes a provision that Sunday meetings are to be disregarded for the purposes of limits imposed under the Act on the maximum number of days on which race-meetings may be conducted on a racecourse. This provision simply alleviates the need for the Minister to obtain the Governor's approval to increase race day entitlements to accommodate the Sunday race-meetings. I should stress that the proposal does not represent a complete relaxation of current restrictions on Sunday racing as the proposed

legislation limits the number of Sundays to six per financial year and empowers the Minister to determine the dates on which Sunday racing may occur, the clubs which may conduct such meetings and the racecourses on which they may be conducted.

In addition, it is worth noting that most other recreation and leisure pursuits are available on Sundays, as are other avenues of gambling, including poker machines, club keno and the sale of lottery tickets. The new Sydney casino will also be open on Sundays. It is proposed that revenue generated from the first Sunday of racing under the legislation will be allocated to bushfire relief as an agency donation. It is then intended that revenue generated from the remaining Sunday race dates will be utilised towards costs associated with the staging of the year 2000 Paralympic Games, the further development of elite sport in the lead-up to the Sydney 2000 Olympics and as a contribution towards the costs associated with the promotion of the Sydney autumn racing carnival. As honourable members would be aware, Sydney's successful Olympic bid carries with it the responsibility for the conduct of the year 2000 Paralympic Games - a responsibility that this Government has accepted.

Accordingly, the Government will be looking for the costs of this commitment being largely funded from revenue derived from the proposed Sunday race-meetings. Apart from the Government's commitment to both the year 2000 Olympic Games and Paralympic Games, it has been identified that there is a need to increase the efficiency and effectiveness of existing high performance sport programs, particularly in the lead-up to the Olympic Games. In this regard, I am currently examining proposals to increase the efficiency and effectiveness of existing elite sport programs by refocusing, repackaging and enhancing these programs under a totally new identity, the New South Wales Institute of Sport. It is also intended that these costs be met from Sunday racing revenue.

The final component of the package involves a proposal I have before me to provide financial assistance towards the promotion of the Sydney autumn racing carnival, which is currently in progress. This initiative is a joint venture involving the five metropolitan race clubs of the three racing codes which have joined together to collectively market their high profile autumn races. Given the support shown by the public for the Sydney Olympic bid Sunday race-meetings, the Government is confident that this latest proposal will be equally successful. I commend the bill.

Debate adjourned on motion by Mr Rumble.

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

PRIVATE MEMBERS' STATEMENTS

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STATE RAIL AUTHORITY RETAIL TENDER BY Mr AND Mrs XUEREB

Mr E. T. PAGE (Coogee) [5.16]: I wish to bring to the attention of the House a complaint made to my by two of my constituents, Vincent and Patricia Xuereb, who are the owners of a family newsagency business at 424 Oxford Street, Bondi Junction. The couple have four school-age children and the family's livelihood is dependent upon the newsagency. Mr and Mrs Xuereb acquired the newsagency almost seven years ago. Prior to that time they owned their home at Menai. They sold

the home, borrowed money and invested in the newsagency. That newsagency is adjacent to the Bondi Junction railway station. It is ironic that Mr Xuereb had previously been a long-term and valued employee of State Rail. Before the events that I will detail later, and since 1979 when the railway station opened, the newsagency had traditionally provided bus and rail commuters with a newspaper service

during peak periods from a portable newsstand inside the station.

The station is included in the exclusive area ascribed to the newsagency owned by the Xuerebs. That is determined by the New South Wales Newsagency Council, which regulates the licensing of newsagencies in New South Wales. When the Xuerebs purchased the newsagency, the takings from the newsstand were a factor in determining the sale price of the newsagency. After they bought the newsagency, they realised there was no formal agreement with State Rail, so they approached State Rail about formalising the newsstand. State Rail indicated that because there would be pressure from other private operators, State Rail would be precluded from dealing exclusively with the Xuerebs. The Xuerebs were then ordered off the State Rail property while tenders were called. Mr Xuereb was interviewed by the Bondi Junction station master to talk about the points involved in tendering for the newsstand. The Xuerebs employed a planner who was also a former State Rail employee to put in a formal bid. The bid was unsuccessful. The person who now has the franchise for selling newspapers in the station operates two stands, and not only sells newspapers and magazines but also cigarettes and confectionery.

I have the documents that Mr Xuereb filled in when he lodged his tender for a licence for the sale of newspapers, magazines and associated items. Mr Xuereb tendered only on the basis of that restricted form of sale. There was also mention of a portable stand. The document refers in three places to the provision of one portable stand and Mr Xuereb tendered on the basis of one stand. The person who is now operating there has two stands and maintains that he can have as many stands as he likes, that he can sell other goods and services, because he has the franchise. This has put Mr Xuereb at a tremendous disadvantage. The viability of his business depended on the profit he made from the stand at the railway station and the sale of his business would depend on that income.

He is slowly going broke because of lack of income from what had been a traditional source of revenue, but also because the price of his capital asset has decreased so he cannot sell out. He has a young family of four children. They are locked into a business with no future. It appears to me that there have been some anomalies between what the current lessee is allowed to do compared with what the tender document suggested. The licence can be revoked on a month-to-month basis by the State Rail Authority. I warned the Minister's office that I would raise a matter this evening. I ask the Minister to retender the space so that Mr Xuereb can lodge a tender detailing his plans for the concourse. He does not believe that he can get exclusive use. However, he would like the opportunity to tender, based on his experience of running a business on the concourse. As I have said, the advice he received about the type of operations that would be allowed is contrary to what has been permitted by the SRA. I ask the Minister to consider this matter, and to reopen the tender in order to give Mr Xuereb a chance to recover some of his business.

Mr PHILLIPS (Miranda - Minister for Health) [5.21]: I thank the honourable member for Coogee for bringing this matter to the attention of the Parliament. He can rest assured that the Minister will take his representations into account and take whatever action is necessary. I am sure the Minister will report to him, if that is what he requires.

POLICE CONTACT WITH HIV-AIDS INFECTED OFFENDERS

Mr ZAMMIT (Strathfield) [5.22]: I raise a matter tonight referred to me by a constituent who is a medical practitioner, whom I interviewed at length. This matter arises out of the provisions of the Privacy Act and has extremely serious ramifications for serving police officers and others in their line of duty. I wish to draw the Attorney General's attention to the situation I will detail shortly, and ask him to review the Privacy Act in view of the following incident as recounted to me by the medical practitioner. The doctor advised me that on 17 February 1994 two police officers were involved in the arrest of a thief and self-confessed heroin addict. During the course of the arrest the police officers came in contact with the heroin addict's blood. The following report from one of the undercover police officers details the event. I

will refer to this policeman as Constable X, his partner as Constable Y, and the convicted person as Mr Z.

I am advised by the doctor that police officer X's report stated that at about 12.40 a.m. he saw two male persons walk towards a Holden Commodore from the Edensor Street direction and both get into the car. Constable Y then started his unmarked police car and drove up to the Holden Commodore. When Constable X was approximately five metres from the Commodore he activated the police blue light and placed it on the roof of the car. At the same time he called out to the driver of the Commodore, "Police. Stop the car". With that the driver of the Commodore accelerated out of the position where it was parked and sped off down Canberra Street in a southerly direction.

About 10 metres short of the intersection at Edensor Street, while the car was still travelling in Canberra Street, Constable X saw the male person in the front passenger seat. He subsequently came

to know him to be the defendant - Mr Z - and saw him throw a number of tools out the window of the car and into the gutter. Constable X then had a conversation via the police radio about the tools. The vehicle was then pursued left into Edensor Street and then right into Kandy Avenue. At the end of Kandy Avenue the car turned left into Beecroft Road, travelling at speed through a stop sign. The vehicle was pursued along Beecroft Road towards Pennant Hills.

While the car was being followed, Constable X saw the vehicle cross double separation lines, on several occasions crossing to the right side of the carriageway, narrowly avoiding oncoming traffic, although traffic conditions for that time of the night were light. Constable X stated that throughout the pursuit along Beecroft Road the vehicle passed nine streets on the left and six streets on the right. He estimated the speed of the offending vehicle was well in excess of 120 kilometres per hour at stages of the pursuit. During the pursuit the police vehicle was about 50 metres behind the offending vehicle. As the vehicle approached the intersection of Mary Street he saw it brake and then turn left into Mary Street. At the end of that dead-end street the vehicle collided with a garden rockery at the last house. At the same time the two males abandoned the vehicle while it was in motion.

Constable X then alighted from the police car and chased the driver of the vehicle on foot. He apprehended the unknown male in scrubland about 20 metres down a gully in front of where the Holden Commodore was abandoned. A short time later, while subduing this person, he heard Constable Y shout out, "Help me, X. Help me". Constable X immediately left the driver of the vehicle in the scrubland and went to the assistance of Constable Y. He then ran to the police car where he saw the defendant, Mr Z, sitting in the driver's seat of the police car and Constable Y standing in the open driver's side door. He saw that the defendant was striking Constable Y about the face with his closed fist. At the same time the defendant had his right hand on the ignition, with the key in the ignition, attempting to start the police car. Constable X then saw that Constable Y also had his left hand on the ignition key, trying to stop the defendant from making good his escape. He also saw Constable Y trying to reholster his revolver with his right hand, which was outside the vehicle.

Constable X then grabbed Constable Y and pulled him free of the defendant's hold. At the same time Constable Y managed to pull out the ignition key. Constable X then dived on to the defendant, into a position where he was on top of him, across both front seats. The defendant continued to struggle violently. He grabbed Constable X in a choker hold around his neck and then forced his head upwards into the vehicle's front windscreen, smashing the windscreen. During this struggle Constable X had a police torch in his left hand. In an effort to defend himself he attempted to strike the defendant in the shoulder region, but because of the confined area of the front of the vehicle he was only able to strike him on the top of the head.

By this time Constable Y was at the passenger's side of the vehicle where he rendered assistance in removing the defendant clear of the car. By this time the two policemen were assisted by the arrival of other police and the defendant was handcuffed by uniformed police. During the course of the struggle there was no conversation with the defendant by Constable X. At various times during the struggle the

defendant continually called to the police officer in highly abusive language. While the defendant was being handcuffed he shouted to Constable X and Constable Y, who had the defendant's blood all over their bodies, "I'm HIV positive and I shot up today".

Following this incident the two constables and the defendant attended the casualty section of the local hospital where wounds sustained during the arrest were treated. Blood was taken to determine the HIV status of each of the constables and the defendant. I am informed that because of the provisions of the Privacy Act the police are not informed whether an arrested person is HIV positive. They must wait for follow-up blood tests at three-monthly intervals. This is grossly unjust, not only to the police but also to their families. Police and others in their line of duty must have access to the HIV status of persons arrested when body fluids have been in contact. I call on the Attorney General, as a matter of urgency, to undertake a review of the Privacy Act in an attempt to allay the genuine fears for the welfare of New South Wales police officers and their families. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health) [5.27]: I thank the Minister for Health for raising this very serious matter, which is of grave concern to police constables and others who, in their line of duty, in the workplace, feel they may have some chance of being infected with the HIV-AIDS virus. The privacy issue is a very important part of the strategy of ensuring that we are able to reduce the spread of HIV-AIDS in Australia. Australia is one of the few countries in the world that has been successful in that regard. The matters raised are serious and are worth significant investigation. I will not only raise the matter with the Attorney General, but also I will discuss the matter with him from a health perspective.

LOCAL GOVERNMENT ACT COMPANY TITLE REGULATIONS

Ms MOORE (Bligh) [5.28]: I wish to make a statement about a matter that is of great importance to many of my constituents who are owners of company title home units and who have been subjected to huge increases in rates as a result of the new Local Government Act. The Act requires each

unit to be rated separately and to be subject to a minimum rate. This has resulted in a rate increase of up to 400 per cent. There are also serious questions about the manner in which these rates are calculated. The Act requires rates to be calculated by dividing the value of the building by the number of shares held. The number of shares held has no necessary relation to the size of the apartment or the relative value of the apartment. In some cases, a person who owns one home unit may own two shares. This formula is not an effective means of determining the value of a flat for rating purposes. Changing the shareholdings to conform to legislation would be costly and it would require 100 per cent co-operation from shareholders, which is extremely difficult to achieve.

There are also questions about charging rates to people who do not own apartments in a legal sense. Company title gives right of occupation, not ownership of land. There are a small number of company title buildings in New South Wales. It is estimated that there are between 200 and 300 buildings throughout Sydney. The buildings are all more than 30 years old and some are up to 60 years old. The tenants are predominantly elderly people on fixed incomes, although some younger people are moving in. Company title units have historically been cheaper than strata title because of difficulties with financing and subletting, and as a result they are generally owner occupied rather than purchased for investment.

Dramatic increases in rates create hardship for elderly residents on fixed incomes. They have done their sums carefully and have received little or no notice of the changes brought about by the new legislation. I have written to the Minister for Local Government and Co-operatives asking for a meeting to discuss these problems. I will be seeking an amendment to the Local Government Act to accommodate the needs of owners of company title units. Another issue of enormous importance to people living in company title units is the lack of a forum for resolving disputes within the company. Strata title owners can raise disputes with the Commissioner for Strata Titles but there is no

corresponding forum for company title home owners. They are compelled to use company law to resolve the issue, which is inappropriate to the sorts of disputes that occur in apartment blocks, and which is extremely expensive.

Many people find that their only solution is to move out of the building, but that can prove quite traumatic for elderly people who have lived in an area all their lives. Company title is governed by Federal legislation and I call upon the Attorney General to enter into discussions with his Federal counterpart to establish a body to hear company title complaints. The Local Government Act was landmark legislation. Notwithstanding the exhaustive and extensive amendments and work that was done, this important issue affecting particularly older residents in my electorate needs to be dealt with by the Minister. The problem that has developed was certainly not anticipated by those who took part in the Local Government Act debate. I look forward to the Minister addressing the problems I have outlined.

Mr WEST (Orange - Minister for Energy, and Minister for Local Government and Co-operatives) [5.33]: I am aware of the concerns that have been raised by the honourable member for Bligh and of her personal representations to me in respect of the difficulties that are being experienced by occupants of company title units. I am having this matter investigated by the department. When some advices have been prepared I will be more than happy to meet with her to decide what is the appropriate direction. By way of a general comment, and not wanting to be bound by it, my general predilection is that people who own company title premises should not be treated any differently from those who hold strata title on premises. That was not the intention of the Act and I believe we should be able to come to an appropriate arrangement. I look forward, whether this session or next session, to making appropriate changes. However we will see what other interim changes may or may not be possible to help these people, who are obviously being seriously disadvantaged.

POLICE PRESENCE IN BYRON BAY

Mr D. L. PAGE (Ballina) [5.34]: I raise the question of police presence in Byron Bay in particular, and also a related issue of the adequacy, or as I see it the inadequacy, of the laws as they currently apply to the policing of alcohol free zones in New South Wales. The existing Byron Bay police station should be converted to an all year round 24-hour police station. At present the station is manned 24 hours a day from December through to the end of January, which is an absolute necessity. Honourable members may recall in recent times reading a deal of publicity about the so-called Byron Bay New Year's Eve riot. The incident was grossly overstated in the media. The media reported that 20,000 people in Byron Bay were involved in the riot. The numbers involved were certainly nothing like that.

There may well have been 20,000 people visiting Byron Bay at that time, but I was there on the night and I know that probably 100 to 150-odd people were involved in the fracas with police officers at about 2 a.m. It was very hot and when a water hose broke some people decided it would be a good idea to have a shower. One thing led to another and it turned into an ugly scene. But it was grossly overstated in the media. That incident highlighted the inadequacy of the laws in relation to the policing of alcohol free zones. I have written to the Minister for Local Government and Co-Operatives about it and recently he indicated that he will seriously review the current laws.

Section 642 of the Local Government Act provides that a police officer must warn a person drinking in an alcohol free zone that drinking

alcohol in the zone is prohibited and that alcohol in the person's possession may be confiscated if the person attempts to drink any of it in the zone. A person who fails to heed a warning is liable to a penalty of $20. That is a ridiculously inadequate penalty. Originally it was envisaged that alcohol free zones would comprise parks and so on, and would usually involve only one or two people or a small group of offenders. Police were obliged to ask offenders to stop drinking, confiscate the alcohol and ask them to move on. The penalty was not seen as a critical factor in the equation.

When one is talking about an alcohol free zone designated by the community, through its local council, to try to bring order and planning to an occasion such as a New Year's Eve function when 20,000 people might descend on a popular tourist destination like Byron bay, it is impossible for police to remember who they have warned and who they have not warned. Clearly, it is ridiculous to expect a police officer to remember whether or not he has warned someone. The requirement for police to warn offenders must be changed. We must get serious about people who ignore warnings and continue to consume alcohol in designated alcohol free zones. The penalty should be seen as a deterrent, perhaps a sum of $500 - certainly not the sum of $20 which currently applies - so that people who want to drink in alcohol free zones know that a penalty attaches to that sort of behaviour.

It is important to mention that the crime rate in Byron Bay is higher than the crime rate in Ballina. Ballina has a 24-hour police station, which is absolutely necessary. Though 21 officers are stationed at Byron Bay at present, about 24 or 25 officers are required to staff a 24-hour police station for the whole of the year. Byron Bay is a popular place, not only for New Year's Eve, Christmas, Easter and school holidays; people visit Byron Bay all year round. We need to have proper policing. I urge the Minister, who I know is sympathetic to my request, to institute a 24-hour police station as soon as possible. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health) [5.39]: I thank the honourable member for Ballina for raising this important issue on behalf of his constituency. He raised three main issues. The first was the important issue of misuse and abuse of alcohol in the community. This is becoming an ever increasing problem and concern for members in their electorates. We should look at it from a health perspective and encourage communities to take a more reasonable approach to the use of alcohol so that it is not misused or abused. The other issue he raised was the problem of crowd control and the necessary police powers. It is important that police have effective and sensible crowd control procedures so that they can bring matters under control before they get out of hand, ugly and difficult to control. The third issue the honourable member raised was the need for a 24-hour service at Byron Bay police station, in that growth area. It is a matter that the Minister will take into consideration having regard to his priorities. I am sure that the honourable member's constituency will be taken into account by the Minister when he is informed of the issues that have been raised.

AUBURN ELECTORATE SCHOOL VIOLENCE

Mr NAGLE (Auburn) [5.40]: I put on public record my congratulations to the principal of Birrong Girls High School, Mr Ross McBride; the principal of the Birrong Boys High School, Mr Ross Beckhouse; the principal of the Regents Park Community School, Mr Neville Pollard; and the other principals who recently attended a meeting of all school principals in my electorate. At the meeting, which was attended also by police, discussions were held about violence against students going to and from school. Unfortunately, in October at Regents Park railway station a young student was attacked and cut with a machete, and another student was held down and kicked by people from another suburb.

At the meeting certain programs were proposed. One of the ideas put forward by the local police commander, Chief Superintendent Doug Kelly - an excellent police officer who unfortunately is going to leave the area soon - was a program that has been run by police from the Revesby station. Once or twice a year police from that station get the high school students together, take them to a local park, the Lions Club members put on a barbecue and the local magistrate and other community leaders speak to the students about the community and their responsibilities to it. I hope that a similar program will be introduced for students from local high schools in the Auburn electorate, and that the Lions clubs and Rotary from Auburn, Yagoona and Lidcombe will provide cooking facilities and local shops and other organisations will supply food. I feel sure that a program of this nature will reduce the potential for violence in schools and outside schools and give the young people a sense of community living.

Another excellent proposal at the meeting was for all of the school captains and vice-captains to meet the principals, the local police and me and discuss the problem of safety in education. The school captains and vice-captains would be told that they are the future leaders of the community and when they leave high school they will play an important part in the community. The leadership qualities they are learning now will be used in that community. We will ask them to become part of a program to reduce the potential for violence and actual violence against school children. All honourable members will agree that children should be allowed to go to and from school in safety and to have a peaceful environment in which to learn.

A further matter of concern arose from a phone call I received from Mr Stalker, whose business premises in Rawson Road were defaced badly by graffiti. The Regents Park bus shelter also

has been vandalised with graffiti. It was suggested that I bring to the attention of the House the problem caused by graffiti, in an effort to have legislation introduced to ban spray cans. If that cannot be done, it may be possible to impose penalties on those who sell spray cans to persons under the age of 18. At least that would be something. A member from the Government side of the House has spoken to me about this issue. If he decides to introduce legislation, he will have my backing. Trains and public buildings are important assets for the people of New South Wales, but they are being defaced by a small minority of unscrupulous and despicable individuals who use spray cans for improper purposes. Action must be taken.

During the week I travelled to the city by train in one of the modern carriages. The seats and sides of the carriage had been sprayed with graffiti. One way to deal with the problem is to impose stiffer sentences on offenders. Instead of being fined $50 or $100, they should be given 200 hours of community service to clean up the mess they have made. Auburn Council has taken the initiative of appointing a graffiti inspector. It may be necessary to change the law, but the council wants magistrates to impose a community service order that would allow the inspector to supervise young offenders while they cleaned up the mess they had made. There is nothing worse than seeing a beautiful building defaced by graffiti.

An old building that was used by Jack Lang as an office - and he made a number of great speeches from the balcony - has been covered with vile and filthy graffiti. I am continually getting phone calls about graffiti on the Regents Park bus shelter. The local council had the shelter repainted. Only a minority of unscrupulous individuals are engaged in this activity, but they should be made to clean up the mess they make. I understand from the police at Auburn that these young people have trade marks of handprints, thumbprints and crosses, and that police are able to identify the offenders by their insignias. At least in the Auburn electorate action is being taken to deal with the problem. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health) [5.45]: I congratulate the honourable member for Auburn on the initiative he is taking by working with Lions Clubs, police and school principals to improve relationships with students. That is a positive way forward and something to be encouraged by local members. In the past a similar program to the one he mentioned has been shown to work positively. The honourable member made a pertinent comment about the responsibility of captains and vice-captains of schools being the future leaders in the community. They should be able to get the message through to young people that they have a role to play in the community.

Part of that message is that police are real people with a job to do. The problem of spray cans has been raised in the House a number of times. It is a vexed question. I am surprised that offenders who are caught are not required to do community service to clean up the mess they make. If any provision in the law restricts magistrates and others from directing offenders to perform community service, it may be necessary to amend the legislation. This is an important issue of law and order in the community.

JOHNE'S DISEASE

Mr SCHULTZ (Burrinjuck) [5.47]: I raise an issue that has been brought to my attention by a constituent. It centres around the outbreak of Johne's disease, or paratuberculosis, which is an extremely insidious chronic infectious enteritis of cattle that was long confused with tuberculosis because of certain close resemblances between the causal organisms. In Europe it has been recorded in sheep, in which it runs a more acute course. The constituent who raised the matter with me is a breeder of merino sheep in the Gunning area. He wrote to New South Wales Agriculture on 23 November last year alerting it to the fact that he had a problem in his 15,000-head sheep flock. He estimates that he will lose approximately $81,000 in a year because of the effect the outbreak of the disease has had on his sheep. My constituent quoted figures that do not take into account the impact of the disease on his lambing percentages and his wool clip. He received a response from New South Wales Agriculture, which I shall quote in part:

> I appreciate the information that you have provided as it is the first reliable information we have on the exact cost to producers in New South Wales.
>
> The disease is causing some concern . . .

The writer of the letter from New South Wales Agriculture goes on to say:

> . . . the best option appears a voluntary vaccination program.

Later in the letter he says:

> It is anticipated that we will have further information available by the middle of the year and we will be able to come up with some options on infected properties.
>
> We are also seeking funds from the Meat Research Committee to carry out some research into the control of the disease on infected properties.

The letter says further:

> With regard to your request to instigate a vaccination program, we have to obtain more information concerning the vaccines. There are some concerns regarding the safety of the vaccines to the users. In other countries the vaccine is under the control of a veterinarian.

He concludes the letter by thanking my constituent for the information and says:

> It is unfortunate that not all sheep breeders are as honest as you have been. I have no doubts that there are other flocks that are infected in New South Wales where graziers are not taking any action. This makes disease control programs very difficult.

My constituent contacted me because he believes that we need to get on top of this very serious disease quickly. If we do not, it will have a massive impact on the people involved in running sheep studs and on the sheep population throughout southern New South Wales. He wrote to the program leader, flock health, New South Wales Agriculture, expressing concern about the apparent casual approach to the supply of vaccines for this disease. He said that the successful results of vaccinating would far outweigh the monetary costs to stud breeders.

My constituent said that no matter what the cost, because of the impact the disease would have on this industry, he is willing to vaccinate the sheep himself under the auspices of a veterinary officer, either government or private. That appears to be one of the arguments New South Wales Agriculture is putting

with regard to supplying vaccines. I ask the Minister in the chair, the Minister for Health, to draw this matter to the attention of the Minister for Agriculture and Fisheries to ensure that we take this issue on board. We must have a concentrated exercise of releasing vaccines as quickly as possible so that we can get on to this disease to stop what could be a devastating impact on stud sheep flocks throughout New South Wales.

Mr PHILLIPS (Miranda - Minister for Health) [5.52]: I thank the honourable member for Burrinjuck for raising this obviously important issue for the sheep industry in Australia, particularly in his area. I am not sure how I am supposed to pronounce Johne's disease - being a city boy I do not pretend to be an expert in sheep. I often defer to the honourable member for advice on country matters, particularly with respect to sheep. The honourable member has obviously raised an important issue which affects his constituency, particularly the sheep in his constituency. I will certainly make sure that this matter is brought to the attention of the Minister for Agriculture and Fisheries, who I am sure will have a much better understanding of this issue than I do.

SCHOOL CLASS SIZES

Mr McBRIDE (The Entrance) [5.53]: I would like to read to the House some statements made by the Minister for Education, Training and Youth Affairs in a press release dated 6 November:

> The early years of schooling for our children are paramount to the success of their future education.
>
> It is essential that our children acquire the basics in kindergarten to ensure their further learning at a reasonable rate in all areas of the curriculum.

No doubt all honourable members would agree that they are fine sentiments. They reflect a decent and sensible approach to addressing the educational needs of our young people. However, a recent study of schools in my electorate has shown them to be nothing more than hollow cliches. The facts demonstrate that the Minister and the Fahey Government are not meeting such commitments in my electorate. I would like to cite how examples of class sizes on the Central Coast are undermining the education of local children. Killarney Vale Public School has a kindergarten class of 31 students; it also has a year 1 class of 31 students; and a year 2 class of 31 students.

At Wamberal Public School 31 students have been crammed into a composite year 1-2 class. Similarly, at Narara Public School there is a composite class of 28 students in year 1-2. Another alarming fact is that in the schools surveyed about 35 per cent of the classes were composite classes. This represents a critical situation. Let no one forget that the Fahey Government has a policy of restricting class sizes to 30 and composite classes are supposed to be limited to 25. These guidelines were established with the welfare and educational development of children in mind. Clearly the examples I have just revealed to the House show that these guidelines are regularly being breached. It can only follow that students are suffering accordingly with respect to the quality of their education.

As a parent, I am well aware of the importance of ensuring that each student is afforded adequate attention. Students must feel confident that they have the ear of the teacher and are able to raise matters of concern at all times. Likewise, teachers should have time to devote to the educational development of each child under their care and closely monitor their progress. As the Minister said, this is especially vital in the early years of education - there is no room for shortcuts. Children must be instilled with a solid grounding in the basics of reading, writing, arithmetic and other core areas of education during their early schooling.

Let us not forget the value of education to individual children and society as a whole. Irrespective of the background or circumstances of students, a quality education places everyone on an equal footing

and opens up opportunities for advancement throughout life. It is a key element to an equitable and just social environment. The situation in those schools referred to earlier is no reflection on the abilities and integrity of the principals, staff, parents or children. No doubt all associated with those schools are providing to the children the best possible education that can be drawn from the resources at hand - I stress: the resources that are available to them. Lack of educational resources is an indictment of the Fahey Government's record on education. By ignoring the education needs of young children the Fahey Government puts at risk the development of those children for years to come. With the best intentions, it will be an imposing task to try to rectify ingrained flaws years down the track.

There is at least one simple answer to this dilemma. The Fahey Government should re-employ the 2,500 teachers slashed by the former Minister for Education, Terry Metherell. More teachers simply means fewer composite classes, smaller class

sizes, a better focus on the individual needs and demands of children, and a greater education outcome. In the meantime the Government needs to examine and solve the problems facing primary schools at Killarney Vale, Wamberal, Narara and elsewhere in my electorate confronted by overcrowded classes. I urge the House and the Minister to act immediately. Children on the Central Coast and in my electorate are just not being given a fair go with respect to public education. There is a need at every level - primary school, secondary school and TAFE. If the Government continues to ignore the situation in our public schools and on the North Coast it will face the obvious political peril in the future.

Mr PHILLIPS (Miranda - Minister for Health) [5.58]: Mr Acting-Speaker, as you would know, being involved in education, a number of issues raised by the honourable member for The Entrance are perennial. They are the focus of debate often. The education community is often divided about the issue of composite classes. However, we have always had composite classes. There is no indication that composite classes means a lower standard of education. In fact, many teachers would say to most local members that every class is a composite class because every child is different. Just because there is a classroom of six-year-olds, they are not all the same - they are not stereotypes. That is how the Opposition wants to treat them; it wants to put everyone in boxes.

The Opposition's education policy is to make sure that there are more teachers, which it believes will automatically mean better education. I have yet to see that correlation. The quality of the teacher and the methods used are important. The honourable member believes that if there are only 15 or 20 five-year-olds there should be a teacher for them, and if there are 10 six-year-olds there should be a teacher for them. He thinks that will also improve education. That is the Opposition's policy. The Opposition would increase expenditure, employ more teachers to classify all students into boxes in the expectation that the quality of education will automatically improve. We have always had composite classes. We have one of the highest standards of education in the world. The honourable member is talking nonsense.

CROWN LEASE OF Mr STELZER

Mr W. T. J. MURRAY (Barwon) [6.0]: I rise to speak about Mr Eric Stelzer's application for a freehold of Crown lease No. 1967-1 at Glen Innes, portions 36, 37, 49, 50 and 54, Parish of Highland Home, County of Gough. Many years ago Mr Stelzer applied to convert the land. As a result of applications at the time and moves by certain people under the Wilderness Act, a dispute has arisen about whether Mr Stelzer's leasehold land, on a 45-year lease, is within the wilderness area. Subsequently, on 19 May 1993, the matter was referred by the Minister for Energy and Minister for Local Government and Co-operatives, Mr West, to the Minister for the Environment, Mr Hartcher, with a view to determining whether the land was supposed to be in the wilderness nomination and to seek advice with regard to conversion of the land to freehold. A letter was written to the Minister for the Environment in October 1993 and on 10 March a reply was received that was obviously prepared by the National Parks and Wildlife Service. It is the greatest nonsense I have ever read from a department. I might add that

the relevant land is three hectares, 7.5 acres. The response in paragraph 3 is intriguing. It states:

> In most cases it is impossible to pinpoint rare species to one particular location or to say that they are restricted to that location. The Director-General advises me that the fauna and flora mentioned in my previous letter have been found in similar habitat types in the general vicinity, and might therefore reasonably be expected to occur on this particular lease. The known data therefore indicate that the property has heritage values. These values are within the parameters that would obligate the Service to recommend to the Department of Conservation and Land Management that they should remain protected.

If that decision applies to a three-hectare block of land in a fairly rough area of New South Wales, the whole of the State would have to be declared wilderness. I have never heard such unadulterated rubbish in my life. For the National Parks and Wildlife Service to adopt such an approach begs even the mentality of a brainless child. Despite the fact that Mr Stelzer has a 45-year lease, the letter continues:

> The land assessment further states that according to the records the lease is not in perpetuity but expires on 12 May 2012. It recommends " . . . that the lease continue under its present terms and conditions. The situation should be reviewed when the lease expires in May 2012".

We have always been of the opinion that land leased to people as part of their property shall not be included in wilderness areas. In fact, the wilderness claim for Torrington was rejected by the Labor Party; it has been partially rejected by the Government and is still under review. Despite that, the National Parks and Wildlife Service seeks to take this 7.5 acres out of the conversion application and keep it until 2012 when it may be reviewed. The Minister for Land and Water Conservation would recognise the stupidity of that. He does not have to accept the recommendation of the National Parks and Wildlife Service. I ask the Minister to overrule this nonsensical approach to the matter, convert the land and stop the nonsense that is occurring.

Mr PHILLIPS (Miranda - Minister for Health) [6.5]: I thank the honourable member for Barwon for raising this important issue because very little is more precious to the individual than his or her property rights. When people's property rights are threatened, there is an intrusion on a fundamental Australian belief. I will ensure that the matter is raised with the Minister for Land and Water Conservation to enable him to take appropriate action to resolve the issue.

ATTENTION DEFICIT DISORDER

Mr MILLS (Wallsend) [6.6]: I draw to the attention of the House the outstanding efforts of a group of committed parents to help the children in their families who suffer from attention deficit disorder, known as ADD, and attention deficit hyperactivity disorder, known as ADHD. These parents form the Newcastle-Hunter attention deficit disorder support group. They have my greatest admiration because they have taken up the struggle and the battle to help their children during their young years to grow up to live better adult lives than did previous generations of ADD sufferers.

The greatest harm done to young children with ADD is to their education. Because of the disorder these children do not get the same opportunity for education as do other children. Children with ADD fidget a lot, have trouble following instructions, are easily distracted, talk excessively, cannot wait their turn, shift from one incompleted task to another, interrupt and intrude; they are socially aggressive and drive away other children. They have great difficulty reading and usually fail English. Children with ADD have a neurological disability. The disorder is remarkably common, affecting between 5 per cent and 10 per cent of children.

In March last year the Department of School Education issued support statements for parents,

school personnel and specialist personnel concerning ADD. The disorder is acknowledged but the action plan is indecisive and underresourced. The special education or integration programs in our public schools are mainly geared to children with physical disabilities and multiple disabilities. Integration aides provide appropriate assistance for them. Children with cognitive disabilities like ADD gain little or nothing from integration aides. They need integration teachers and there are almost none of those around.

The integration budget is too small for the real needs of kids with disabilities. Classroom teachers with perhaps two or three ADD kids in their class of 29 or 30 are really struggling to offer these kids anything near enough by way of extra attention and activity. The classroom teacher has received little training, or frequently no training at all, in techniques for assisting ADD children. Untrained teachers are likely to blame the children for misbehaviour, when the innocent child is merely displaying the symptoms of the disorder. The diagnosis of ADD is controversial, the medical treatment of the children is controversial, and their education in their formative years is criminally neglected because of the complacency of an education system designed for normal children, that is, children without physical or mental or cognitive disability. That complacency will be overcome only when the whole community knows and understands more about ADD.

The Hunter ADD support group has taken the lead nationally by bringing to Australia this week the world's foremost expert on the disorder, Dr Russell Barkley, Professor of Psychiatry and Neurology at the University of Massachusetts Medical Centre. It is Dr Barkley's description of the disorder that is given in the Department of School Education documents referred to earlier. Dr Barkley will give a seminar in Newcastle tonight to more than 100 parents, and specialists in education, child development and paediatrics. On Saturday night, Dr Barkley will lead an all-day workshop on attention deficit disorders at the Wesley Centre in Pitt Street, Sydney. I understand more than 600 people from all Australian States and Territories will attend.

All members of the New South Wales Parliament were invited to the workshop last year. The workshop has been endorsed by the Australian College of General Practitioners quality assurance education program. I hope that the educational neglect of ADD kids which I spoke about earlier will soon be a thing of the past, because the Department of School Education has approved the workshops for professional development for teachers. I thank the department for that approval.

Many members of the Hunter ADD support group have given all their spare time in the past 18 months to organising such activities, which will prove of benefit to the whole community. I will single out one parent, my constituent Mrs Dale Stauffer, for her leadership in bringing this hope to realisation. Mrs Stauffer first came to me nearly two years ago with concerns about the quality of help available at school to her son with ADD. From her I have learned of the disorder and its enormous cost in dollars to her family - for medication and medical treatment, speech pathology, psychology, occupational therapy, special tutoring particularly in reading, and travelling with her child to many activities that might help. Her life away from work is 100 per cent given to ADD support. This is the case with all parents of ADD kids. I have watched her become daily ever more effective as a lobbyist to help ADD kids. She and her husband Peter and the other parents in the Hunter ADD support group get my praise for their efforts in seeking help for their children and the love they show. Some others in the group include Sue Sellers, Jane McQuillan, Kerrie Willoughby and Lyn Christie. They have all convinced me of the need for special treatment of ADD children - to prevent low self-esteem caused by the repeated feeling of failure, to eliminate underachievement in school, and to provide a genuine equality of educational opportunity. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health) [6.11]: I thank the honourable member for Wallsend for raising the problem of catering for children with attention deficit disorder in our schools. Perhaps the honourable member for Wallsend did not hear the honourable member for The Entrance speak about education. Labor members must get their act together and decide on their priorities. On the one hand, an Opposition member is saying we have to get rid of composite

classes and provide more teachers. He was saying that we must spend much more of our resources looking after the standard of education of ordinary children. If all resources are swallowed up doing that, none are left to care for children with developmental disorders or special learning difficulties.

The coalition Government has done more to support children with learning difficulties and the developmentally disabled in the school system than Labor even thought of in its decade in government. I am very proud of the Government's priorities. Funding is targeted to areas of greatest need. On a positive note, I praise the Hunter attention deficit disorder support group. Support groups in so many areas are essential and can do much more, with the support of government departments and authorities, than governments could do alone. Support groups in the community should be congratulated on the work they are doing.

EUROPEAN WASPS

Mr RICHARDSON (The Hills) [6.13]: I rise to alert the House to a problem affecting all of Sydney, the plague of European wasps. My attention was drawn to the matter by an article in the *Hills Mercury* newspaper last week. A warning was sounded by West Pennant Hills apiarist Rod Yates. I know Mr Yates and I rang him to have a chat about the situation. He gave me some background on the wasp problem. Apparently wasps first came to Australia - to Tasmania - in 1959 but they did not reach the mainland until 1977. They were not found in the Sydney area until 1978. Since then they have multiplied prolifically. We have heard the expression "breed like rabbits". That will shortly be overtaken by "breed like wasps". The wasps nest in the ground, in trees and under eaves. That causes a particular problem because if the nests are sprayed from outside the wasps go into the house, buzz around, try to fly out the windows and sting people inside the house. They are scavengers: they eat garbage, meat, nectar, insects, pet food and scraps. They get into soft drink cans and this can cause a problem with people on picnics being stung inside the mouth after drinking from an opened can. They are a problem for fruitpickers and even for fruit processing plants.

As with so many pests and noxious plants that have come to our shores over the years, such as rabbits, water hyacinth, cane toads and foxes, there are no natural predators. Weather conditions in Australia are ideal for wasps. In Europe and North America where they are native they are killed by the winter but here they are not. A new season nest may have 5,000 wasps and be full of fertile queens, but overseas such a nest would die in winter. In the second season here there may be up to 100,000 wasps in the nest and they will be more aggressive and likely to sting. As I said, numbers have increased dramatically. In 1983 there were 74 nests discovered, more than 300 in 1985, and 480 in 1990-91. Mr Yates, one pest eradicator, has dealt with almost 480 so far this season. Being an apiarist, he is also concerned about the effect on his honey business. New South Wales Agriculture had two full-time staff destroying nests from 1978 to mid-1990. In July 1990 the program was stopped because it was not containing the pest. A wasp unit is maintained at Rydalmere and though the problem was not being contained at least it was not getting completely out of control, as it is now.

Wasps are found throughout New South Wales, primarily around towns because wasps like food scraps. They are along the South Coast to Wollongong. Nests have also been found in Bowral, Moss Vale, the Blue Mountains, Narrandera, Deniliquin, Albury, Wagga Wagga, Coleambally, Griffith, Dareton, Junee, Forbes, Coonabarabran, Orange, Bathurst and West Wyalong. So nowhere is safe from them. In fact, they can kill. In Cowra only last week a man was stung - I suppose they got up his shorts - in the groin about 40 times. He is at death's door. A constituent of mine in Beecroft was stung in a similar place. Fortunately, he was a doctor and applied water and aspirin to the sting, which relieved some of the pain. In Caboolture in south Queensland recently a man died from wasp bite.

Wasps are aggressive. They attract other wasps with a pheromone. So a whole nest could set out after a person. This could be similar to saying the wrong thing in Parliament. I have spoken briefly to

the Minister for Agriculture and Fisheries about the matter. I ask him to re-examine his decision to stop the eradication program. At the moment property-owners are responsible under the Plant Diseases Act for dealing with these creatures. It may cost up to $160 to get rid of a nest. Many pensioners in my electorate have difficulty finding that amount, and if they allow a nest to remain over the winter and into the next season there may be a nest of 100,000 wasps of four cubic metres in size, which would be very difficult to contain. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health) [6.18]: I thank the honourable member for The Hills for raising this issue, which is becoming a great concern to Australians. European wasps are spreading and their eradication is a perplexing problem. They are inflicting significant damage on our environment and our ecology. I much prefer the tamer native bee, which I understand the aggressive European wasp attacks. I will certainly speak to the Minister for Agriculture and Fisheries about the eradication program. I take this opportunity to welcome the honourable member for Kogarah into the Chamber. The Opposition side was looking very vacant. We can always tell when a leadership challenge is on. When somebody gets a new tailor and a new suit, as the honourable member for Kogarah has, and when he gets a new set of ties - he still needs a new barber - he is obviously getting himself set for the June contest.
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Another way we can tell is that members spend more time in the House and they tend to ham it up and act up more, as the honourable member has been doing recently. I wish him well in the June contest.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Rixon) left the chair at 6.20 p.m. The House resumed at 7.30 p.m.*]

LOTTERIES AND ART UNIONS (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [7.30]: I move:

That this bill be now read a second time.

The Lotteries and Art Unions Act 1901 regulates minor community gaming activities such as raffles, art unions and games of chance. This bill has three general aims: first, it will bring the laws relating to community gaming into line with modern day practices; second, it will establish consistency in the regulation of the different types of activities carried on under the Act; and finally, it will safeguard the public interest by ensuring consistency with accountability processes and requirements provided for in other laws that regulate fundraising. The Lotteries and Art Unions Act was initially drafted in 1901. Many of the provisions of that time remain part of the Act today. With the passage of time various provisions of the Act no longer reflect modern community expectations and standards in regard to minor community gaming activities. An example of this is the current prohibition in the Act on liquor being offered as a prize in a lottery, raffle or game of chance.

Most people, at one time or another, have taken part in a raffle that has offered a bottle of wine as one of the minor prizes. The motivation for taking part in such raffles is to support a charitable or non-profit organisation - it is not simply because a bottle of wine might be won. I would be surprised if many honourable members had not, at some time, supported a worthwhile community cause where this type of prize was offered. Anecdotal evidence suggests that the prohibition on liquor prizes is openly and repeatedly ignored, with community support. The provisions of this bill will remove the prohibition and

will enable liquor to be lawfully offered as a prize, subject of course to strict controls. Safeguards are included in the bill to restrict minors' access to liquor prizes in lotteries, raffles, or other games of chance where liquor is a prize. Specific offences are being created to cover the sale of tickets by a minor, or the collection of a liquor prize by a minor.

Another feature of the bill is the consistency it achieves between the different types of activities carried out under the Act. One proposal relates to the controls imposed on sweeps and calcuttas. In 1990 this Government introduced amendments to the Lotteries and Art Unions Act to make lawful the conduct of sweeps and calcuttas on the Melbourne Cup and other approved events. Until that time such activities were illegal, although they had been conducted for many years by public-spirited organisations to raise funds for worthwhile community purposes. Those amendments brought the legislation into line with community practice. The present legislation allows sweeps to be conducted with total ticket sales of $2,000 or less. No permit is required for sweeps. Sweeps cannot be lawfully conducted if their ticket sales exceed $2,000.

Calcuttas may presently be conducted without a permit if ticket sales are $2,000 or less. Calcuttas with ticket sales above $2,000 may be conducted only if a permit has been issued. The $2,000 threshold was a conservative limit when compared with other forms of fundraising. One example is raffles, which can be conducted with maximum prize pools of $20,000 without the need for a permit. Raffles with prizes in excess of $20,000 are termed art unions, and require a permit. The current bill raises the limit on sweeps, and puts them in the same category as raffles. It will allow sweeps and calcuttas with ticket sales up to $20,000 to be conducted without a permit. Sweeps and calcuttas with ticket sales over that amount will require a permit. The increased limit and the permit requirements are consistent with the approach taken for raffles and art unions.

Another key feature of the bill concerns the updating of the art union provisions. Over the years there have been piecemeal changes to these provisions. This has resulted in legislation that is often difficult to read and understand, and which is out of step with modern practices. The term art union is itself outmoded. But because it has some meaning to many to describe a particular form of community based lottery, no attempt has been made to alter the meaning, and the term is carried forward in this amending legislation. The bill will rewrite the art union provisions of the Act in a way that recognises the modern concept of an art union. It will also make the provision much easier for those who are conducting art unions to understand their obligations. It clarifies that non-profit organisations can conduct art unions and, at the same time, makes art union conditions consistent with the requirements for other fundraising activities in the Act.

Another proposal in the bill relates to cash as a prize where it is supplementary to a travel prize. At the moment, a cash component can be provided with a travel prize for an art union. While a tour or journey can be offered as a prize in a raffle, there is no provision to enable cash in the form of spending money to be given as part of the travel prize. The bill will amend this inconsistency by allowing cash to be offered in raffles as part of a travel prize. Given that raffles can be conducted without a permit, it is desirable for there to be some control

over the amount of cash that can be offered in this way. It is therefore proposed to prescribe in the regulations a limit on the cash component of the travel prize. It is anticipated that the cash component might be equal to roughly one-quarter of the overall cost of the travel prize. However, this will be the subject of industry consultation during the drafting of the regulation.

As I indicated earlier, another feature of the bill is the consistency it provides in regard to the accountability of those who conduct the various lotteries, art unions and games of chance dealt with by the Act. The proposed measures will ensure a greater protection for the unsuspecting members of the public who enter such contests in good faith. A broad range of non-profit and charitable organisations seek community support for a variety of worthwhile causes. It is therefore essential that those organising lotteries and games of chance are accountable for the funds generated by such activities. The

Charitable Fundraising Act 1991 includes safeguards and deterrents for those who might otherwise use unscrupulous fundraising methods for private gain. This bill introduces similar safeguards in the Lotteries and Art Unions Act.

The bill will enable the Minister to appoint inspectors under the Act who will have appropriate powers of entry and inspection. This will allow inspectors to undertake investigations without impediment, and ensure the speedy and thorough investigation of complaints. In addition, there have been cases where an activity regulated by the Act has been conducted in a way that was blatantly contrary to the public interest. While it would have been preferable to be able to immediately halt the suspected illegal activity, the Act has not provided for this type of action. The bill rectifies this situation by providing the Minister with standing to apply to the Supreme Court for an order to suspend the conduct of a suspected illegal lottery, game of chance or art union. Also, where a person or organisation persistently fails to comply with the Act or permit conditions, it will be possible for the Minister to apply for an injunction to prevent the people involved from conducting minor gaming activities for a period of two years. A further feature of the bill is the introduction of new offences and penalties for false statements. The bill also amends the overall penalty structure for offences so that maximum penalties are in line with offences under the Charitable Fundraising Act.

Finally, the bill makes a number of related and consequential amendments and administrative improvements to the law. The opportunity has also been taken to correct minor drafting errors and to remove sexist references from the Act. This bill provides for a consistent and balanced approach to the conduct and regulation of minor community gaming activities. It clarifies and updates certain of the provisions of the Lotteries and Art Unions Act to ensure that the legitimate interests of those who take part are protected. At the same time, the bill also ensures that proper minimum prudential standards are observed by the organisers of events dealt with under the Act. I commend the bill to the House.

Debate adjourned on motion by Mr E. T. Page.

GOVERNOR'S SPEECH: ADDRESS IN REPLY

Eighth Day's Debate

Debate resumed from 16 March.

Mr E. T. PAGE (Coogee) [7.40]: Health services in the eastern region of Sydney are of great concern to me. The recent press release by the Minister for Health about so-called new developments deserves close investigation. The focus on publicity and glossy brochures seems to be part of any announcements of social improvement. That fact in itself gives one reason to be suspicious. If an improvement in the health system is valid, it is unnecessary to have public consultants putting out glossy brochures to convince the people that the improvement will benefit them. The linchpin of the developments is a new super hospital on the Prince of Wales site at Randwick. It is to become a centre of excellence to provide greater services for the people of my electorate and the general eastern area.

From all the publicity one might be led to believe that we will all be better off with this dramatic improvement at the Prince of Wales Hospital. Before anyone gets carried away, let me examine the proposal in the context of overall health funding. In 1991 the Government distributed literature on the resource allocation formula that sought to project funding for the various health areas over the following 10 years. The formula was based on the principles that the need for primary and secondary level health services is mainly related to population size and that tertiary services are best provided in a small number of established centres of excellence. The key phrase is centres of excellence. Some adjustments have to be made to the formula to take into account the age and sex structure, the mortality ratio, fertility rating, net interstate patient flows, private hospital patient flows, and nursing home type use of acute care hospitals.

The formula has been revised and altered slightly, but it does not do much for the area I represent. What will happen as we approach the next century? In 1989-90 the percentage of expenditure was 13.82 per cent of the total health budget. Under the new formula that will reduce to 9.3 per cent, which will mean a dramatic reduction in recurrent funding for health in my electorate - and that is happening now. There will be a reduction in funding of the order of $70 million a year for an area with established services. The formula is deficient because it fails to take into account that the tightly congested area of the eastern suburbs has an above average percentage of psychiatric cases and a massive percentage of HIV

cases. At the moment the number of HIV cases increases by about 600 a year. That is an astounding figure, but it does not seem to have been taken into account in the resource allocation formula.

Though $160 million is being invested in building this super hospital at Randwick, the area health service is losing approximately $70 million a year that would go towards its operating costs. What is to be done? Prince Henry Hospital will lose its acute services and become a site for an Aboriginal health institute - and no one argues with that - specialist centres for rehabilitation, spinal injuries and aged care; and a local medical centre. The existing casualty service at Royal South Sydney Hospital will cease, all hospital beds will be removed, industrial rehabilitation and post-operative services are to be transferred to Prince Henry, and there will be a community health centre offering primary care through local general practitioners and occupational health services.

Though Royal South Sydney Hospital has no beds or hospital services, we are told it is still a hospital and will not be downgraded. Royal South Sydney Hospital was recognised throughout the world as a centre of excellence for rehabilitation care; it was regarded as the best centre of its kind in the Southern Hemisphere, certainly in Australia. It is ironic that the plan is to demolish a centre of excellence. A hospital does not become a centre of excellence simply because a new building is erected. It takes time to develop teams, morale and expertise. Royal South Sydney Hospital is to be demolished and there will be a new facility at Prince Henry, which will not be as good immediately, but it may be after five years. Prince Henry Hospital will lose most of its hospital services. If by some stretch of the imagination it can still be called a hospital, certainly it will be downgraded compared to its past standards of care for the health of people in my electorate. The Prince of Wales Hospital seems to be the central attraction. It is like the curate's egg: it has some good parts and some bad parts. The Bible says, "By their fruits ye shall know them". What are the fruits? These changes will result in the loss of 800 jobs and 225 hospital beds.

Mrs Cohen: No, it will not.

Mr E. T. PAGE: The Chief Secretary and Minister for Administrative Services says that is not so. I have just left a meeting at Waverley Council where a representative of the Eastern Area Health Service was asked how many beds would be lost to the health service and said the number would be 225. How will this whiz-bang development at Prince of Wales Hospital make my constituents better off when there are 800 fewer hospital workers and 225 fewer hospital beds? That will not help them. This is all a charade. The Eastern Area Health Service is losing money hand over fist under this formula. My constituents will not be better off at all. A general running down of community services is also part of the agenda.

Strickland House is a case in point. For approximately 70 years it was a facility for aged people. It used to look after as many as 90 people and was not an expensive operation for the Government; it cost approximately $330,000 a year to run. The Federal Government provided $1.5 million towards its running costs under a dollar-for-dollar funding arrangement with the State Government. Strickland House was situated on prime real estate. Prime real estate cannot be used to provide services for ordinary people! They have to be shunted off elsewhere - it does not matter where. Strickland House had to be sold. In December 1989 the number of people being cared for dwindled until there were 70

remaining. Some people went to Prince of Wales and some went to the War Memorial Hospital at Waverley, but only 37 permanent beds were made available at the Prince of Wales Hospital. So it decreased from 90 to 37. That facility is to be moved to the Prince Henry Hospital, which is further out on the perimeter. Because of the distance involved it will not be easy for relatives and spouses of patients to visit. Fewer beds will be available there. I suggest in five years time that of those 90 beds, which were originally at Strickland House, not one will be left to provide services for the older people of the area. Not one! A glossy document entitled "A New Network of Hospitals for Eastern Sydney" states:

> New community-based services - patients will spend less time in hospital -

They had better because the beds are not there:

> - but have more services available to support them when they get home. More people will be treated at home, in community health centres and clinics and in outpatients departments.

That is great. I agree with that principle. But how much money has been allocated for that purpose? Not one farthing! Nothing has been provided for community care for those who will not be allowed to stay in hospital. It is worse than that in fact. The home and community care program is funded in equal parts by the Commonwealth and the State. The Commonwealth puts up a wad of money and, usually, the State matches the amount dollar for dollar. However at the last round of funding the State decided it would not match the amount offered by the Commonwealth dollar for dollar but would put in only $2.4 million to cater for the unfunded superannuation of the workers in the HACC program. It did not make any funds available for growth.

Though the document states that community services will look after people who cannot get into hospitals, no more money is being allocated. There are problems in HACC at the moment. HACC is reaching the stage where it is only handling crisis patients. It has passed the point of being a general service provider for people who need help in the community. It is becoming a crisis provider. Community transport systems, which are supposed to provide transport for older people who are looked

after in the community to enable them to get to various hospitals and community health centres, can no longer handle the situation. In my area because of pressures they will not take people outside their local government areas.

Because neither funds nor buses are available, people living in Waverley who want to go to this new-beaut facility out at Royal Prince Henry Hospital cannot get community transport to take them. The Government is saying that it will not treat people in the public health system - they are to be looked after in the community. But there is nothing in the community to provide them with backup. Unfortunately, not only will old people be affected. The Karitane Mothercraft Hospital has operated in Randwick for 70 years. To use a phrase used by the Minister, it was a centre of excellence. It had an Australia-wide reputation for giving advice and assistance to mothers with young babies. The centre has been uprooted and taken to Fairfield. A facility which had been in Randwick for 70 years now no longer exists and will not be replaced. The *Wentworth Courier* of 16 March stated:

> Asked what parents in the East were to do with their baby problems once Karitane re-locates the units, Mr Turner replied: `They can travel to Fairfield on referral to us - a lot of people living out west travelled to Randwick for health in the past.'

Am I am supposed to tell people in my electorate that if they have a problem with their babies, they should hop out to Fairfield? It would be no trouble to them between feeds, but if they do not have a car it could be difficult. St Margaret's Hospital has also been closed; the children's hospital - situated at the moment at Camperdown - is moving to the west; the Royal Hospital for Women at Paddington is to be closed and will be incorporated in the $160 million development at the Prince of Wales Hospital. Some

say that that is a good idea, but I have doubts about it.

A women's facility such as the Royal Hospital for Women should be organising its own procedures and services. I have no doubt that in five years time it will be incorporated into the general hospital network at the Prince of Wales Hospital; it will no longer be a women's hospital, and that will be devastating for women in my electorate. Recently my daughter gave birth to a son at the Royal Hospital for Women. She received terrific service. I am proud to announce that my grandson looks like me. The Dickinson Unit is under threat of closure. The unit provides 29 beds of a total of 63 beds that are spread throughout various health facilities. The Dickinson Unit cares for frail aged dementia patients. The plan was for it to be transferred to Prince Henry Hospital - but not with 29 beds, only 18. Again the aged are missing out.

Obviously the Government sees no problems in sending home on the local bus people with dementia. Is it seriously suggested that they will be all right because the community will look after them? The old people were not to be provided with private areas or rooms. Toilet and shower facilities were a fair walk away from their beds, through the long dormitory. That could be a problem with old people with incontinence. Little sensitivity is shown for their problems. No public areas have been provided, and no arrangements have been made to transport visitors from the remote gate on Anzac Parade. [*Extension of time agreed to*.]

No dignity has been shown to these people. At the meeting I attended all these matters were denied. The plan is on hold for the moment, obviously because of heat from the community. For the moment nothing will be done, the patients will be left where they are. Later on, however, when the crisis is over, the Government will shift them to Prince Henry Hospital, where there will be fewer beds to accommodate these patients. This is all part of the double shuffle of moving facilities from one centre to another to enable the Government to reduce services at the new facility.

Some of the facilities that should have remained have also been relocated. The public relations department will remain on site at the Prince of Wales Hospital. I should have thought that if there was an accommodation problem, the public relations people should have been moved to allow the facility to continue. The Tumberton Clinic, which looks after children with developmental problems, is at South Sydney, and the Avoca Clinic, which looks after child, adolescent and family psychiatry problems, has been split into three: one unit at South Sydney, one remains on site, and a third unit has gone to the War Memorial Hospital. Those people who received treatment at that unit are not being looked after at the moment. Will they come back? We are not sure; they may and they may not. Certainly for people who live in my electorate it is difficult to get to South Sydney hospital. The public transport system is not very satisfactory. The centrepiece of the development at Prince of Wales Hospital is the private clinic. This is the beginning of the privatisation of the Prince of Wales Hospital.

Mrs Cohen: Here we go.

Mr E. T. PAGE: The Chief Secretary and Minister for Administrative Services said, "Here we go". She loves privatisation. She would sell her grandmother, I would say, so long as you could say she was privatised.

Mrs Cohen: Mr Deputy-Speaker, I ask the honourable member to withdraw that last remark.

Mr E. T. PAGE: I withdraw it. A massive private clinic is to be built at the Prince of Wales Hospital, Royal South Sydney Hospital, a centre of excellence, is being run down, and the services at Prince Henry Hospital are being run down. There has to be an agenda, and of course there is one: it was publicised in October 1992 when a document came to light which indicated that Prince Henry Hospital was to be sold off, privatised. The

proposal is for Club Med style surgery and holiday packages for overseas patients and tourists. A

multimillionaire from an Asian country, for example, could book into the hospital for an operation, bring the family to Australia and have the operation while the family are having a holiday in the tourist section.

None of my constituents would be going there; it would be a private enterprise, money-making proposal. The report said the proposal was prepared by the head of the Department of Medicine at the Prince of Wales and Prince Henry hospitals, Professor John Dwyer, who is an outspoken supporter of privatisation. That is the agenda: to run down the services at South Sydney Hospital and Prince Henry Hospital so that quietly - the Government would hope - in a few years time they could be sold off and, at the same time, public money could be put into the Prince of Wales Hospital so that it could be privatised at some future date. As part of its proposal for privatisation, the Government was keen to privatise the cleaning service and food service at Prince of Wales Hospital and it called tenders. What happened?

Mr Morris: It saved a lot of money, Ernie; $250,000.

Mr E. T. PAGE: Of course it saved money, because the in-house service group won the contract and the services are still run by the hospital. This stupid idea of privatisation is beyond the pale. No rational, socially minded person could have drawn up this plan. I know of no community group in or around my area that believes this proposal will provide improved services to my constituents. They all believe the services will be worse. It is a classic situation of economic rationalisation where accountants and bean counters sit down and say, "Look, it is not about services, it is all about money". It is all about money, how much money you have and how much you are prepared to spend. In the end the services that people have become used to and expect to be available are not being delivered.

The privatisation of the electricity generation system in New Zealand is a classic case of what economists can do. The system could not run as it was, so it had to be rationalised. An investigation was conducted of all the power stations to see which were economic and which were not. One does not have to be Einstein to work out that the coal-fired power stations are the most expensive to run. Once the hydro system is established it is quite cheap to run; once the dam is built you are not paying for the water. Even I can understand that. A number of the thermal power stations were closed down because they were uneconomic to run. But, not long after they were closed down, New Zealand experienced a severe drought. As there was no water, power restrictions had to be imposed right across New Zealand - all because of a stupid economic assessment. A similar thing is happening with the privatisation of these hospitals.

Mr Rixon: It was summer and there was daylight saving. They did not need the light.

Mr E. T. PAGE: There is not much light to save in New Zealand. A number of people have approached me to express their concern about the lack of psychiatric services for their children, who sometimes are discharged from hospital when it is obvious that they cannot look after themselves. They complain that there are no community facilities for their children. Therefore it falls to the parents to care for the children, and unfortunately it is usually single parents who have the problem of looking after such children. Coogee electorate has a big gap in the provision of psychiatric care services on a 24-hour basis. Psychiatric care facilities need to be available 24 hours a day because those involved do not only get sick during business hours. Normally problems occur at night - sometimes people are belted up or there could be all types of problems in the home - and facilities have to be available on a 24-hour basis for people seeking help.

There is a group that has two problems - a psychiatric problem and a drug problem - and there is no real provision in the Coogee electorate to deal with those compounded problems. Those in the psychiatric area might say, "You had better go and see the drug people because we are not used to handling drug related problems". And of course the drug people might say, "You have a psychiatric problem. You should go and see a psychiatrist". There is a gap and people are not getting the attention they deserve. Another area of concern is Langton Clinic, about which I have some knowledge. Langton Clinic specifically handles people with drug dependency problems and has traditionally had a very good

reputation in the management of such cases. I cannot quote the figures, but I would suggest that the clinic has had a significantly higher than average success rate than other agencies.

A woman who has two psychiatrically disturbed sons came to see me. One of her sons is also an alcoholic - he has the double problem. He is about 23 and had never acknowledged his drug problem; he had never acknowledged he was an alcoholic. One day the mother received a telephone call from him and he said, "Mum, I am in Langton Clinic. I have an alcohol problem and I am here to sort it out". She said to me that it was the happiest moment of her life when she heard those words over the telephone. About an hour later the boy rang his mother and said, "They have thrown me out". The mother said, "Why have they thrown you out?" He said, "I wanted a smoke and they would not let me have a cigarette". The mother said, "Did you not go outside?" He said, "Oh yes, but you can't smoke anywhere on the property" People with psychiatric problems are, in large measure, smokers. The majority are smokers.

Mrs Cohen: Thank you, Ernie.

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Mr E. T. PAGE: I am not suggesting that the reverse is true. To believe that someone could go into a clinic and, cold turkey, give up an addiction is absolutely crazy. I have spoken to the people who run the clinic. They said, "We do not smoke here and the patients should not be allowed to smoke. We have the nicotine tablets, the patches and so on". Solving drug dependency problems is not that simplistic. One cannot say, when a patient walks through the gate, "The rule here is that you cannot smoke", and immediately expect that person to no longer crave a smoke. The woman was absolutely shattered when her son arrived home. Having for the first time acknowledged his problem, he received a kick in the teeth and he was gone again; he was in all sorts of trouble.

The people at the Langton Clinic told me that this is a new approach: if the patients are there because of a drug addiction, they should not be allowed to have any drugs at all. Under the previous regime, patients could not smoke inside the premises but could go out onto the verandah or out into the rather extensive grounds to smoke. Certainly those I knew who went there benefited from the service as it was. I believe this issue needs to be publicised, and I would ask the Minister for Health to ensure that a proper assessment is undertaken of this type of treatment in order to determine - in three, four or six months time - whether it is successful. One effect it will have is the elimination of all the difficult cases. If they can get rid of all the cases that may cause trouble, they will have a higher success rate in the end, because they will handle only the easy cases. A lot of people will suffer - the patients, their families and society - because when the patients go out into the community they cannot handle community situations. I ask the Chief Secretary and Minister for Administrative Services to raise this matter with the Minister for Health to make sure this experiment is monitored. I have great reservations about it. I do not know anywhere else that it occurs, and I will be surprised if it works with the bulk of the community.

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [8.10]: It gives me great pleasure to respond to His Excellency's Speech. First I take the opportunity, as most honourable members have done, to congratulate firefighters across the State for their efforts during the January bushfires. I particularly thank the local firefighters, emergency services personnel and volunteers in my electorate of Badgerys Creek. I also convey my sympathy to those whose lives were directly affected by the fires. I am sure the initiatives announced by His Excellency in his Speech will continue to benefit the people of this State, particularly people who live in my electorate.

It has been fascinating listening to the Address-in-Reply debate. There could not be a better contrast than the speech of the honourable member for Coogee and what I would like to say as the member for Badgerys Creek about the philosophy espoused in the Governor's Speech. Since I have lived in western Sydney I have wondered why there was such a paucity of hospitals, quality schools, roads, and infrastructure. Tonight the honourable member for Coogee helped me to understand when he

said that the Karitane Mothercraft Hospital will be relocated from the eastern suburbs to Fairfield, and that he had been told that people may have to travel to Fairfield for the residential services of the Karitane clinic. What an appalling thought!

I hate to tell the honourable member for Coogee, but people actually live further west of Sydney than Fairfield, and for years they have had to travel to use services such as the Karitane clinic in Randwick. I used that service when I had my first child, many years ago. People from the Blue Mountains, Penrith, and Camden have spent many years travelling to the eastern suburbs, to the centre of Sydney, for services. But what an appalling thought it is that any of those people within the magic nine-kilometre radius of the centre of Sydney should ever have to venture west. Heaven knows what would happen to them.

On the subject of the resource reallocation formula for hospitals, I listened to a sad tale recounted by the honourable member for Coogee. A new hospital will be built in place of the Prince of Wales Hospital. There will be fewer beds - 225 fewer beds - and there will be less money. Part of the resource reallocation formula is that in areas of different age groups and different needs it is time to move services to those areas of the State where perhaps the population - which in western Sydney is 1.3 million or more, greater than the population of Brisbane - is waiting for services and having to travel because the teaching hospital at Westmead provides the only teaching hospital services in western Sydney.

We heard the sorry tale of people having to travel to health centres in congested areas. I have lived in western Sydney for a long time. I do not live in the centre of Sydney, and I do not know all the hospitals in that region. However, thinking of how many hospitals would be within a nine-kilometre radius of Sydney I have listed nine or 10: Sydney Hospital, St Vincent's Hospital, St Vincent's Private Hospital, Prince of Wales Hospital, Prince Henry Hospital, Royal Prince Alfred Hospital, St Luke's Private Hospital, the Mater Misericordiae Private Hospital, the Royal North Shore Hospital and Royal South Sydney Hospital. I am very sorry there is so little choice!

If the honourable member for Coogee drove his car or, heaven forbid, took a train to western Sydney he would not have much trouble counting the teaching hospitals there; there is only one. In 1988 western Sydney had a $2 billion lag in health capital building works - $2 billion of health works that should have been built but were not. I am grateful that the resource reallocation formula has enabled us to at least look forward to the growth of

three teaching hospitals in western Sydney: the children's hospital, which will be relocated from Camperdown to Westmead; the Liverpool Hospital complex; and the Nepean teaching hospital at Penrith.

That in itself will not place those services cheek by jowl, as they are in the eastern suburbs, but at least the 50-kilometre journey for some people will be reduced to a manageable distance. The new teaching hospital for children at Westmead will be close to the demographic centre of Sydney, and will be accessible to all the people of Sydney. After having listened to the honourable member for Coogee I thought how terrible it would be if his daughter had to attend a residential Karitane facility at Fairfield. There are many facilities in the area, including children's hospital facilities at major hospitals. Comparing western Sydney as it used to be with western Sydney as it will be, I thank the Government for the resource reallocation formula. No government will ever reverse it, because it will be the only hope of fighting health politics and of building hospitals where they are needed rather than where the power brokers in the health industries prefer them to be.

Great advances have been made in the provision of health facilities for people in my electorate, as the Governor mentioned briefly in passing. I have illustrated the achievements that have been made in health facilities in my area. With the completion within the next few years of projects that are currently under way, we will have facilities that there was no hope of achieving in 1988. I refer to expanded oncology services, a new psychiatric unit and neo-natal intensive care units to be established at Nepean; and a new emergency department, cardiology units, physiotherapy department, new outpatients

department and Tresillian services to be established at Liverpool. If Tresillian services are needed anywhere, they are needed in western Sydney, given the average age of the population.

Liverpool Hospital will be upgraded at a cost of $180 million, including the $22 million Caroline Chisholm hospital for women in western Sydney, which will be the largest birth centre in the country. It makes a great deal of sense to put a Karitane unit next to the largest birthing centre in Australia. When these facilities are in operation, for the first time families will be able to be near patients, mothers will be near their children, and fathers will be able to participate in the process. The honourable member for Coogee believes he has lost 225 health jobs, but western Sydney has gained about 1,000. An amount of $34 million from the health budget has been allocated to western Sydney. I welcome that and I am grateful for the formula, without which western Sydney would still be battling the attitude clearly expressed by the member opposite.

Another matter that has been of concern to me since prior to my interest in or election to politics is women's health, and particularly breast cancer. Many years ago I presented to the State and Federal governments a petition seeking greater access to mammography screening. One of the pathetic things about the Australian Medicare system is that although rebates are available for many forms of treatment, they are not available for mammography screening tests unless a close relative, such as one's mother, has died of breast cancer or one has a lump in the breast, at which stage mammography screening is possibly a little late. Despite that petition, rebates for mammography screening tests are still not available. However, mammography screening services are now finally available to the women of western and southwestern Sydney. The service became available in Penrith about six months ago. This year free screening centres throughout the State are expected to screen 260,000 women.

In March last year the breast clinic unit based at Parramatta was opened. A mobile unit travels from that centre to Penrith to screen women who reside in the area between Penrith and the Blue Mountains. More than 18,000 women have already been screened at the mobile unit and, unfortunately, a number of breast cancers have been detected. They have, however, been detected early. The opening of the breast screening unit at Parramatta is a positive development for women in western Sydney. Prior to its opening, no free mammography screening services were available and very little money was available to fund those services. The health of those women was totally neglected until, unfortunately, the presence of breast cancer was too obvious to miss. I am grateful for those services.

I was interested to hear the Minister for Health speak in the House yesterday about the construction of the new radiotherapy treatment centre at Liverpool. That centre will provide important ancillary services to women who have been diagnosed as suffering from breast cancer. Construction of a new centre at Liverpool is under way and will be opened shortly. That centre is a major part of the expanded radiology and oncology services provided at Liverpool Hospital and will cost about $11.5 million. I intend to make representations to the Minister for Health regarding the provision of radiotherapy services at Nepean Hospital as part of the next five-year radiotherapy plan, which is now being drawn up for the period from 1996 to the year 2000. If we hope not to fall behind again in the provision of health services, secure long-term planning is important.

Health services in western Sydney have undergone such staggering changes that whenever I drive past the new buildings at the hospital, I find it a little hard to comprehend that things can happen so quickly. Western Sydney today is quite different from the western Sydney I knew when I arrived there and the western Sydney that motivated me to stand for Parliament. I moved to western Sydney after living in Canada for a number of years and after having travelled for quite some time. When I arrived I was appalled by the lack of facilities.

There was no choice of schooling, there were district hospitals and the roads were unbelievable. Everyone seemed to take those conditions for granted. Under the previous Government some wonderfully grandiose city buildings were constructed, such as Darling Harbour and the Sydney Football Stadium, but unfortunately these did not have a great deal of relevance to daily living in my part of the

world.

Mr Harrison: They will when the Olympic Games are held.

Mrs COHEN: When the Olympic Games were held in 1976 and 1980 we were living in western Sydney with our children and wondering why we lacked such facilities. Western Sydney now has five selective high schools, and those schools are achieving results. The demand for places at those schools is incredible. The first senior high school developed by the State Government at St Marys is even more exciting. That school has been one of the astonishing education successes in that area. The residents of western Sydney now have a great deal more choice. The other development that has added enormously to our quality of life and improved our access to the city is the building of the missing link on the M4 Motorway, and the construction of the M5 Motorway. The 73 sets of traffic lights along the Great Western Highway can now be avoided, and the journey to the inner part of Sydney is totally different.

Many honourable members know the Western Sydney Recreation Area as Eastern Creek. Eastern Creek has proved to be a world-class facility. It is attracting jobs to western Sydney. Members of this House who doubt the popularity of that track should speak to councillors from Blacktown City Council. That council has a different political colour from this side of the House. The councillors rapidly and enthusiastically endorse Eastern Creek and acknowledge the great financial and employment benefits it has provided to the city. I was pleased to hear His Excellency reiterate the Government's commitment to moving resources to areas of greatest population. I hope that philosophy will never be discontinued.

The honourable member for Coogee spoke in disparaging terms about the resource reallocation formula. If he understood the distances and difficulties one encounters in western Sydney and the huge growth and spread of the population there, and if he had perhaps visited western Sydney as it was many years ago, he might acknowledge that there is not a definite formula, we will remain caught up in the politics of the past, nothing will change. The hospitals within nine kilometres of the central business district will have to provide all health services for the rapidly developing city of Sydney, as well as western Sydney. I congratulate the Governor on his Speech, and I certainly congratulate the Government on the philosophy expressed in the Speech, particularly as it relates to those subjects I have commented on.

Mr HATTON (South Coast) [8.27]: I am extremely proud of the dedication and hard work of my electorate office staff, who work as a team. Linda Furness, the senior electorate secretary, is amazingly competent, fiercely loyal, committed and hard working. These traits are common to all of those with whom I work. I have employed Alan Barry for 10 years. I willingly paid him a full salary and now pay him a part salary to supplement the wage he is paid by the Legislature. Lyn Symonds, whom I now employ as a casual, was my original electorate secretary. We have been friends for 20 years. Mrs Leslie Curry voluntarily devotes three days a week to assisting in my office. Her concern, kindness and consideration with flowers, cards, and cups of tea, as well as her competence in electoral work, particularly her handling of appointments, makes the office work well.

Hilton Jones, a second world war naval veteran, has wisdom and an analytical approach, and works hard. His sense of humour, which is dry as a bag of cement, is invaluable. He is a volunteer, yet he clocks on punctually at 8 a.m. and clocks off at 4 p.m. every day five days a week. This team knows no set hours, and gives top-level caring and professional service. I am particularly proud of the depth of research for which Alan and Hilton are primarily responsible. The preparation of submissions on such diverse matters such as education, community services, the police and health services is professional, accurate and thorough. The list is long and impressive. Tonight I will concentrate on some major problems that unequivocally justify the need for greater resource allocation.

I wish now to deal with police. I pay tribute to the work of the police in the Shoalhaven area. I appreciate their commitment to the principles of community policing. I recognise the high level of stress that they have suffered - stress that is directly related to the inadequacy of police officers and their high and unnecessary workload. In a report entitled "Establishment Control Branch Research Section -

Review of the Nowra Patrol" dated October 1993 the serious inadequacy of staffing levels in Shoalhaven and, in particular, the Nowra patrol, was starkly revealed. This internal report was leaked to the honourable member for Kiama, Bob Harrison, and me.

Despite personal undertakings given to me last year by the Minister for Police and Minister for Emergency Services to let members of Parliament know exactly what is happening in regard to police matters in their electorates, provided no details of personal cases are revealed, the report was referred to in a letter from the Minister for Police, the Hon. Terry Griffiths, as a confidential document. Confidential nonsense! Honourable members and the citizens of Australia have a right to know what is happening on the streets and the effect policing is having. I say to the Minister and the Government: if there are any recriminations I will view with gravity any action that is taken against officers who

may have leaked that report. The Nowra patrol is a grade two patrol which covers the Huskisson, Berry, Culburra and Kangaroo Valley sectors as well as the Nowra-Bomaderry area. The report refers to the vast expanse of Commonwealth land, naval bases, the scattered nature of the patrol and the number of villages and areas covered. It states:

> The current authorised strength of Nowra patrol is considered inadequate to meet the escalating crime rate and escalation in population.

What the report reveals is frightening. There is a shortage of staff, and staff are on leave - stress-related leave, sick leave, extended leave, leave without pay and maternity leave. There has been a rapid growth in population and the patrol is at least six units under strength - four permanent staff members and two to replace those on leave. Yet this patrol is expected to cover almost 4,000 square kilometres, with a residential population of 58,000 growing to 180,000 during weekends and public holidays and peaking at a maximum of 340,000 during the Christmas break. Those figures come from the New South Wales Police Service.

The report refers also to an increase in domestic violence; to two domestic-related murders between June and September last year; to the influx of hard drugs such as heroin and the cultivation of Indian hemp; and to an increase in the incidence of fraud, murder and sexual assault. The report states that the number of assaults are due mainly to domestic disputes; that there is an increase in the number of break, enter and steal offences; and that there is an increase in the number of telephone inquiries. The report states in its conclusion:

> A comparative analysis of statistics pertaining to general duties and beat functions for 1991-92 and January to June 1993 indicates a considerable and continuing escalation in crime within the Shoalhaven. Consideration must be given to the 4% escalation in population within the Shoalhaven and the associated increase in crime.

The report goes on to state:

> It is considered that some of the difficulties encountered within the patrol can be attributed to current vacancies in authorised strength, a number of police being unable to maintain full operational roles, allocation of general duties police to non-operational functions, and shortage of staff.

The report recommends the addition of four authorised positions. It gives special emphasis to increasing crime and the high workload of the Huskisson sector, which is depleting the resources of the Nowra patrol. One of the main problems mentioned in the report is that, because of problems in the Nowra-Bomaderry area, police have to come from outlying areas to assist. This week I met with a youth worker who expressed concern at the number of attacks on the elderly and defenceless by teenagers and to the number of attacks among teenagers. I emphasise that only a small number of teenagers are involved, but it is worrying. This violence, which is vicious and senseless and increasing in the Shoalhaven area, was rare a few years ago. Violence is being perpetrated by young females as well as

males.

I also met this week with Superintendent Pat Cassidy from Wollongong and Inspector Reg Hinchie, who is relieving at Shoalhaven for a short period until Inspector Cricks returns from a training course. I expressed my extreme concern to both police officers. There is a shortage of police in the Illawarra area. Inspector Cassidy said that the establishment control branch will examine all patrols in the Illawarra region. This assessment will be used as the basis for the reallocation of police if such a reallocation is justified. The problem, of course, is that there is a shortage of police throughout the Illawarra region. One wonders where the additional police are to come from. Will the Government rob Peter to pay Paul?

Inspector Cassidy pointed out that staff at Warilla have been depleted as police have been transferred to beat policing duties in the Sydney metropolitan area. The Minister for Police, who visited the Shoalhaven last year, allocated four extra general duties police and two drug squad detectives. Shortly after appointment one of the drug squad detectives went off on extended sick leave and is not likely to return. When I established the number of police who were on leave and the number of established positions that had not been filled I sent the Minister a fax and said to him that I believed he and I had been snowed. I had the distinct impression that the Nowra patrol had been brought up to full strength. That is far from the truth. I ask the Minister for Police to honour the Government's commitment and to provide an adequate level of policing in the Shoalhaven area. The Minister should recognise the urgency and gravity of the problem, the stress on police and the high level of concern in the Shoalhaven area.

I turn now to health. The crisis in health highlights the dedication, hard work and commitment of nurses and staff at Shoalhaven hospital and Milton-Ulladulla Hospital in the delivery of community health services. I will refer later to the home and community care program. That program is also suffering a funding crisis. It would break down under pressure if it were not for its dedicated staff. On behalf of the community I record eternal gratitude to that service. Recently, by way of a private member's statement, I detailed to the Parliament the serious situation facing Milton-Ulladulla Hospital. Tonight I wish to detail the critical situation facing Shoalhaven hospital and health services in the Illawarra region generally. Hospitals throughout New South Wales are in a mess. The Hospital Coalition said that 25 public hospitals across the State have been closed down, privatised, marked for privatisation or downgraded.

The Government is treading a dangerous path. People have a fierce loyalty to the public hospital system. They will support it but they will not support any government that downgrades the public hospital and health system, which is what this Government is doing. I warn the Minister that he has pushed me to breaking point. I have been to him on a number of occasions and I have proved

that these problems exist. I will move a motion to censure the Minister for Health on the matter of hospital funding, in particular as it affects the South Coast electorate. I am prepared to follow that censure motion with stronger action unless I see allocations in the Budget and a correction of the shocking imbalance in funding and the gross underfunding of Shoalhaven and Milton hospitals and health services in the Shoalhaven and Illawarra areas.

A report put together by two doctors at Shoalhaven hospital graphically details the crisis. Their research shows that the funding level at Shoalhaven hospital - $274 a person a year for health services - is the lowest of any rural district health service in New South Wales, even allowing for the provision of orthopaedic surgery outside the Shoalhaven area. Recently, through freedom of information, I was able to reveal that neither Milton hospital nor Shoalhaven hospital receives the special funding that the Department of Health recommends hospitals are entitled to. This funding is meant to compensate for the large patient intake directly related to tourism, with all other factors discounted. I demand this money for this year and for previous years.

So far as I am aware, Shoalhaven District Memorial Hospital is the largest public hospital in New South Wales without funding for residential medical officers or an orthopaedic service. No funding is

available for the necessary expansion in acute care areas to meet normal demand levels. Waiting lists at Shoalhaven hospital are outrageously long. Recently it was announced that the average waiting time for surgery in New South Wales was 29 days. On 16 February this year 281 of the 1,047 patients on the waiting list had been waiting for two to three years. That flies in the face of what the Minister said during question time today. Approximately 35 per cent to 65 per cent of patients on the hospital's waiting list have been waiting for more than six months. That hospital employs four surgeons. To add insult to injury there has been a 20 per cent reduction in the allocation of elective operating time. It is scandalous!

The Shoalhaven waiting lists do not include orthopaedic patients waiting for Dr Davidson and orthopaedic patients from Shoalhaven who appear on Illawarra regional hospital waiting lists in Wollongong. The report stresses that some patients on the waiting list at Shoalhaven Hospital, having been on the waiting list for many months, have their operations at Nowra Community Hospital and are paying thousands of dollars out of their own pockets for hospital accommodation.

In many instances people living in pain are forced to pay money they cannot afford in order to relieve the pain because of the shocking underfunding of public hospital services in Shoalhaven. Patients are being referred to specialists outside Shoalhaven, to areas such as Wollongong and Batemans Bay where the waiting lists are shorter. Patients who could have their operation in Shoalhaven Hospital are being sent to other areas either because of a lack of beds or insufficient funds to provide for an orthopaedic surgeon. Unnecessary interhospital ambulance transfers cost the Shoalhaven Hospital budget more than $100,000 a year. But what about the pain and suffering, the inconvenience? Does the Minister not care about what is happening in Shoalhaven? He is a man for whom I have great respect - but that respect is not shared by the honourable member for Kiama who joins me in this battle - but he has a blind-spot on Shoalhaven and he has a blind-spot on Illawarra.

Plastic surgery patients are being sent to Sydney and orthopaedic patients are being sent to Wollongong. The Minister has the statistics on the underfunding of Shoalhaven health. After being convinced by a carefully argued case put forward by doctors and my office he commissioned the Reid-Harris report, which showed underfunding of Shoalhaven Hospital between $3 million and $6 million annually. The report that I refer to shows the situation to be critical, despite additional funds that have been allocated from within the Illawarra Area Health region. A letter of 2 March 1994 detailing the Illawarra Area Health Service's statistics showed the seriousness of the situation, stating that in the past 12 months inpatient admissions had increased significantly. In fact, it pointed to the increased efficiency of Shoalhaven Hospital. I am proud of that efficiency, as I am of the efficiency of Milton-Ulladulla Hospital. The letter goes on to say:

> The increase in activity has been exceptional considering the budgetary enhancements received during the same period.

In other words, it is not the inefficiency of Shoalhaven Hospital but the lack of funds. Over the Christmas period, when six beds were closed in Shoalhaven Hospital, I threatened to set up a tent embassy in the grounds of the hospital - unless those beds were reopened - and to secede from Illawarra. The beds have been reopened, but there is no guarantee as to where the funds will come from to keep them open. This is in a hospital that is transferring patients to Wollongong Hospital and Bateman's Bay District Hospital because Shoalhaven Hospital does not have the beds. The Illawarra Area Health Service has allocated an additional $322,000 to Shoalhaven Hospital and $250,000 to Milton-Ulladulla Hospital - an internal redistribution of money which is a significant achievement in the current economic climate. But it is nowhere near what is desperately needed.

The honourable member for Bega throws in our faces the increased capital funding that he was able to achieve for Bateman's Bay District Hospital, Moruya-Ulladulla Hospital and Bega District Hospital. This throws into stark relief the hypocrisy of the Minister's statements, backed by the Premier in his recent letter to me, that funds are being allocated according to need. The needs of

Shoalhaven Hospital are much greater than those three hospitals. I know the Batemans Bay and Milton-Ulladulla hospitals because I used to represent them when they were in the electorate of South Coast. I know what the situation is. But the Bateman's Bay District Hospital and Moruya-Ulladulla Hospital statistics in no way match those of Shoalhaven Hospital. We are in the Illawarra and we are underfunded. The Illawarra itself is drastically underfunded and the Greiner-Fahey Government is responsible.

Prior to the Greiner Government, Shoalhaven had its own health district. This Government lumped us in with Wollongong in the Illawarra Area Health Service. I believe also that this Liberal Government is destroying the hospital system in Shoalhaven, and the figures prove it. I wrote to the Minister indicating my frustration and outrage. I have tried to work within the system, but the system will not work. The Fahey-Greiner Government destroyed the Shoalhaven Area Health Board. Shoalhaven's amalgamation with Illawarra and the restriction of funding to the Illawarra Area Health Service as a whole under the resource allocation formula, and restriction in capital funding, is effectively crippling public health and hospital services in that area. Shoalhaven Hospital is asked to wait until 1998 for desperately needed capital improvements, an important part of which is the replacement of the old 1940s west wing. The Government has offered $11,000 to fix the immediate fire risk. Big deal! We have had to wait five years for the Milton-Ulladulla Hospital capital improvements.

In Wollongong I discussed matters with senior officers and found that the situation at the Port Kembla-Wollongong complex is serious. When the two hospitals were amalgamated into the Illawarra regional hospital, four separate institutes were established, but there is no additional funding and there is a shortage of beds. The number of accident and emergency cases has increased, as well as there being an increase in the number of trauma patients. The number of patients seeking elective surgery and total joint replacements has also increased, yet funding only allows for three joint replacement patients for the whole of that vast area per month. Over the Christmas period there was no elective surgery for six weeks at the regional hospital in Wollongong. Two to three weeks prior to that bed closure period, the budget was $700,000 in deficit and when the beds were reopened no money was available for elective surgery. General surgery, except for one surgeon, and gynaecology were transferred to Bulli hospital and Shellharbour hospital. This saved $300,000 which still left a budget shortfall of $300,000.

Sixty per cent of beds in the Illawarra hospital are occupied by emergency and non-elective surgery patients. Twenty per cent of orthopaedic patients come from Shoalhaven, but there is no extra funding and the waiting lists are long, but I emphasise that they are not nearly as long as they are at Shoalhaven Hospital. The Department of Health got it wrong. The Illawarra Area Health Service was punished with additional funding cuts as it was perceived to be inefficient. But the department did not take one campus into account in its calculation - it did not restore the funds. The demand is growing and the cuts continue. It is a mess. Unless it is corrected, the Minister for Health ought to resign from his portfolio, as far as hospitals and health services in that part of New South Wales are concerned. I have never said that to a Minister for Health in my 20 years in the Parliament.

Time prevents me in this wide-ranging speech from covering other vital areas, but later in this House I should like to mention home and community care funding, which has been cut. There has been no growth in Shoalhaven for three years. It is disastrous. There has been no growth across the entire State. Despite the fact that costs in Shoalhaven are lower than in many parts of the State and the costs are kept down by employing people who live in areas in order that they may provide services locally to as many as possible and save travelling, the funding situation is serious. It is nonsense to have a no-growth budget in an area such as Shoalhaven with an overall growth rate of 5 per cent, and in central Shoalhaven where it is a staggering 10 to 12 per cent.

The cost per hour of servicing clients, including travel time and sick leave, in Shoalhaven is very low - only $14.85 per hour. As at February this year north Shoalhaven had 3,050 service hours per four-week period and south Shoalhaven had 1,500 service hours per four-week period with a total of $4,600 hours at a total cost of $14.85 per hour. This combined with the hospital and community health

care crisis means that the aged and the sick in their own homes, in the hospital and in the ambulances are suffering. Who the hell cares? It is quite clear that this Government does not, evidenced by its wind down in community services, its wind down in health and its wind down in community care. If Government members come into the Shoalhaven and South Coast campaigning in the next election, I will tell them just that.

Mr BECK (Murwillumbah) [8.47]: It gives me great pleasure to respond to the Governor's Speech of 1 March. His Excellency Rear Admiral Peter Ross Sinclair gave a great address on the opening of the Fourth Session of the Fiftieth Parliament. As we all know, he is a patron of the surf life saving movement of New South Wales. I am very happy to say that when the Governor was in my electorate recently he presented trophies to the Cudgen Headland Surf Life Saving Club for one of the items on the agenda we put together for his visit. I should like to congratulate the Cudgen Surf Life Saving Club on its hosting of the recent 1994 State championships from 4 to 6 March. I congratulate Keith Sutton and the members of that surf club on hosting 102 clubs and approximately 3,700 competitors who attended those

championships. It was announced recently that Cudgen Headland has been awarded the New South Wales Surf Life Saving Championships for 1995.

This year is the International Year of the Family. We should all be thinking about our families and asking others, "Where is your family? What are you doing about your family?" I am concerned that in my electorate - and I am sure this occurs in other electorates - a lot of children are roaming the streets; they do not have a family unit looking after them. In the Murwillumbah electorate many children are out at night causing a fair amount of problems and unrest. They have been named the feral kids of the Tweed. When I speak to the authorities I am disappointed to hear that those children are mainly from local families. It is important that those families recognise that this is the International Year of the Family; they should try to reconcile their differences with their children and bring them back home.

Tonight I had the pleasure of attending a function at Parliament House for Charity Awareness Week. I commend the people who assist charities throughout New South Wales. If it were not for those people, we would be a lot poorer than we are today. They give so much to the great causes in our State. I turn now to health matters. Tomorrow the Minister for Health is visiting my electorate. The honourable member for South Coast criticised the Minister. I congratulate the Minister for the fine work he does in recognising the importance of health services in the northern part of New South Wales, especially as that area was neglected so much during the Wran-Unsworth days.

Charity Awareness Week brought the great work of charity workers to my attention. Tomorrow the Minister for Health is opening a coronary care unit at the Tweed Heads District Hospital. That hospital has received some $100,000 from the Tweed Heads District Hospital ladies auxiliary. They should be congratulated for their fine work. There is a similar ladies auxiliary at the Murwillumbah District Hospital. When we attend functions such as the one that I attended tonight the fine work the auxiliary people do for our hospitals and the fine work of other charity workers is brought to our attention.

Ageing is a great problem. Some 20 per cent of my electorate is over 65 - approximately 15,500 people - which is of great concern. The Minister for Community Services, Minister for Aboriginal Affairs and Minister for the Ageing recently visited my electorate. I am sure that he will take on board the concerns I raised about the development of a community centre at south Tweed Heads for the aged so that they can socialise together and enjoy their later years of life. The Governor referred also to the importance of education. I congratulate the Fahey-Armstrong Government for what it is doing for education on the North Coast. Tonight time does not permit me to refer to the Government's achievements with respect to education in any electorate other than Murwillumbah. A new high school is being built at West Murwillumbah. Its first student intake will be in the first term of 1995. Approximately $10 million is being expended in my electorate for a high school.

A primary school is currently being built at West Banora Point. In excess of $4 million is being spent

on that project. That primary school is important because of the growth in the Tweed Heads area. The forward-thinking Fahey-Armstrong Government purchased sufficient land to also facilitate the development of a primary school at West Murwillumbah and a high school at West Banora Point. There is a need for additional schools along the Tweed coast, which is a major growth area. There was the recent announcement of the purchase of nine hectares of land for the building of a new high school and primary school, a project worth more than $3 million, in that area. TAFE facilities are also required in that area. Many years ago approximately two hectares of land was purchased for a TAFE college. However, that parcel of land was not big enough so 17 hectares of land was purchased at Kingscliff. A $80 million TAFE college is to be constructed, and stage 1 - a project worth $12 million - is currently under way. The first intake of TAFE students will be in the first term of 1995.

I refer to tourism in the Tweed. It is pleasing to see that the Minister for Tourism made a lot more money available in the recent budget for tourism. It is important that tourist facilities are built and used. I have been disappointed in recent times at the lack of facilities. Perhaps it is a result of the downturn in the economy and the lack of building of facilities. The Hawke and Keating governments have been in office for the last decade. They have created a massive downturn that has resulted in fewer entrepreneurs undertaking the building of facilities.

For the last two years my electorate has hosted the Registered Clubs Association conference, with over 2,000 delegates, at the very popular Twin Towns Services Club. However, we have found a lack of accommodation facilities in the Tweed to cater for those people; they have to stay on the Gold Coast. It is hoped that with the turnaround we may be seeing in the economy, and with further funding that is coming from the State Government, and the encouragement people are getting from this progressive Government, in the future facilities will be provided to accommodate those people who come in great masses to the beautiful area of the Northern Rivers.

Transport is very important to the North Coast as it is a long way from Sydney. In the past this Government has been criticised about rail services. For many years an XPT service operated from Sydney to Brisbane and return, passing through Murwillumbah. Sleeper carriages have recently been reintroduced on those trains. As a result, patronage over New Year alone increased. I have

figures from 12 December 1993 to 8 January 1994. During that period 423 people travelled in the sleepers on the Murwillumbah to Sydney XPT, and 378 people travelled in the sleepers on the Murwillumbah to Brisbane XPT. That shows that people wanted the sleepers back on that rail service.

Sleepers have now been introduced on XPT trains and the Minister for Transport, Bruce Baird, deserves recognition for his insight in improving the facility. Recently I was alarmed when an endorsed Labor candidate - he has been endorsed a couple of times and I refer to him as Bob Carr's man - announced with the shadow minister that all the jobs at Murwillumbah railway station would be lost. Today the Minister reassured me that this is a load of hogwash and that there will be no reduction in CountryLink jobs at the Murwillumbah railway station, that their jobs are secure. It is scurrilous that someone would tell such blatant lies about people losing their jobs. In this day and age it is difficult to acquire and retain a job and it is irresponsible to make such an announcement and worry those people unnecessarily.

For some years I have had the pleasure of representing and chairing the Tweed River Entrance Liaison Committee. The committee was originally commenced at the instigation of the former Deputy Premier, the honourable member for Barwon, the Hon. Wal Murray. I am please to say that the mouth of the Tweed River, which has created so much danger for recreational fishermen, professional fishermen and tourists, is to be dredged. The Minister has assured me that the dredging will start this year. The Premier will shortly be signing a heads of agreement contract with the Queensland Premier, Wayne Goss, for the dredging to take place and a sand bypass system to be installed. The New South Wales Government is a forward-thinking government that believes the North Coast is worthy of recognition.

I am pleased that Government members spoke on the scurrilous motion against the Minister for Police and supported him by voting against the motion. It is important that sufficient police be stationed in a growth area. The Minister for Police recently announced that the North Coast will receive six extra police; three at Tweed Heads, two at Kingscliff and one at Murwillumbah. I congratulate him on that initiative. The upgrading of the Tweed Heads police station is important to me as the local member and to the morale of the officers. I know the Police Service holds the Government and the Minister in high esteem. Recently the Minister for Police visited my electorate and commended Inspector Rod Bates for his initiative on a crime-free Tweed, with the slogan "Lock, Look and Listen". That initiative has worked well throughout the Tweed area. The volunteers in policing program has been commenced in my electorate and I thank those who have contributed towards improving the safety of the area.

I wish to pay tribute to the many thousands of people who fought the fires of late December and early January. The Tweed was fortunate in that it did not have an outbreak of fires on those days of extreme temperatures. However, members of the local bush fire brigade and volunteer town units left the area to assist other brigades. I congratulate the 350 volunteers from nine bush fire brigades throughout the Murwillumbah electorate and the three town units. It is heartening that people are so willing to assist in time of need. The Minister for the Environment agrees with me that we must not allow fuel to build up in our forests, national parks and wilderness areas. We should ensure that ground cover is kept to a minimum. I am sure all honourable members would give bipartisan support to that statement. The Murwillumbah electorate is a fast developing area and this should receive continued recognition from the Government. The Premier and the Deputy Premier have given me assurances in that regard.

In November 1992 the Tweed Heads bypass was opened, some 12 to 15 years overdue. At present the Chinderah bypass is under construction. This involves a six-lane bridge over Barney Point. That is a $54 million project being funded jointly by the State and Federal governments, with the State providing $38 million. Also, the first stage of the Chinderah to Billinudgel Pacific Coast Motorway is being considered. I feel that will have great support within the electorate once the environmental impact statement goes on display. It is an important link for the Murwillumbah area and for the people of New South Wales. This dual carriageway will reduce the number of accidents and will provide safe travel not only for ourselves but for future generations.

Mr HARRISON (Kiama) [9.7]: I should like to commence by congratulating the Governor on being appointed for an additional 12 months. I deplore the fact that the extension was announced as a result of contrived leaks to the media indicating that the Governor was on the skids. The hero of Nyngan deserves better treatment than that. I join with people of all races in congratulating Rear Admiral Sinclair and wishing him well on his extended term as Governor. Page 2 of the circulated copy of the Governor's Speech refers to the International Year of the Family. I should like to reflect briefly upon that. To me, a family comprises a man and a woman, their children, brothers, sisters, fathers and as many close relations as they would like to include in it. A family is where children are raised in an atmosphere of love and protection. If one of the partners dies prematurely or if the marriage fails, the State has a clear responsibility to ensure that the children do not suffer any resultant adversity. That is what I will always regard as the meaning of family.

I give thanks to God that I grew up in a family with a little Irish Catholic mother who every night came to kiss her children goodnight prior to going to bed, and with a father that we children knew

would fight anything that moved if it in any way threatened the family. I will never recognise two homosexuals living together as being a family unit. If they want to live that lifestyle, that is completely their own business - I do not want to know anything about it - but regarding them as a family and giving them the right to adopt and bring up children is something that I will never agree to. I want to place that on the record.

I turn to the current discussion about Australia becoming a republic. I believe that is inevitable, it will happen, but I want first to see the blueprint. There are republics in the world in which people are put

against the wall and summarily shot. There are republics in which to be a presidential candidate one has to be a multi-millionaire to afford even to nominate for the position. There are republics in which the president has sweeping power to declare war without reference to Parliament or anything else. I would not support a blueprint for such a republic.

I am concerned that in Australia today State rights are somewhat under challenge. As long as I can remember I have been a centralist. I have believed in central government and that State governments were somewhat irrelevant. I have changed my point of view because of the sort of directives coming out of Federal Government departments based on advice given to them by a bunch of carpetbagging trendies that seem to follow governments around hanging on to their coattails. I refer to advice such as not letting little boys play with bulldozers, trucks, trains or any stereotype toys and encouraging them to play with dolls; and discouraging children in preschool from singing Christmas carols and so on. There is accompanying blackmail in that funding will be cut if the policies are not adopted. For the first time in my life I am starting to believe that State rights mean something and to be concerned about the erosion of State rights. Those issues will have to be addressed when we talk about the creation of a republic.

Returning to the Governor's Speech and care and concern for families, I condemn the attitude of the Government in particular matters relating to welfare of the family. For instance, in the most recent Budget the Community Housing Trust allocation for the Illawarra was slashed. This meant that the number of such rented properties in the region was slashed by 14, from 96 to 82 - a reduction of 15 per cent. Last year's allocation for family support services was underspent by $95 million. The recession package was reduced from $10 million to $5 million, a reduction of 50 per cent. The allocation for victims of crime compensation was cut from $44 million to $34 million, down by 23 per cent. TAFE fees were increased. Services to the frail aged were reduced because of the failure of the State Government to match the 6 per cent Commonwealth allocation increase. There was an increase of only 3.3 per cent from New South Wales. At present I am being bombarded by organisations in the Illawarra region. I instance the correspondence I have from Interchange Illawarra, which states:

> . . . H.A.C.C. funded services have been very limited or non-existent over the past few years, particularly to respite services to people with disabilities. Due to this situation, Interchange has a shortfall of $33,000 to provide existing clients with their respite requests for 1994. We also require an additional $55,000 to "re-open the books" to allow us to co-ordinate much needed respite for 29 families on the waiting list.

Similarly, the North Shoalhaven Meals Co-operative has advised:

> The lack of growth money in Round 9 raises many doubts and questions of the State Government's continuous commitment in ensuring sufficient quality care for a growing sector of our local community, namely that of our Frail Aged and Younger Disabled, plus their Carers.
>
> Recent funding changes to our services have seen the introduction of Programme Funding. These funds have been assured to only five of the eight services within our cluster group in the North Shoalhaven region.

At present 23 clients of the Shellharbour and Kiama municipalities receive lawnmowing services through the office of Shellharbour-Kiama Home Care. The per capita allocation to Shellharbour-Kiama is $35, while areas such as Bowral, in the electorate of the Premier, receive $70 per capita. That is the sort of treatment that we are receiving in the Illawarra. It nearly makes me sick in my gut to hear people talking about the pork-barrelling going on in their electorates. We are being shafted and shortchanged in every possible way. Page 7 of the Governor's Speech refers to employment and economic initiatives undertaken by the Government. The promised legislation on retail tenancies for commercial buildings has been hanging around since October 1993. Although there have been plenty of announcements, the bill to protect the tenancy rights of people trying to get a business under way is being sat on. It is high time that the Government came good and let us see what it is about.

There is a regional development council in the Illawarra and some months ago when Mr Collins was the Minister responsible it was announced that he would come to the Illawarra to make a major announcement. Everybody was very excited. Everybody who was anybody was there - all the mayors of the region, the local members of Parliament and all the businessmen. It transpired that the Minister could not come and the then member for the Hills, Tony Packard, was sent to represent him. What was the great announcement? It was the creation of a slogan competition. I submitted a slogan myself. I do not think it was very much appreciated by the development board. I just said, "Government help is a must so can all this bulldust". It did not get a prize, of course. I have not heard of the winning slogan since, so it did not make much difference. The Government's attitude to employment and economic development in the Illawarra leaves a lot to be desired.

In relation to public sector reform, the Governor mentioned ongoing improvements to the financing and running of the Water Board. I have my Water Board notice with me. It shows that the water usage charged from 9 November 1993 to 10 February 1994 amounts to $103.35. The rate is 65¢ a kilolitre for the first kilolitre - up from 21¢ a kilolitre for the first 600 kilolitres used on daily averages under the old charging system. This is an increase of more than 200 per cent. Government members continue to tell us how they are keeping down charges. Let them look at my water bill and tell me how they are keeping down charges. I will be referring to the appropriate Minister a whole series of representations that I am getting objecting to the new Government charging policy. It is nothing short of theft. The $200 million, approximately equivalent to what has been paid in environmental levies over the past few years, which has gone into general Government funding is an absolute disgrace.

Police and emergency services were touched on by my colleague from South Coast, Mr John Hatton. He referred to the establishment control branch report of the Nowra patrol and I agree with all the sentiments he expressed. The Shoalhaven area, a percentage of which is in my electorate of Kiama, is being shortchanged. I refer to page 8 of the establishment control branch report which was leaked to Mr Hatton and me:

> Other areas of concern are the South Nowra and Bomaderry industrial areas where a large number of break, enter & steal offences take place. Assaults and other street offences are of concern, especially on Thursday, Friday and Saturday nights at various clubs such as the Archer Resort, Legends Night Club and the Ex-Servicemen's Club.

A graph on page 9 of the report indicates a 131 per cent increase overall in the workload of the Nowra station. Despite that increase the area is being shortchanged in police personnel. The report concludes that four additional officers or units are required for the creation of another mobile unit at nighttime. I contend, given the amount of absenteeism as a result of stress, injuries and sickness, that at least nine new officers are needed to care for the people of Shoalhaven and to provide them with the protection they can reasonably expect from the Government. The Governor referred, at page 11 of his Speech, to altercating the Anti-Discrimination Act to provide protection for ethno-religious groups.

All members applaud the provisions of the anti-discrimination legislation, but I call on the Government to introduce more changes to that legislation to give protection to mainstream Australians, who have no protection whatsoever under that Act. Similarly, members of mainstream religious organisations in Australia have no protection. An article in the *Illawarra Mercury* states that the Australian Women's Cricket Council has denied dumping the world's top batter from a team to tour New Zealand because she was not a lesbian. I do not know the rights or wrongs of that matter. I do not know whether this lady was discriminated against because she is not a homosexual, but she should have had the opportunity to take her case to the Anti-Discrimination Board. The article goes on to say that board chief Steve Mark said that while it was possible under current legislation to make a discrimination claim relating to homosexuality or gender, the same could not be done on the basis of heterosexuality.

Mainstream heterosexual Australians do not seem to have any protection at all in that regard. I call on the Government to show faith with members of mainstream religions and protect them from vilification and ridicule of the kind I observe occasionally outside the gates of Parliament House when homosexuals are frolicking around in nun's habits. I find that behaviour particularly offensive. As a Catholic, I was taught by nuns to read and write. They are good and virtuous women. My father was nursed by nuns when he was dying. They were not doing what they were doing to get a big quid off anyone. They were doing it in the service of mankind and our Lord Jesus Christ. They certainly do not deserve to be rubbished by people whose morals are questionable. I call for legislation to be introduced to prevent that happening. Legislation is in place to prevent us saying anything about them, and I do not particularly object to that. But, by God, I do not want my religion to be held up to ridicule and vilification outside the gates of Parliament House.

I turn to the question of health. Nowhere in New South Wales have the people of this State been sold more short on health care than in the Illawarra. We have been given the short end of the stick all round. I would like to instance a few incidents that have occurred in the life of this Government. Kiama Hospital was closed. The dental therapists training centre was closed. The rescue and medical retrieval helicopter was axed. The natural birthing centre at Bulli Hospital was closed. The stores area of Shoalhaven Council was downgraded. The Wollongong clinical services block, unfinished and unfunded, is a hole in the ground leading nowhere, with no money to get on with the job, despite all the announcements that might have been made in Murwillumbah and elsewhere. The Shellharbour District Hospital children's ward was closed. John Hatton, the honourable member for South Coast, and I were able to prevail on the Board of Fire Commissioners and Shoalhaven Council to do a report on the safety of the west wing of Shoalhaven hospital. What did we find? We established that it was a positive fire trap. The hospital got an ex gratia allocation of $21,000 to patch it up.

In Shellharbour, because of the loss of the hospital's children's ward, a $30,000 allocation was made to provide extra specific services for children from the Shellharbour and Kiama area. That compares with the $1.5 million wasted on consultants by the area health service over the past

five years. One entry in the 1992-93 annual general report is a sum of $442,000 for one consultant. All these people are doing is telling us how to sack more nurses and sack more staff to save money to pay their consultancy fees. I have heard many honourable members say they have received assurances from the Government, so everything is okay. I have an assurance from the former Minister for Health, the Hon. Peter Collins, issued in a press statement of 15 May 1991, a few days before the last election. The last paragraph states:

> Mr Harrison's claims about the future of Kiama Hospital are totally without foundation. The hospital will not close after the State election.

Mr Collins lied and misled the people of my area. He deserves total condemnation, as does the Government and anyone who supports Mr Collins or the present Minister, the Hon. Ron Phillips. I have received a number of representations from people, whose names I will not mention because I know the Minister is sensitive about names being read out. I have received a letter from a 60-year-old disability pensioner lady from Shellharbour Road, Barrack Heights. She had bottom dentures approved in March last year but she still has not received them. I have a letter from a lady in the Shoalhaven area who is an aged pensioner. She is No. 170 on the priority list. Another letter is from a lady aged pensioner who lives in Bomaderry. She states in the letter:

> From personal experience I have had to wait with a stone in the kidney until my kidney rotted away with infection and had to be removed . . .
>
> I now have UV cataracts on both eyes, one eye deteriorating, but have been told I will "probably have a long wait" for my one day admission needed to do the implant operation to hopefully restore at

least one eye to normal.

That is disgraceful. I have plenty more of that material. I am sorry that I have run out of time.

Mr YABSLEY (Vaucluse) [9.27]: I join with other members this evening in acknowledging the worthy contents of the Governor's Speech. On this occasion I wish to respond in a way that is certainly unusual, in that this, I expect, will be the last occasion that I will be making a speech in this Chamber. I hope the House will allow me to revisit some of the high points and also a few of the frustrations of the past 10 years, because these are things I would like to put on record at a time like this. I want to say in the Chamber tonight what I have said to many of my colleagues since the 1991 election. It is important to put these things on the record - and to a certain extent therapeutic in terms of getting one or two things off one's chest. I have always maintained and really do believe, to the marrow of my bones, that accommodating the hung Parliament outcome of the general election was a grave mistake. I say that without malice to the three people who hold the balance of power, notwithstanding the gross abuse of the position they hold. Of course, the low point of this historic hung Parliament related to the circumstances surrounding the departure of Nick Greiner and Tim Moore from this Parliament. It was also the point at which political expedience eclipsed principle within the Government. Both of those factors, at least in part, explain my departure to the backbench in June 1992. But that is water under the bridge.

I return to the central point. The fault was one of the Government's. I was part of that Government - and again I do not say this in a way that seeks to apportion blame to any particular individual, but I believe there was not a correct prevailing wisdom at that time. The fault was the Government's for accepting the poisoned chalice of minority government which set the stage for these things to happen. I am mindful that it is simply not enough to lament the past and bemoan specific political consequences about which one feels a particular passion. My real plea is one for the strength and sanity of the two-party system within the framework of the Westminster system, as opposed to the volatile and fickle arrangement with which we are now burdened.

I hope that this will not be taken as inappropriate or out of turn, but like a few members of this House I have had the experience of losing a seat. That was in 1988. It is a traumatic event but adds greatly to the learning process. I remember returning home from the declaration of the poll on that occasion and the telephone rang. It was Bob Carr. He said words to the effect, "Commiserations, bad luck. It really is important that we all do what we can to uphold the two-party system". I believe that those comments contain an important message, and that is one of the central points I wish to make in my contribution this evening. This is all about the entitlement of governments to get on and govern; to do so with honesty and responsiveness through debate and with sensitivity for the mood of the electorate, but ultimately with the inalienable right to make decisions and to be accountable for them at each election.

We have a Parliament and a Government caught in a cultural crisis trying, through the pushing and pulling of the Independents and the inevitable connivance of the Opposition, to be some kind of Swiss model of democracy operating in the Westminster world. I hold the most grave fears about the long-term effect to our system of government, not to mention the lives of good people, particularly members on the Government benches, over the past few years who have been severely damaged and in some cases destroyed because of the arrangement that the minority Government has thrown up. Members on this side of the House understand as well as anyone the sorts of temptations that are in Opposition. We succumb to those temptations, as we see the Opposition in Canberra succumbing to the temptations in the Senate. I do not find what is happening in the Senate any more edifying than much of what has happened here in the fundamental attack on the operation of the two-party system of government.

We have paid a huge price for continuing to grasp the poisoned chalice of minority Government. This damage covers the spectrum of the operation of this Parliament through to Executive Government and, as happened in the Chamber today, to use an example, the effective making or unmaking of policy.

With the committees that have been established - the Joint Select Committee on the Sydney Water Board, the Select Committee upon the Operations of HomeFund and FANMAC, the Joint Select Committee upon Police Administration, and the committee on Port Macquarie Base Hospital - one must ask what on earth it is all about. It is becoming and has become government by committee. That is such a fundamental shift away from the manner in which the structure is meant to operate. The type of motion moved today - and the prospect that it could be passed by this Parliament - to allow an examination of the tenders for the Water Board treatment plants at Prospect, Woronora, Macarthur and the Illawarra, is the sort of probing exercise that knocks the stuffing out of the confidence of the various people from the public and private sectors who are involved in the process.

I cite that as one more illustration of the very unhealthy consequences that this arrangement of minority Government has thrown up. In a similar vein I record my continuing concern about the ICAC. Tim Robertson, who is hardly identified with this side of politics, in his paper entitled, "There's no show like watching people thrown to the lions" said, "The Romans were right". Robertson was referring to the public and inquisitorial modus operandi of the ICAC, fuelled by what appears to be the insatiable desire for personality-based publicity by outgoing Commissioner Temby. In this regard the dubious practice of background media briefing by the outgoing commissioner deserves closer examination, as I know it has been the subject of examination by certain members of this House, particularly the honourable member for Eastwood and the honourable member for Cronulla. Robertson put it well when he said:

> The ICAC is the director of a modern morality play, which like the exhausting cycles . . . portrays good and evil in public life in all its manifestations so that cultural values can be learnt and reinforced. Unlike the Indonesian puppet play the characters are not wooden replicas of mythological beings but ordinary people, whose behaviour, as distilled by the ICAC, we are invited to praise or condemn. Unlike a good play, however, the director's hand falls heavily across the production. ICAC's audience is not to form its own judgments but must accept the labels the law requires it to affix to the characters in the play.

In the days leading up to the Greiner dismissal I warned that the definition of corruption has been broadened so much under the Independent Commission Against Corruption Act as to make the shoplifter an armed robber, the speeding motorist guilty of culpable driving and the clumsy politician a crooked politician. The ICAC has fallen into the trap of many law enforcement organisations by being preoccupied with soft targets. As I once heard Gary Sturgess say, "Catching the sardines instead of the sharks, simply because they are easier to catch".

The Public Accounts Committee, under the chairmanship of the honourable member for Eastwood, has done some invaluable work on the fallout from the establishment of the ICAC. The crushing of confidence among both public and private sector officials is self-evident. Volume 1 of the Public Accounts Committee's report contains some very worthy observations. I encourage all members to familiarise themselves with this excellent report and the way it deals with the ICAC. One observation it makes is that in evidence a number of particular instances were cited in which the ICAC's alleged concern with process over outcome, or more likely the fear of the ICAC felt by various government bodies, resulted in greater expense and inefficiency for proponents, government bodies and the people of New South Wales. What a telling thing it is when someone of the seniority and experience of the former chief executive of the Water Board, Mr Bob Wilson, referring to a particular project where there was an interrelationship between the Water Board and the private sector, says:

> But I think if the ICAC had been around then, I am not sure whether I would have taken the decisions I took.

He went on to say:

> But I think I would have lost my job if the ICAC had been there.

I refer with some sentiment to comments made recently by the former Premier, Nick Greiner, when he said:

> In the search to improve standards of public sector integrity which is often correctly thought to be lacking at all three levels of Government, but particularly State and local, there have been a variety of institutional and other reforms attempted in the last five years which are an important part of the environment in which managers must consider partnering options. I regret to say that these measures have been at best partially successful because whilst achieving some positive changes in attitudes, these have been achieved at a very substantial cost in terms of time and effectiveness. For example, the ICAC has had the unintended consequence of paralysing decision making in much of the New South Wales public sector.

And, I would have to say, in much of the New South Wales private sector. He continued:

> The process obsession which is always near the surface in the public service, has achieved even greater eminence with absolute priority being given to ensuring that "all boxes are ticked" so that the finger cannot be pointed to "partial" treatment.

If ever the baby were thrown out with the bathwater, it was through the establishment of the Independent Commission Against Corruption. It is of little practical purpose to say what I think should have happened five years ago when the ICAC was established, but I will have a stab at it. Our aim was to stigmatise corrupt conduct in the most negative way. Of course that corrupt conduct has created a stench over the State of New South Wales

for many decades. I think that aim could have been achieved by strengthening anti-corruption laws, through the main framework of laws and in tandem embarking upon a campaign to make sure that that fact was known clearly and unambiguously throughout the State. I guess that is a little academic now, and the challenge before this Parliament is, as best it can, to modify the Independent Commission Against Corruption Act to make sure that some of those grave deficiencies are rectified. I suspect one of the most important deficiencies will come simply through the good character and positive personality of whoever takes the place of the former commissioner.

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

Mr YABSLEY: I want to refer to a matter that I have been involved in for almost 20 years: voluntary student unionism. It remains in Australia today a precondition of tertiary education to belong to a student union. Sadly, Liberal and coalition governments have presided over this arrangement, generally because I think they regard a stoush with university administrators as something they can do without. Others have the issue confused and have never understood the key distinction between the services and amenities part of the fee and the political component, which has been the main focus of the campaign in which I have been involved.

In short, in Australia today - including New South Wales - the rights of freedom of association of a tertiary student are less than those enjoyed in the workplace under the Industrial Relations Act. This issue, like so many issues, has two important strands. The first is an issue of principle from which flows serious practical implications. In this case the issue of principle is one of freedom of association, an issue which is meant to be part of Liberal Party creed, a matter so clear cut it is beyond debating. But the political issue that flows from this closed-shop culture on Australian campuses is that over the years hundreds of millions of dollars have been applied by student unions to left of centre and politically correct causes.

Little wonder the Federal Government used a sledge-hammer by reducing funding to tertiary institutions commensurate with the amount not collected under voluntary student union arrangements. I wanted to put that on the record because it is an issue in relation to which I will continue to be involved. I

will never accept that it is something that will not ultimately be embraced by coalition governments. Believe it or not, this is not a whinge session. When my parliamentary career commenced I did not imagine that I would have my sights set on a 10-year career rather than a 25-year career. One of the conclusions I have drawn is that too many stay around for a bit too long and eventually suffer from the "I'd like to get out but I don't know what I'd do" syndrome. I know that because they have said it to me from time to time - perhaps more so my Federal colleagues. Happily that situation is changing, given some recent preselection results. [*Extension of time agreed to*.]

As Bob Hawke was fond of saying, "Nothing is certain as those things that happen slowly", and I am sure that that will be the nature of this kind of change. I made up my mind pretty well before the last election that I would pursue a second career. To do that as someone who has been in politics and involved in politics basically for all his adult life I felt that the sensible thing to do would be to embark upon that second career on the right side of 40. I guess it is a fact that some of the events that I have referred to tonight probably brought that timetable forward by a few years. In the 10 years since 1984 I have represented two very different electorates, Bligh and Vaucluse. Nick Greiner told me in 1983 that I was not the right candidate for Bligh - and he was probably correct.

In 1984 I won the seat that many thought was impossible to win for the Liberal Party, and in 1988 - after a redistribution I might add; a lot of people forget that there was a redistribution - I lost the seat that many thought would be impossible to lose. It was a good lesson learnt the hard way in an extraordinary electorate. I guess understandably people thought that anyone representing the heart of Darlinghurst could only be a Labor Party member. I remember one occasion just after the 1984 elections, attending one of the first public functions I attended in the heart of Darlinghurst. I was sitting beside a captain of industry, a very senior business person, and he said, "Congratulations on your election. Look, just between you and me I think Neville is doing exceedingly well and I would be happy if you would pass that on to him".

This man assumed that because I was there in the heart of Darlinghurst I was a Labor member. Despite the fact that at that stage Neville was a constituent of mine I still did not pass on the message. In 1988 under the awful circumstances of Ray Aston's death, I was elected unopposed to the seat of Vaucluse 10 weeks after the general election. I must say that being elected unopposed was a hollow victory. As a robust democrat I do like, and regard as important, a race which produces a winner. Strangely, I think I like the race more than the prize at the end. Tonight I do not want to cover local issues, other than to say to my close friend and colleague in another place the Hon. Robert Webster, "Let's cut the chains on the gate at the Carrara Estate, the site of Strickland House, and let's do it now, because I fear that if we don't, it will take another five years to work out just what we are going to do with those buildings. The most important thing is to open up the five hectares of magnificent foreshore land which has been locked up for the last 60 years. Let us make it a simple chain cutting exercise. We will get a big set of boltcutters and get out there and, zap, cut the chain. And, Mr Minister, the land will be open for the people to enjoy. Then at some later stage as the wheels of government turn we can work out what will happen to the buildings".

In the Vaucluse electorate I could not wish for a finer successor than Peter Debnam. My dear friend and the former member for Vaucluse Rosemary Foote and I often talk about the book we could write. I think it is best that the book remain unwritten. It is always a sobering and humbling thing to take stock of the number of people who have contributed to our lives because they share our beliefs, or more likely and in the less complicated way they believe in us as individuals - or perhaps because they just like us and want to do something positive.

My life - and my life in politics - has been made and enriched by many such people. I cannot think of a greater privilege than to have worked with and for two Premiers of such stature as Nick Greiner and John Fahey. Different though they are, they are both extraordinary and outstanding men. About John

Fahey I want to say this as a symbol of my thoughts: to lurch forward rather than backward when a gunman appears from nowhere is an act of extraordinary bravery. That is the kind of heroic deed which is subliminally part of a quite extraordinary and warm relationship between John Fahey and the people of New South Wales. The Australian Labor Party is worried and the Australian Labor Party should be worried. John Fahey, politically and culturally, stands in the middle of your political stage and it is a real problem for you. To my colleagues for the friendship, camaraderie and good times: thank you.

Fred Daly once said, "In politics the only bloke telling you the truth is the one who says he is not voting for you". Such is the nature of politics, but through that some wonderful friendships have been made and I know they will last for a lifetime. To my family and friends, some of whom are as perplexed by my decision to leave politics as they were about my decision to enter it, thank you for your support through thick and thin; and, of course, especially to my wife Susie and to my little buddy Edward, both of whom are in the gallery tonight. They are the greatest supporters anyone could have. We eagerly await the arrival of his little brother or sister. Despite technology, we do not know if it is a boy or a girl. It is an exciting time for us and we are looking forward to everything that lies ahead.

I do not have too many regrets about anything I have said in this House, but I guess I do have two. I do not think I have told - well, perhaps I have told one lie and that was on the night that I apologised to the honourable member for Bligh.

[*Interruption*]

Mr SPEAKER: Order!

Mr YABSLEY: Mr Speaker, you are not going to require me to apologise again, are you? The honourable member for Londonderry might be a bit taken aback by this, and I guess it has been a bit long in coming, but I regret a comment I once made in relation to the honourable member for Londonderry and the honourable member for Port Jackson. It was not meant to hurt, but it did. The comment was made in the House and, belatedly, this comment should be made in the House. To everyone on both sides of the House I thank you for your friendship - inevitably those friendships are stronger on one side than the other. It has been an exciting time. None of us should ever lose sight of the huge privilege it is to sit in this place, to represent an electorate in the State of New South Wales. I will certainly never lose sight of the privilege it has been and everything it has meant to me. But now it is a case of onward and upward and I look forward to the challenge.

Mrs LO PO' (Penrith) [9.53]: It would be churlish of me if I did not wish the honourable member for Vaucluse well in his future endeavours. I feel that there is a vacuum; that someone else should be saying this and not me. I listened attentively to the Governor's Speech for mention of some of my special interests - education, women's issues, health and urban consolidation - but I was disappointed. This debate has probably evened itself out. There have been two sides to the debate: Government members have congratulated the Governor on his Speech, and members of the Opposition have found great flaws in it. But that is the nature of politics, as the honourable member for Vaucluse so lucidly expressed it.

I am concerned about education. There are approximately 5,000 students in the electorate of Penrith, and one of my deep concerns is that there are only 3.4 school counsellors to deal with those 5,000 students. Try as they might, they cannot get around to everyone, so there is a real problem of people needing counselling and being unable to obtain it. Some years ago under the Metherell regime a very expensive report was published on the revamping of schools. It was probably overdue, because at that particular time it could be truly said that the system was the prime client of the system. Brian Scott spent a lot of time on and put a lot of energy into a report that was going to make the student the prime client of the school. The sad fact is that students are not the prime clients of schools; once again, the system is the prime client of the system.

In schools teachers are certainly not being given a free rein to teach. They have to work extremely

hard at meetings and at documentation. Honourable members should ask the question: if it does not assist the student, what is the point of it all? There is no accommodation that I can see. There has been no increase in the number of teachers to decrease the teaching load, and that

situation is not going to change in the near future. My concern about the number of teachers, the pupils-to-teacher ratio, is well founded.

Classes are overcrowded and, as documented this week by the Opposition, New South Wales has the worst pupils-to-teacher ratio in Australia. Composite classes are rife. A number of honourable members have spoken about composite classes and, as an escaped teacher, I know something about them. The concern is not that there are composite classes in certain areas, it is the way the concept has been administered. Anyone who has taught in an infants' school knows that children who come to school at kindergarten level are in a different education mode from children in first grade. Children who come to school from different home backgrounds need a lot of basic training. I have taught in schools where children have come to school not knowing how to hold a pencil or a pair of scissors.

When children reach first grade and have started to learn to read they are faced with a huge information explosion. A teacher attempting to train young children in basic skills may also have, in the same classroom, first graders who are experiencing that information and vocabulary explosion. No teacher, no matter how dedicated, no matter how many hours that teacher may work, cannot satisfy two clients: children who need basic education grounding and children who are going through a vocabulary explosion The Government will pay the penalty for not having done something about the basic education of kindergarten-first graders in the proper time. Too late, the Minister for Education, Training and Youth Affairs has sacked some of the cluster directors - which we thought was a gilding of the lily anyway - and decided to use funds to put people into schools to teach kindergarten. What has happened to the children who have gone through those classes in the last six years? They are lost causes, according to the Minister. School funding now is much less than what it has been in the past. The Government talks about an increased budget but when one analyses what is happening in schools with regard to students-to-teacher ratios, New South Wales is in a very bad predicament.

Schools are being segregated. Instead of comprehensive schooling there are segregated schools. I note that some schools in the western suburbs receive mediocre computers and do not have very good security rooms. This is not the situation in schools in Government constituencies. The department is always running a damage control mechanism over schools, such that they do not see schools as part of the community. A comprehensive police report suggested that police should be based in schools in the western suburbs. The Department of School Education rejected that suggestion, and what has been created is a culture among principals that they are lords of the manor and what happens in schools is their domain and nothing to do with the laws of the land.

The sad fact is that although there are excellent principals, some principals toe the line because they are intimidated by the system, and that is to the detriment of the students in their care. Bright children in the western suburbs are not given a fair deal, as they are in other areas. Statistically and genetically, average families can have bright or brilliant children, but because of this Government's funding policies they will not have appropriate educational opportunities. I was disappointed in the reference in the Governor's Speech to initiatives for women. I compared the meagre list of proposed actions with what happened under the Wran Government.

The Wran-Unsworth Government provided for a legislative program for women, which does not exist today. The achievements of Labor governments in the Wran-Unsworth era included establishing the Women's Advisory Council, the Women's Co-ordination Unit, the Social Development Unit in the Ministry of Education, the Anti-Discrimination Board and its legislation, and the Equal Opportunity Tribunal, which provided for equal opportunity in public employment. Those governments also established the non-sexist unit, the TAFE women's unit, the women and arts project, the women's employment and training strategy, and the women's directorate in the Department of Industrial Relations. Publications

were distributed to inform women of their rights when they attended court, and the effect of taking drugs and tranquillisers, and to let rural women know they were appreciated. Also established were a fit to play conference; funding of women's health centres, women's refuges, and women's resource centres; a review of the women's health policy; a review of the women's transport policy; an apprenticeship program for women; housing for homeless women; the children of prisoners support group; and extensive legislation on domestic violence and child sexual assault.

The Governor's Speech reveals that the Government is tinkering around the edges again. I have yet to see the Government legislate in any way for women; and I doubt that I will see it in the next few years. The Government makes platitudinous statements, but only puts out flimsy papers that have little legislative substance for women. The Governor's Speech referred to women in business and a revamp of the women's consultative committee - more of the same! With law and order, at some stage every politician witnesses the law being administered and justice not being delivered. Until I became a politician I did not realise there was such a gap between administration of the law

and delivery of justice. In many cases in my electorate people have attended court, the law has been administered, but justice has not been delivered. This is a great failing of this Government, which in 1988 said it should be elected on law and order issues.

I have been dealing with the case of a young girl who was sexually assaulted by her father. The assault was reported and dealt with by the court, but because of the delay that occurred the child was given no counselling and when she finally went to court she was unable to give evidence. At every point in that saga the law was administered, but at no time was justice delivered. As many members of the Government are legal practitioners, one would think that it would be keen to do something about upholding law and order, and to make sure that justice is delivered to victims, rather than be concerned merely with administration of the law. There is a vacuum in the Governor's Speech regarding law and order.

I am pleased that the Minister for the Environment is present, because I wish to refer now to my grave concern for the environment. The Government's environment policy is not co-ordinated. For example, although the Government has established the river authority - which is to your credit, Mr Speaker; and I wish it well - it has provided the authority with a miserable budget. The Government gives licence to privateers to set up waste disposal operations in areas that are criss-crossed with creeks that run into rivers. There is no co-ordination at Government level on environmental programs. I met with the chairman of the river authority, and he is enthusiastic but concerned about the environment. However, the green paper states that anyone can dump anything in the western suburbs. The only land left in the western suburbs is criss-crossed with creeks and therefore is unsuitable for use as a dump, because eventually leachate would go into the creeks and then into the rivers, causing problems. If it was decent land, houses would have been be built on it by now, but because the land is vacant, people think it is suitable as a waste disposal site.

I searched the Governor's Speech for some evidence of co-ordination of the environment portfolio, evidence that the right hand knows what the left hand is doing, but there was nothing. That was a great disappointment. The provision of health services is an ongoing saga. The Minister for Health and I have probably had more squabbles about health than we have had hot dinners. Western Sydney has a fast-growing population. We have been given a hospital, but it is not fully staffed, and for that reason some wards are closed. People in western Sydney are supposed to believe that after the new five-storey hospital is built, somehow there will be enough money to open it as well as the unopened sections of the present hospital. I do not believe in fairies or in Santa Claus, and one would have to believe in both to accept that the Minister will open a 480-bed hospital when he cannot even open a 360-bed hospital.

We have saga after saga with people going to the accident and emergency section, not being attended to properly, and being shunted off to other hospitals. It makes me angry to hear the Minister say that western Sydney has never been so well off. The fact that an $87 million building will be erected

is one thing; the fact that we have no services to speak of is another. The Minister cannot conceptualise that buildings do not deliver bed pans, change sheets or deliver services. They are simply buildings.

Breast cancer has been discussed this week. Dr Peter Cregan, a forthright and courageous doctor, has stated that women in western Sydney are opting to have mastectomies rather than travel long distances for treatment. The Minister said that a 30-minute trip is not too far to travel. Apparently he thinks that everyone in western Sydney owns a car. Without a car, you need a cut lunch and a hurricane lamp when you travel from Penrith to Liverpool. You have to travel by train to Granville, then from Granville to Liverpool; and repeat the process to return home. The Minister, who lives in an opulent suburb, says they have to travel only 30 minutes. That is fine if you drive a car, but many of my constituents do have a car.

The arrogance of the Minister's suggestion that people have access to transport shows that he is out of touch with constituents. If the Government wished to do something fine for the women of New South Wales the Governor would have said in his Speech - which is of course prepared by the Government - that every woman in New South Wales will have a free mammogram. If that happened, many lives would be saved. In some areas breast screening is provided free of charge, but generally is withdrawn after about six months. I searched also in the Governor's Speech for a generous gift to the women of New South Wales that would provide some form of life-saving service, but found nothing.

I want to refer finally to urban consolidation. During the past decade governments have supported urban consolidation, and there has not been a great deal of disagreement with that policy. However, in some areas, particularly in my electorate, where urban consolidation has been taking place for the past decade, there is now some degree of concern in the community about what is happening in backyards. The dual occupation legislation is now in force. People in the city of Penrith have been very tolerant of dual occupancies; in fact they have encouraged it. Because the Government has given exemptions to some councils, Penrith has had to pick up the slack.

High flying entrepreneurs are coming to Penrith, buying blocks of land and erecting double-storey dual occupancies. That means that people are losing their backyard privacy. Some councils, including Penrith City Council, are about to say that enough is enough; that dual occupancy is fair enough, but double-storey dual occupancies will no longer be tolerated if people lose their privacy. Although I was keenly anticipating that the Government, in its last year of office, might attempt to put some runs on the board and introduce innovative measures, something we could hang our hats on, all I found in the Governor's Speech was more of the same bland moribund thinking from a stale Government that has to dig into the policies of past governments to find anything innovative. In short, for me the Governor's Speech was a great disappointment.

Debate adjourned on motion by Mr Hartcher.

PROSPECT, WORONORA, MACARTHUR AND ILLAWARRA WATER TREATMENT PLANTS

Mr HARTCHER (Gosford - Minister for the Environment) [10.11]: Pursuant to the motion carried earlier this day, and with profound concern, I table the following papers, knowing it is a direct threat to investment, employment and the clean-up of the environment:

Reports by the Technical Evaluation Committee for the tenders for the water treatment plants at Prospect, Woronora, MacArthur and the Illawarra.

Water Board file No. DMMB1506.890.

Motion by Mr Hartcher agreed to:

That inspection of the papers be restricted to members only and no copies thereof or extracts therefrom may be made.

House adjourned at 10.12 p.m. until Tuesday, 12 April 1994, at 2.15 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

NEW ENGLAND HIGHWAY TARRO RECONSTRUCTION

Mr Price asked the Minister for Transport and Minister for Roads -

(1) How long has the reconstruction of the New England Highway between Hexham and the Tarro railway overbridge taken to complete?
(2) Why was this section of highway reconstructed?
(3) (a) Did the decision to undertake this work result from public complaints?
(b) If so, how many and over what period of time?
(4) What it the total cost of this sectional reconstruction?
(5) What is the accident record of this section of highway over the last 5 years?
(6) Will the Government commence the new entry to Tarro, which will include an overpass, at a point west of the existing intersection of Anderson Drive with the New England Highway?

Answer -

(1) 9 months.
(2) This section of the Highway is on the Hexham flood plain which consists of unconsolidated sediments (comprising silts, clays and organic matter) up to 15 metres in depth.
The reconstruction work was necessary to reinstate the road geometry which had been adversely affected by settlement, to improve road surface drainage and to rehabilitate failed road pavement. The work has enhanced road safety and driving conditions, and will reduce road maintenance costs.
(3) (a) No.
(b) Not applicable.
(4) $2.2 million.
(5) During the period 31 March 1988 to 31 March 1993, 27 accidents occurred on this section of the highway.
(6) A grade separated interchange at Anderson Drive (east) has been approved by the Federal Minister. It will be located west of the existing junction with the New England Highway and preliminary work is proceeding with construction expected to commence mid 1994.

LAKE MACQUARIE ELECTORATE BICYCLE TRACK FUNDING

Mr Bowman asked the Minister for Transport and Minister for Roads -

What funding has been allocated for bicycle tracks in the City of Lake Macquarie in the years:
(a) 1991/92?
(b) 1992/93?
(c) 1993/94?

Answer -

(a) $32,000 by Lake Macquarie Council and $32,000 by the Roads and Traffic Authority.
(b) $55,300 by Lake Macquarie Council and $50,500 by the Roads and Traffic Authority.
(c) $94,500 has been allocated by the Roads and Traffic Authority and $120,000 has been made available by the Commonwealth Government.

WYONG SHIRE BICYCLE TRACK FUNDING

Mr Bowman asked the Minister for Transport and Minister for Roads -

What funds have been allocated for bicycle tracks in Wyong Council area in the years:
(a) 1991/92?
(b) 1992/93?
(c) 1993/94?

Answer -

(a) Nil.
(b) $15,000 by Wyong Council and $15,000 by the Roads and Traffic Authority.
(c) $72,000 has been allocated by the Roads and Traffic Authority.

F4 TOLL GATES

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) (a) Since the opening of the tollway on the F4, are many vehicles avoiding the tollgates and causing vehicle problems on the local roads?
(b) If so, approximately how many per day?
(2) Since the tollgates have opened, has the accident rate increased on the local roads in Auburn?
(3) If so, will he move the tollgate east into the electorate of Strathfield?

Answer -

(1) (a) Since the tollway opening, traffic volumes on the motorway at Auburn have decreased from about 76,000 vehicles per day to about 69,000 vehicles per day. The traffic in question uses Parramatta and Victoria Roads. Impact on local roads is considered to be negligible.
(b) See (1) (a) above.
(2) No. Published records indicate that there were more accidents (102) in the Auburn Council area during the six month period prior to the opening of the tollway than in the six month period (69 accidents) after the opening.
(3) Not applicable.

MOOREBANK ELECTORATE TRAFFIC

Mr Knowles asked the Minister for Transport and Minister for Roads -

(1) What is the accident history, both vehicular and pedestrian, at the intersection of Heathcote Road and Moorebank Avenue, Moorebank?
(2) What is the average daily traffic volume at the intersection?
(3) How has that number varied since the opening of the M5 Tollway?

Answer -

(1) From 1 January 1990 to 31 December 1992 four motor vehicle accidents occurred at the intersection. There were no pedestrian accidents at the site during that period.
(2) 29,005 vehicles per day.
(3) The data necessary to determine any variance in the volume of traffic will not be available until mid 1994.

FEDERAL GOVERNMENT STUDY OF LEAD LEVELS

Mr J. H. Murray asked the Minister for Transport and Minister for Roads -

(1) Is he aware the Federal Budget has allocated approximately $9 million for studies into lead contamination?
(2) How much will New South Wales receive from this allocation?
(3) Will he direct this money towards studies of motor vehicle lead emissions on Victoria Road between Gladesville Bridge and the new Glebe Island Bridge?

Answer -

(1) Federal funding for lead contamination studies is as follows:
- National lead education campaign - $4M over 2 years;
- National survey of blood lead levels - $1M in 1993/94;
- Investigations into the use of other refinery additives and development of a National environmental standard for petrol - $2M over 2 years;
- Independent tests of off-the-shelf additives and devices - $1M over 2 years;
- Applied research and development of ethanol blend motor fuels - $3.94M over 2 years;
- A bounty on the production of ethanol for use as a transport fuel - $25M over 3 years from 1994/95.

(2) The expenditure of these funds will be administered by the Commonwealth Government. There are no specific allocations to particular States.
(3) See (1) and (2) above.

ROADS AND TRAFFIC AUTHORITY INFORMATION LINE

Mr Knowles asked the Minister for Transport and Minister for Roads -

(1) On average, how many calls are received each month on the RTA 132213 Information Line?
(2) What is the cost of the service, including staff costs?
(3) Are callers able to be automatically transferred to their local motor registry as a part of the service?
(4) Of the total calls received, how many are so transferred?

Answer -

(1) Approximately 98,000 calls per month.
(2) $2.127 million per year.
(3) Calls are transferred through an overflow from the main Telecom switch when the centre reaches maximum capacity, and by operators on request.
(4) 4,800 calls, or 4.9 per cent of total calls, are transferred to motor registries.

FEDERAL GOVERNMENT STUDY OF LEAD LEVELS

Mr Thompson asked the Minister for Transport and Minister for Roads -

Will he direct some of the Commonwealth funds allocated for studies into lead contamination towards studies of motor vehicle lead emissions on Forest Road, Bexley, between Herbert Street and Stoney Creek Road?

Answer -

(1) The expenditure of these funds will be administered by the Commonwealth Government. There are no specific allocations to particular States.

Accordingly, I do not have access to the funds.

AUBURN ELECTORATE SCHOOL PRECINCT TRAFFIC

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) Has there been a survey conducted in the electorate of Auburn to determine the safety of school crossings and traffic facilities adjacent to schools?
(2) If so:
  (a) When were the surveys conducted?
  (b) At which schools?
  (c) What recommendations emerged from these services?
  (d) Will the Roads and Traffic Authority give high priority for funding to implement such recommendations?
(3) If not, will there be a survey of school crossing and traffic facilities adjacent to schools in the electorate of Auburn?

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Answer -

(1) A survey was conducted for all schools in the Sydney region.
(2) (a) The early part of 1993.
  (b) See (1) above.
  (c) The safety needs of each school has been determined.
  (d) Yes.
(3) Not applicable.

BICYCLE COURIERS

Mr Nagle asked the Minister for Industrial Relations and Employment and Minister for the Status of Women -

If bicycle couriers are exploited, will she introduce legislation to protect these young people from exploitation?

Answer -

Coverage already exists for bicycle couriers under a State award. If exploitation has occurred through a breach of the award, such matters should be referred to the Department of Industrial Relations, Employment, Training and Further Education or to the NSW Industrial Relations Commission.
If such couriers are bona fide subcontractors and feel that they are being exploited, they already have access to the NSW Industrial Court under section 275.
As yet, no clear case has been made to include bicycle couriers within the ambit of Chapter 6 of the Industrial Relations Act 1991, but the Government is presently considering the matter in the context of further reforms to Chapter 6.

HENRY LAWSON DRIVE

Mr Rogan asked the Minister for Transport and Minister for Roads -

(1) Does the Roads and Traffic Authority have plans to widen Henry Lawson Drive between Salt Pan Creek, Padstow, and Milperra Road, Milperra?
(2) If so, what is the construction program?
(3) Will the RTA give consideration to providing road shoulders, together with kerb and guttering for

Henry Lawson Drive in the section above?
(4) If not, why not?
(5) Given the number of accidents on that section of Henry Lawson Drive, will work referred to above assist in reducing accidents by providing better road conditions?
(6) (a) Are there plans to re-direct that section of Henry Lawson Drive as referred to in question (1) to provide better and safer road conditions?
(b) When will the work be undertaken?
(7) Will he rule out any plans to re-direct Henry Lawson Drive through parklands from the intersection of Henry Lawson Drive and Picnic Point Road, Picnic Point, to River Road/Henry Lawson Drive?

Answer -

(1) The RTA has a long term proposal for a widening scheme along Henry Lawson Drive, to provide four lanes for traffic.
(2) The proposal is not likely to be implemented before 2000.
(3) There are no plans for such work in the RTA's current 5-year program.
(4) The work has not been included in the forward program because of recession induced funding constraints and the higher priority of other projects.
(5) The Government is committed to the improvement of road conditions generally and specifically to the improvement of road safety. This commitment is evidenced by the reduction in accidents over recent years.
Given the overall conditions of the section of road in question, a need for sealing the road shoulders at this time has not been identified as a high priority work when compared with other works required to be undertaken in the Sydney region.
(6) (a) No.
(b) Not applicable.
(7) Yes.

PIERCE STREET, NIAGARA PARK, CLOSURE

Mr McBride asked the Minister for Transport and Minister for Roads -

(1) Has the Roads and Traffic Authority recommended to Gosford City Council that Pierce Street be closed at its intersection with the Pacific Highway, Niagara Park?
(2) Why has the RTA refused to make available funding to improve traffic conditions at the intersection to provide motorists entering and leaving Pierce Street with safer conditions?
(3) Will the RTA agree to consult with residents of Pierce Street before proceeding with closure of Pierce Street?
(4) Has the RTA recommended that the intersection of Kent Street and Pacific Highway, Niagara Park, be upgraded to accommodate residents of Pierce Street?
(5) Will the RTA agree to meet all costs associated with works to implement the relevant changes to traffic conditions?

Answer -

(1) The RTA representative on Gosford Council's Traffic Committee requested that consideration be given to full or partial closure of the intersection.
(2) Funding can be considered only after agreement has been reached with Council on the works to be undertaken and the relative priorities of the works have been determined.
(3) Yes.
(4) No.
(5) Cost sharing arrangements will depend upon future works as yet to be determined.

SYDNEY FISH MARKET

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

(1) When did he or the department commence activities on altering the present Sydney Fish Markets arrangements?
(2) Will the Government abide by the wishes of the industry?
(3) What interest rates does the Treasury charge the Fish Marketing Authority?
(4) Who holds the bond or bonds of this debt?
(5) Has he received requests to take the deputations to the Premier on this issue?
(6) Has the Premier sought your assistance by meeting groups of industry representatives on this issue?

Answer -

(1) 17 March 1992.
(2) The Government is committed to ensuring that the fish markets remain at the present site at Blackwattle Bay, Pyrmont, but believes that the markets should be run by the fishing industry.
(3) Refer to 1993 Annual Report.
(4) This question should be directed to the Treasurer and Minister for the Arts.
(5) No.
(6) No.

DAIRY CORPORATION STAFFING

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

(1) What was the total number of staff employed by the Dairy Corporation in September 1989?
(2) How many of these were appointed on the level of Senior Executive Service?
(3) What level of SES were the appointments?
(4) What is the total number of staff employed by the Dairy Corporation as at 30 June 1993?
(5) How many people are employed in SES positions as at 30 June 1993?
(6) What level of SES are these positions?
(7) Did the Field Officer at Wagga Wagga resign this month?
(8) How many Field Officers will now be available to service the whole of the Riverina, Finley, and Deniliquin dairying areas?
(9) How many Field Officers were available to service this area in 1989?
(10) Is he able to guarantee milk quality as a result of this reduction in quality control and supervision?

Answer -

(1) 189.
(2) Two.
(3) Level 4 - General Manager.
Level 2 - Deputy General Manager.
(4) 130.
(5) Two.
(6) Level 4 - General Manager.
Level 2 - Deputy General Manager.
(7) Yes, 5 November 1993.
(8) One.
(9) Three.
(10) Yes.

AUBURN ELECTORATE ROADWORKS

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) Has the Commonwealth Government funded all major roadworks currently in progress or recently completed in the electorate of Auburn?
(2) (a) If not, which projects are entirely State funded?
(b) What is the total cost of these works?

Answer -

(1) No.
(2) (a) The projects on St Hilliers Road and on Olympic Drive, Lidcombe, to Parramatta Road, Auburn.
(b) $11.5 million.

ADULT MIGRANT EDUCATION SERVICE, WOLLONGONG

Mr Sullivan asked the Minister for Industrial Relations and Employment and Minister for the Status of Women -

(1) Does the Adult Migrant Education Service in Wollongong expect to have to cut the number of full-time teachers in 1994 by seven?
(2) Are these seven teachers presently classified as full-time temporary staff?
(3) How long have each of these seven teachers had in service with the Adult Migrant Education Service?
(4) Does the Adult Migrant Education Service propose to:
(a) Offer displacement counselling to these seven teachers?
(b) Offer employment elsewhere in Adult Migrant Education Service centres in New South Wales?
(5) Will the Adult Migrant Education Service offer redundancy packages to any of these seven teachers since family commitments of these six women and one man may preclude them relocating to other Adult Migrant Education Service centres in New South Wales?
(6) Will the Adult Migrant Education Service be offering redundancy packages to Principals and Assistant Principals (as distinct from ordinary classroom teachers) made redundant in New South Wales?

Answer -

(1) Programs conducted by the Adult Migrant English Service in Wollongong are funded by the Commonwealth Government. In the context of the

1992/93 Federal Budget the Commonwealth Government introduced major changes to access and funding arrangements for Commonwealth Funded Adult English as a second language programs. Under the new arrangements a significant proportion of the Commonwealth funding is subject to tender or submission based processes.
A number of tenders and submission submitted by the Adult Migrant English Service for courses commencing in Wollongong in January/February 1994 have yet to be determined by the relevant Commonwealth Departments. Staffing in 1994 for the Adult Migrant English Service in Wollongong is therefore not yet finalised. If the outstanding tenders/submissions are awarded to the Adult Migrant English Service it is expected that there will be no cut in the number of full time teachers in Wollongong.
(2) Of the full time teachers presently employed within the Adult Migrant English Service in Wollongong 7 are classified as full time temporary teachers.
(3) The 7 full time temporary teachers have, in an equivalent full time year basis, had the following aggregated service with the Adult Migrant English Service:
* 1.8 years;

* 3.8 years;
* 3.9 years;
* 5.7 years;
* 6.7 years;
* 7.0 years;
* 8.2 years.

(4) (a) On the basis of recent advice from the Commonwealth Minister for Immigration and Ethnic Affairs as to 1994 funding for the Adult Migrant English Program it is expected that it will not be necessary to reduce the overall number of full time teachers to be offered employment by the Adult Migrant English Service for the commencement of 1994 programs. It is expected that teachers unable to be retained at their present locations will, in accordance with usual practice, be offered alternative placements in Adult Migrant English Service centres located in the Sydney metropolitan area. The necessity for displacement counselling is therefore not anticipated.

(b) To the extent that the 7 teachers cannot be offered further employment in Wollongong for courses commenced in January/February 1994 they will be offered further employment elsewhere in Adult Migrant English Service centres located in the Sydney metropolitan area.

(5) The redundancy provisions are not options for the 7 teachers who are employed under temporary employment arrangements that are commencing and expiring at nominated dates.

(6) The Adult Migrant English Service has sought expressions of interest in voluntary redundancy from Principals and Assistant Principals, who are permanent Crown Officers. It is anticipated that, to the extent that expressions of interest are received, redundancy packages will be offered.

LIVERPOOL ELECTORATE INDUSTRIAL ACCIDENTS

Mr Anderson asked the Minister for Industrial Relations and Employment and Minister for the Status of Women -

(1) How many accidents causing death or injury have occurred on either industrial or construction sites in the Liverpool Local Government Area in:

(a) 1991/92?

(b) 1992/93?

(c) The financial year to date?

(2) How many inspections of industrial and/or construction sites have been undertaken in the Liverpool Local Government Area in:

(a) 1991/92?

(b) 1992/93?

(c) The financial year to date?

(3) How many breaches of relevant safety legislation have been detected in the Liverpool Local Government Area in:

(a) 1991/92?

(b) 1992/93?

(c) The financial year to date?

(4) How many prosecutions have been commenced, and with what results, for breaches of relevant safety legislation in the Liverpool Local Government Area in:

(a) 1991/92?

(b) 1992/93?

(c) The financial year to date?

(5) (a) In view of three serious accidents occurring in Liverpool in the last month resulting in two deaths and serious injury to another person, will she ensure, as a matter of urgency, that safety laws are enforced by your administration in the Liverpool Local Government Area?

(b) If not, why not?

Answer -

(1) (a) 411;
(b) 416;
(c) 135 to December 1993.

NB: RE(c), injury figures included refer to period 1 July to 30 September 1993, fatality figures included are to 31 December.

(2) (a) 1617 (Does not include figures for December 1991);
(b) 2298;
(c) 920 (to 31 December 1993).

(3) (a) 103 Prohibition and Improvement Notice served;
(b) 186 Prohibition and Improvement Notice served;
(c) 82 Prohibition and Improvement Notice served (to December 1993).

(NB: A PIN Notice may or may not indicate a breach of legislation).

(4) (a) 2 prosecutions, resulting in fines, with costs awarded against defendant;
(b) 4 prosecutions; 2 are ongoing; with 2 resulting in fines with costs awarded against defendant;

(c) Data not available.

(5) (a) Yes;
(b) Not applicable.

THE ENTRANCE ELECTORATE AGRICULTURAL INDUSTRY SUPPORT

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

With regard to the electorate of The Entrance -

(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 since 1990/91, why?

Answer -

NSW Agriculture:

(1) - Agriculture advice is given by the District Horticulturalist (Vegetables) to five commercial vegetable growers in the electorate.
-Information is provided on request and attempts are made to visit each property once per year.
-Advice is given on a request basis to the one commercial poultry farm run by the Salvation Army at Berkeley Vale by the District Livestock Officers (Poultry).
-No commercial fruit or other farms exist in the electorate.
-Home garden enquiries are currently handled by a specialist officer located at the Horticultural Research and Advisory Station (Narara). This is a telephone only service backed up with printed information on topics.

(2) Three - plus backup services of Horticultural Research Station and Biological and Chemical Research Institute, Rydalmere.

(3) No budget projections are made specifically for this electorate. However, the estimate of actual expenditure incurred in providing services in this electorate for the past 3 years is $4000 per annum. This is based on Extension Officers and Enquiries Officers inputs plus motor vehicle operating costs. It is projected that expenditure for 1993/94 will be unchanged.

(4) Same as in previous years.
(5) Not applicable.
While the Gosford Horticultural Research and Advisory Station is located in the electorate of Peats it is estimated 20 per cent of the total staff of 75 live in electorate of The Entrance.

NSW Dairy Corporation:
(1) One district officer provides services to a Milk Distributing Deport, a Dairy Produce Store and 23 vehicle vendors.
(2) One district officer provides 15 per cent of his time to the provision of these services.
(3) The budget expenditure is calculated on 15 per cent of one district officers's salary over the last four years which equates to approximately $5,890 per year.
(a) $5,890;
(b) $5,890;
(c) $5,890;
(d) $6,125 - due to a 4 per cent public service pay increase.
(4) There has been no reduction in the services and facilities provided by the Corporation in the elecltorate of The Entrance since 1990 and there is no intention of reducing the present level of service before the industry is deregulated in July 1998.
(5) There has been no decline in expenditure since 1990/91.

NSW Fisheries:
(1) NSW Fisheries maintains a residence, an office which is attached to the residence and a boatshed/slipway facility at The Entrance.
The residence provides accommodation for the incumbent Fisheries Officer and his family.
The office is the focal point for all enquiries from the commercial fishing industry, all levels of government and the general public. A law enforcement presence as well as an advisory service are provided by the Fisheries Officer using the facilities available both at that office and at the adjoining offices at Toukley and Gosford.
(2) The Entrance office is staffed by one full time District Fisheries Officer. Other staff provide services to this area on a part time basis.
(3) (a) 1990/91
These figures were not available from the Department of Agriculture as financial records for this year have been destroyed.
(b) 1991/92
$11,742 (excluding salary etc.)
(c) 1992/93
$15,000 (excluding salary etc.)
(d) 1993/94
$15,000 (excluding salary etc and based on expenditure for last year and taking into account budget restraints).
(4) No new or additional services or facilities are envisaged during 1993/94 as budget constraints will not permit.
(5) Financial year 1990/91 is not available but there has been a slight increase form 1991/92 to 1992/93 and 1993/94.

Fish Market Authority:
(1) The Fish Marketing Authority operates the Sydney Fish Market at which the catches of licenced professional fishermen are sold.
During the year ended 31 March 1993 the Authority sold 268,226 kg of fish and crustacean to the value of $773,176 on behalf of the Tuggerah District Fishermen's Co-operative Ltd.
(2) Not applicable.

(3) Nil.

(4) Nil.
(4) Nil.
(5) Not applicable.

Coal Compensation Board:
The Coal Compensation Board provides no services or facilities in the electorate of The Entrance.
However, 646 claims for coal compensation have been lodged with the Coal Compensation Board.
The area is outside of any coal mining area but was within an Authorisation (No. 255 - Tuggerah) which was held by Pacific Power but since released. The area was modelled by the Board in 1990/91 and over 90 per cent of the claims received were paid out during the 1991/92 financial year. The claims were all low value claims. The total paid out was approximately $5,000.
During 1992/93 financial year $150 was paid out in compensation.
A total of 6 titles have been restored to claimants.

Department of Mineral Resources:
In so far as the Department of Mineral Resources and the Mine Subsidence Board are concerned details of services available are contained in the annual reports of those organisations. No offices are located in the electorate of The Entrance. Expenditure is not maintained on electorates basis. Collecting the information requested by the honourable member would take a considerable time-the cost of which I am unable to justify.

DAIRY CORPORATION SENIOR MANAGEMENT

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

(1) Has an officer of the Senior Executive Service (SES) of the NSW Dairy Corporation recently taken redundancy?
(2) Was that officer subsequently re-employed as a consultant?
(3) What is the total budget allocation by the NSW Dairy Corporation for senior management salaries?
(4) What percentage of the total budget of NSW Dairy Corporation is allocated to payment of SES salaries?
(5) Will he ask the Public Accounts Committee to investigate the operation and performance of the NSW Dairy Corporation?

Answer -

(1) No.
(2) Not applicable.
(3) $226,280.
(4) 2 per cent.
(5) No.

MOOREBANK ELECTORATE INDUSTRIAL RELATIONS SUPPORT

Mr Knowles asked the Minister for Industrial Relations and Employment and Minister for the Status of Women -

With regard to the electorate of Moorebank -
(1) What services and facilities are provided by agencies which operate within the portfolio area of the Minister for Industrial Relations?
(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 -

Department of Industrial Relations, Employment, Training and Further Education:

(1) The Liverpool Local Office of the Department of Industrial Relations, Employment, Training and Further Education is directly responsible for the provision of services to the electorate of Moorebank.
The services and functions provided include the full range of departmental services.
The Department's Bankstown Local Office and other Sydney local offices also provide support and in some cases additional client services on a request basis.

(2) The Department has an establishment of 18 positions in its Liverpool Office.

(3) It is not possible to identify exact costs for the years prior to 1993/94 as this is prior to the Department's regionalisation program, which was implemented in 1993/94.

(4) Prior to regionalisation the Department's Liverpool Office staff establishment was 4 positions. Following regionalisation in 1993/94 the Liverpool Office has been increased substantially to a staff establishment of 18 positions.

(5) There has been no decline in services to the Department's Liverpool Office since 1990/91. In fact, a significant increase in resources to the electorate of Moorebank and surrounding regions has occurred.

WorkCover:

(1) WorkCover does not have an office or any other facility located within the electorate of Moorebank. The full range of WorkCover inspectorate services are generally available in the electorate, as they are across the State.
The nearest WorkCover offices to the electorate of Moorebank are located at Liverpool and Hurstville.

(2) to (5) None. Services are non specific to the electorate.

URBAN PARKS AGENCY PROGRAM

Mr Sullivan asked the Minister for the Environment -

(1) Will the $5.2 million Urban Parks Agency Program include Newcastle and the Illawarra?

(2) If not, why not?

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(3) Will he undertake to inform the following local councils about this program:
(a) Kiama Council?
(b) Shoalhaven Council?
(c) Wollongong City Council?

Answer -

I am not specifically aware of the particular program to which the honourable member refers. I can only assume that he is referring to the figure of $5.211 million which appears in the 1993/94 budget estimates and which is only relevant to the operating costs of the Centennial Park and Moore Park Trust and the Bicentennial Park Trust.

SYDNEY FESTIVAL AND CARNIVALÉ FUNDING

Ms Allan asked the Treasurer and Minister for the Arts -

(1) How much funding has the Government provided for the Sydney Festival and Carnivalé in 1993 and

1994?
(2) What commitment has been made by the Government for ongoing financial support in 1995?

Answer -

(1) The Government has provided the following amounts:

Department/Authority	1992/93	1993/94
Ministry for the Arts	$1,009,000	$1,009,000
Ethnic Affairs Commission	—	$ 30,000
Sydney Cove Authority	—	$ 150,000
Tourism Commission	—	$ 200,000
Darling Harbour Authority	—	$ 100,000
Total	$1,009,000	$1,489,000

The State Library of New South Wales provided "in kind" assistance in the form of venues and promotion for the 1993 and 1994 festivals.
(2) Government funding for the 1995 Festival will be determined as part of the 1994/95 Budget process.

STATE RECREATION AREAS

Mr Hunter asked the Minister for the Environment -

(1) How many State recreation areas are under National Parks and Wildlife Service administration?
(2) How many of these State recreation areas have trusts?
(3) How many State recreation areas had trusts for each of the past 5 years?

Answer -

(1) There are currently 14 gazetted State recreation areas under the administration of the National Parks and Wildlife Service.
(2) None.
(3) Of the 14 areas under the administration of the service, none have had trusts since 30 June 1992 previous to this, 7 of the areas were administered by trusts.

GEORGES RIVER SANDMINING

Mr Rogan asked the Minister for the Environment -

What is the current position regarding sand mining in the Georges River in the vicinity of the electorate of East Hills?

Answer -

(1) This question falls under the jurisdiction of the Minister for Agriculture and Fisheries and Minister for Mines and should be directed to him.

DENTAL SERVICES, Mr MARK RIGNEY

Mr Crittenden asked the Minister for Health -

Why has Mr Mark Rigney of Berkeley Vale had to wait in excess of 12 months on the Central Coast Area

Health's dental services list to have restorative treatment to his front dentures?

Answer -

Giving consideration to issues relating to clinical confidentiality, individual instances such as this are more appropriately dealt with by personal representations rather than by Questions on Notice.

DENTAL SERVICES, Mr BALK

Mr Crittenden asked the Minister for Health -

(1) Why has Mr Balk of Gorokan been waiting some 18 months for a chromium plate denture?
(2) Why were his parents who applied through Westmead Hospital for denture work processed in just 3 months?

Answer -

(1) & (2)
Giving consideration to issues relating to clinical confidentiality, individual instances such as this are more appropriately dealt with by personal representations rather than by Questions on Notice.

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PIE FILLING STANDARDS

Mr Anderson asked the Minister for Health -

(1) Does the National Food Standards Code require that pie filling contain more than 10 parts per million of the anti-oxidant sulphur dioxide?
(2) Are interstate companies distributing pie filling with a sulphur dioxide level in the vicinity of 200 parts per million, well in excess of the National Food Standards Code?
(3) What action has been taken to enforce the provisions of the Code?
(4) Has a New South Wales distributor in the Liverpool area complied with a notice for approximately 1 year, resulting in a massive loss of business and jeopardising some 10 jobs?
(5) Will he take urgent action to ensure compliance with the Code by all persons either bringing pie filling into New South Wales or distributing any within New South Wales?

Answer -

(1) Pastrycook's filling (or pie filling) is permitted by the Food Standards Code to contain not more than 10 parts per million of sulphur dioxide. Sulphur dioxide is a preservative, not an anti-oxidant.
(2) Some pie fillings from interstate companies have been detected with levels of sulphur dioxide in excess of 200 parts per million.
(3) Enforcement is carried out largely by the Area Health Service Public Health Units by one or more of the following methods:
- (a) investigation of complaints relating to the code from industry or the general public;
- (b) sampling programs where there is a perceived risk to the public;
- (c) giving labelling and food standards advice to industry;
- (d) routine sampling;
- (e) liaising with local councils to assist with enforcement of the National Food Standards Code.

(4) All manufacturers are expected to comply with the National Food Standards Code in New South Wales for the supply of peeled diced apple.
(5) The Council of Australian Food Technology Associations have applied to the National Food Authority to change the National Food Standards Code to permit the addition of sulphur dioxide to

uncooked apple. A draft variation to Standard N1 is currently under consideration.

OUTPATIENT SERVICES

Mrs Lo Po' to ask the Minister for Health -

What are the waiting times and numbers of patients waiting for treatment at each of the outpatient services in New South Wales hospitals?

Answer -

This data is not collected.

AREA HEALTH SERVICE VISITING MEDICAL OFFICERS

Mrs Lo Po' to ask the Minister for Health -

In each Area Health Service in 1992/93:
(1) What amount was paid to VMOs?
(2) What amount was paid to staff specialists?
(3) What was the full-time equivalent number of VMOs?
(4) What was the full-time equivalent number of staff specialists?

Answer -

(1)	Central Sydney	$14.1m
	Northern Sydney	$16.3m
	Southern Sydney	$ 9.3m
	Eastern Sydney	$15.3m
	Western Sydney	$15.5m
	Wentworth	$ 6.9m
	South West Sydney	$15.9m
	Central Coast	$ 4.0m
	Hunter	$ 9.3m
	Illawarra	$ 4.5m
(2)	Central Sydney	$13.3m
	Northern Sydney	$14.8m
	Southern Sydney	$ 7.3m
	Eastern Sydney	$19.8m
	Western Sydney	$16.4m
	Wentworth	$ 2.0m
	South West Sydney	$ 7.2m
	Central Coast	$ 3.2m
	Hunter	$11.7m
	Illawarra	$ 3.4m

(3) There is no measure of FTE for VMOs. Their utilisation is measured in hours - ordinary hours, on call hours, call back hours and other hours.

	Ordinary	On Call	Call Back	Other
Central Sydney	74,222	187,198	5,627	163
Northern Sydney	81,802	355,947	10,244	0
Southern Sydney	43,686	210,937	7,250	0
Eastern Sydney	88,249	281,419	6,521	0
Western Sydney	81,688	284,440	9,003	2,486
Wentworth	33,042	129,760	7,960	0
South West Sydney	76,464	292,803	13,185	0
Central Coast	27,099	43,363	2,846	0
Hunter	50,159	184,913	6,461	13
Illawarra	23,931	59,937	4,513	92

(4)

Central Sydney	121.6
Northern Sydney	175.8
Southern Sydney	72.7
Eastern Sydney	221.8
Western Sydney	152.0
Wentworth	20.6
South West Sydney	69.2
Central Coast	29.3
Hunter	118.1
Illawarra	36.2