LEGISLATIVE ASSEMBLY

Thursday, 14 April 1994

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

Mr Speaker offered the Prayer.

HOSPITAL DEVELOPMENT PROJECTS REVIEW BILL

Second Reading

Debate resumed from 17 March.

Mr HATTON (South Coast) [9.0]: The Government, in introducing the forerunner to this bill, gave an undertaking of "a limit of three further projects to be developed or examined for the viability of the private sector involvement over the course of the current term of office". This falls far short of the original goal of $1.5 billion worth of privatisation of public hospitals in New South Wales. Because this bill is in many ways identical to the Government's original bill, I quote from the second reading speech of the Minister for Health in introducing that bill on 11 March 1993, when he said:

> . . . there is a need for a process - one that is transparent, open to scrutiny and clear for all to understand; one that sets out guidelines to be followed, so that everyone with an interest in the process - to let the Government, the Parliament, the communities who will ultimately benefit from this policy initiative, and the contractors and private sector operators associated with any specific project know what the process is and where a development stands at any stage.

He continued:

> It was clear towards the end of last year that the honourable member for Manly had an interest in this area. He also wanted to see a process established that would open up a proposal to the scrutiny of the Public Accounts Committee. I have no argument with that. I am perfectly happy to be accountable to the Parliament in this regard.

The Minister explained the purpose of his bill, which is identical in some respects to the bill before the House, by saying:

> Very simply, the bill provides that a draft proposal for a hospital project with the participation of the private sector - which is aimed at delivering public health services - will be referred to the Public Accounts Committee for review. This reference would occur before expressions of interest are called for the project. The Public Accounts Committee reviews the proposal, then reports to Parliament. The Legislative Assembly then considers the committee's report, and Parliament has the opportunity at this stage of debating the proposal if honourable members wish.

However, absent from his bill - but a vital part of this bill - is a provision that the Parliament will decide whether the privatisation goes ahead. The Minister continued:

The bill further provides that the Minister make a final detailed report to the committee before entering into any agreement for such a project. In making the final report, the Minister must address any recommendations made by the committee.

Later, he said:

It allows for the accountability that the honourable member for South Coast was attempting to achieve with his private member's bill.

I want to make it clear that I am in complete agreement with the passages I have read from the Minister's second reading speech of 11 March 1993. However, the Minister and the Government would not agree to an amendment that would have given Parliament sanction over privatisation of public hospitals. I am not talking about privatisation of services. Some services obviously can, are, and should be privatised; for example, I am concerned by the excess profiteering that occurs because some private groups in the X-ray business take too many X-rays, and thereby expose patients to unnecessary radiation. Such groups make unnecessary profits. I also have concerns. Because the amendment that would have given Parliament the right to sanction privatisation of public hospitals was likely to be carried - a matter near to the public heart - the Government withdrew the bill.

Effectively, I have reintroduced the same bill but incorporating a provision that will require Parliament to agree to any proposal to privatise a public hospital. This bill is intended to ensure scrutiny by the Public Accounts Committee; accountability to Parliament; and, through scrutiny by the Parliament, accountability to the people of New South Wales, in order to protect assets owned by the people and vital health services to the people. I now turn to the provisions of the bill. Because many aspects of this bill are identical to those of the Government's original bill, I agree with statements of the Minister for Health who, on 11 March 1993, in his second reading speech stated:

Under the bill, the Minister for Health is required to refer any such proposed project to the Public Accounts Committee, which is to review the proposed project and report to the Legislative Assembly.

Clause 4 defines health services and other terms used in the proposed Act. A public patient within the meaning of the relevant Commonwealth legislation is an inpatient in respect of whom a hospital provides comprehensive care, including all necessary medical, nursing and diagnostic services. Clause 5 describes the kinds of projects - called hospital development projects - to which the proposed Act applies. Such a project involves a proposal that a private person or persons will, under an agreement or agreements with the Government or a public hospital authority, develop and operate a private hospital for the purpose of providing health services to public patients at the private hospital.

Clause 6 requires the Minister, before expressions of interest are invited from the private sector in relation to a hospital development project, to cause a document containing sufficient detail to enable the Public Accounts Committee to conduct a proper review of the project to be referred to that committee. What we are talking about is a procurement feasibility study that sets out a review of the options available for a development that will meet the projected health care demands for the community, or the catchment area, that the new hospital will serve.

This procurement feasibility study outlines the range of services that will be required at the new hospital, and will review the options of constructing a new facility, refurbishing an existing facility, transferring the services to another location, or contracting with the private sector to deliver the services. The various options are defined, and financial appraisals are set out for them all. The Public Accounts Committee will be able to examine the procurement feasibility study before expressions of interest are called. The procurement feasibility study includes the department's recommendation on which option appears to be the most appropriate, and if that option involves contracting a private sector operator to deliver the services, it

is subject to the process set out in this bill.

The procurement feasibility study is required to comply with established Treasury procedures as set out in the principles and procedures to be followed in preparing an economic appraisal of capital works and the guidelines for private sector participation in infrastructure provision. The document itself may be anywhere between 30 to 100 pages, and if the recommendation is for a services contract model, or some other model involving the private sector, it would outline what sort of model is recommended, what type of private operator is envisaged, and what sort of financial structure is proposed. Ample detail -

And I interpose my own word here, "must":

- be provided to the Public Accounts Committee for its consideration.

Clause 7 provides that the Public Accounts Committee is to review any hospital development project referred to it and report to the Legislative Assembly on the project within 60 days after receiving the document specified in Clause 6.

We have come a long way since the first steps were taken by this Government towards hospital privatisation. I compliment my parliamentary Independent colleagues and, in particular, the honourable member for Manly who pushed so hard for accountability at the Public Accounts Committee level. I was unhappy with the process pertaining at that time; I am still unhappy with that process. We were not shown the last set of figures. I am a lot happier with the report of the Public Accounts Committee on infrastructure. That report makes recommendations which, if adopted, would tighten up a lot of the procedures in regard to commercial in confidence and openness of the process. The Minister continued:

Clause 8 provides that any agreement in relation to a hospital development project is not to be entered into unless the project has been reviewed by the Public Accounts Committee within 60 days and until after the Legislative Assembly has considered the committee's report or 14 sitting days have elapsed. It is intended that during this 14-day period a member, if he or she so wished, could put a substantive motion to be considered or debated by this House. The Minister is then required to make a final detailed report back to the committee on the progress of the project before entering into any such agreement. In making the final detailed report the Minister must address any recommendations made by the committee in relation to the project and the financial feasibility of the project.

Clause 9 of this bill differs from the Government's original bill in that it will prevent a hospital development project from proceeding unless it has been authorised by both Houses of Parliament. Clause 10 declares that the proposed Act has effect, regardless of the terms of any agreement entered into after the Act commences. Clause 11 provides that the proposed Act will bind the Crown, which, as honourable members are aware, under the Interpretation Act 1987, means the Crown in right of New South Wales. Clause 12 will enable the Governor to make regulations for the purposes of the proposed Act.

Clause 13 will require the Minister to carry out a review of the proposed Act after five years and to table in each House of Parliament within 12 months after the end of the five-year period, a report of the outcome of that review. This will ensure that the whole process is reviewed and that the effects of the joint sector developments are reviewed by this House. They are the provisions of the bill. I sincerely hope that this bill will be carried by both Houses of Parliament. I reiterate that hospitals are public property and members of the public, through their representatives in Parliament, should have an opportunity to decide whether hospitals are or are not privatised. I commend the bill.

Debate adjourned on motion by Mr Phillips.

INDUSTRIAL RELATIONS (CONTRACTS OF CARRIAGE) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr NAGLE (Auburn) [9.17]: I move:

That this bill be now read a second time.

This bill was prepared and introduced with the assistance of the member for Parramatta, Andrew Ziolkowski, recently deceased, and I acknowledge his role. The aim of the bill is to provide for the payment of compensation in respect of the termination of certain contracts of carriage, if it is fair and equitable to do so, and the method of determining such compensation. In other words, its aim is to compensate contract carriers, otherwise known as lorry owner drivers - LODs. I refer the House to, and rely upon, the second reading speech of 20 May 1993 on the Contracts of Carriage (Amendment) Bill, and the speech I delivered in this Chamber on Thursday, 3 March. Those speeches indicate why this bill is necessary.

The bill will protect 15,000 families and save them from financially induced disintegration. Since 30 May 1993, the Pioneer disputes that created the urgent need for the previous bill have been settled. This was achieved through mediation under the auspices of Sir Laurence Street, and with the assistance of the Transport Workers Union, the representatives of the lorry owner drivers and Pioneer. The latter should be, and is, congratulated for its foresight in resolving this particular dispute. The dispute could not have been negotiated had this House not passed the previous bill. The result was for some drivers a five by five year contract; for others an eight by eight year contract; and for others a 10 by 10 year contract if they purchased a new vehicles.

Those men are making a living and saving their homes. However, other companies in the concrete industry - such as CSR, Readymix Concrete, Metromix Concrete and Hymix Concrete - have done a little to resolve disputes, but not enough. In 1984, 33 lorry owner drivers went to their usual place of employment at the Egg Corporation premises at Lidcombe. When they arrived, they found that their contracts had been sold to Thomas Nationwide Transport Ltd. The LODs were lined up and told, "If you do not go to TNT, there are 33 trucks outside this yard from TNT just waiting to take your jobs". For the next five years those LODs worked for TNT. The Egg Corporation has been mentioned in this Parliament on many occasions, yet is still a problem. Why?

Mr Cross, Mr Fincunane and Mr Davey took separate legal action. Total legal costs would have amounted to about $300,000. This is close to the amount that these men wanted in order to leave the industry. A legal battle ensued. Mr Cross and Mr Fincunane were successful and compensation was paid, but Mr Davey lost. When Mr Davey arrived at the Industrial Commission with his one junior barrister he was met by TNT's Queen's Counsel and two junior barristers, the Egg Corporation's Q.C. and one junior barrister, as well as a host of legal support solicitors and others. Needless to say, Mr Davey lost his battle in the court. He received a bill for about $160,000 for the other side and $30,000 for himself, totalling $190,000. How can people afford such expensive legal battles? The answer is that they cannot. That is why this legislation is sorely needed.

The Davey tragedy does not end there. Mrs Davey developed cancer. The stress of the legal battle, the subsequent defeat and the legal costs hastened the spread of the cancer and she died at the age of 48. The whole family is bitter. Mr Davey will never get over what happened to him and his family. The Pioneer case, which is all but settled, cost $4.2 million, which is $400,000 over the amount that Pioneer paid to those LODs who had to leave the industry. Recently I and other members of Parliament met with the wives of some of the LODs at a restaurant in Auburn. At the end of the meal some of the wives asked whether they could take home the leftovers for their husbands because they had not been out to a restaurant for many months. That is the tragedy of a goodwill system in an affluent society.

This tragedy has to end. This legislation will end it either by the payment of compensation or by the

provision of long-term workable contracts. Yesterday I received a telephone call from an LOD who worked for a big transport company for six years. Before that he worked as an employee for that same company for six years. He has now been dismissed and, more likely than not, he will lose his home if this legislation does not go through the Parliament. This bill aims to compensate lorry owner drivers who purchase goodwill, which is an integral part of the culture, custom and or general practice in the transport industry. The differences between the old and the new bills are as follows. First, the definition of "principal contractor" will be widened to include the previous principal contractor as a respondent, as requested by some elements of the transport industry. Second, the definition of "termination" will be widened to include a reduction in work which results in drivers being starved out of the industry.

Third, goodwill will be extended to include drivers where the goodwill system was used in the transport yard in the sale of trucks and they did not purchase a truck with goodwill. Fourth, the arbitration panel will no longer need to have a barrister as chairman. Instead, it will have a presidential member of the Industrial Relations Commission of New South Wales. Fifth, the new bill will allow flexibility in entering into enterprise agreements and will do away with the goodwill system. Sixth, under the old bill there were limitations on appeals. Now one can appeal on a question of law. Seventh, in frivolous or vexatious claims costs will have to be borne by the applicant.

Eighth, the retrospective period of the legislation will be reduced from the original five years to a period commencing on 1 December 1990. If this bill is proclaimed tomorrow that will represent a three-year period. Goodwill is the sum of money paid over and above the purchase price of a motor lorry. In effect, goodwill is the premium paid by the purchaser so he can enter the yard of a transport company to perform the duties of a contract of carriage. The definition of goodwill brings those who may be entitled to compensation into a system of mediation and arbitration and not mitigation.

The bill reflects discussions with the transport industry, the Transport Workers Union and the LODs. Proposed new section 697A will widen the definition of "termination" to include those companies that starve their LODs of work and into submission and by this action effectively terminate the services of those LODs. Some transport companies were starving their drivers of work prior to the bill being introduced in 1993. They demanded their LODs appear each day even though they did not supply and did not intend to supply their men with work. The best example of the problem is the company Hymix. It directed its 33 lorry owner drivers to appear at its Ryde plant and some of its other plants at 6.30 a.m. five days a week, but the company did not guarantee any work. However, if LODs did not appear they were threatened with being sacked.

During 1993 the company would give one or two jobs a week to some drivers, which was just enough to pay registration and fuel, if that. Because of the 1993 bill, the transport company resolved not to terminate its LODs but to starve them of work, thus effectively terminating them. Proposed new section 697B defines who can bring an action against the principal contractor and the necessary prerequisite for an application. No LOD can bring an action unless he has been terminated. Proposed new section 697C brings the previous principal contractor into the net of compensation. It was pointed out by one large

transport company that it had obtained a contract from a previous principal contractor. As a consequence of that contract it had taken over the fleet of the previous principal contractor. Under this legislation the companies would be liable for the entire period of goodwill compensation, instead of a portion of it.

The transport companies say that it would be unfair and inequitable for them to have to pay full compensation for goodwill from which a previous principal contractor had benefited. The Opposition believes that that is a just criticism. This clause will now enable the contract carrier to take action after termination against the principal contractor and or the previous principal contractor. It will also enable the principal contractor to join the previous principal contractor for contribution to the compensation payable. Proposed new section 697B deals with the circumstances in which compensation may be claimed. In particular subclause (3) deals with those people who may not have paid goodwill because of their involvement 20 to 30 years previously when they entered the industry, yet they are entitled to make an application. They worked in the industry in the expectation that they would be able to use the goodwill system as a way of selling their vehicles, using the

proceeds as their superannuation. Indeed, transport companies encouraged this concept for their own benefit.

Proposed new section 697D deals with the actual method of arbitrating the claim. An LOD must make a claim within one year of the proclamation of the legislation subject to proposed new section 697O, or they are for ever barred from an action. Moreover, subclause (2) deals with the three steps that are to be taken. First, LODs must lodge a claim with the principal contractor. Second, they must then attempt to mediate the dispute with the principal contractor and or the previous principal contractor. Third, if any other legal proceedings are pending a party must provide a written undertaking that those proceedings will be withdrawn or discontinued before the arbitration commences. This step does not stop a mediation from ensuing before arbitration commences, even though legal proceedings are still pending. It is also not necessary to have the arbitration heard within a year after termination, but it is necessary to make the application and to attempt mediation within one year.

Proposed new section 697E deals with the constitution of the arbitration panel. There were concerns under the previous legislation as to a barrister on the panel sitting as a chairman. This may be correct. However, the Opposition cannot see any compelling reason why a union official should not sit on a panel of three to determine a dispute. Some companies said it was all right to have their own representative or a representative from their association on the panel, but not a representative of the trade union movement. Members of the Transport Workers Union should sit on the arbitration panel because those who sit on that panel do not appear as representatives of their respective interests but by virtue of part 5 of the Industrial Relations Act. Their responsibility is to act impartially and honestly. I have no doubt that all three representatives will so act.

Paragraph (c) of proposed new section 697E(1) deals with a presidential member of the Industrial Commission sitting as chairman. This will alleviate the fear of the transport industry of having a barrister as chairman. Proposed new section 697F, paragraphs (1) and (2), are procedural in nature and will determine whether it is fair and equitable for compensation to be paid and, if so, the amount of compensation to be paid. Paragraph (3) will enable apportionment between the principal contractor and the previous principal contractor. The arbitration panel may decline to deal with a dispute if it has been previously dealt with by another tribunal. Proposed new section 697G deals with matters to be taken into account by the arbitration panel when determining the amount of compensation to be paid. Paragraph (g) deals with the principal contractor's willingness to continue a flow of work at reasonable rates of pay as an enterprise agreement. Paragraph (l) deals with the concern of transport companies concerning dishonesty and the serious and wilful misconduct of its LODs. This paragraph adequately covers their concern.

Proposed new section 697H states that, if the union representative and the industry representative cannot agree as to the amount to be paid, it will be determined by the presidential member. Proposed new section 697I states that this part shall not vary an industrial award or agreement between a principal contractor, its association and the Transport Workers Union. Proposed new section 697J deals with the right of appeal on a question of law to the full Industrial Court as there was no effective appeal mechanism in the previous bill. The Opposition agreed to this proposal because of the concern of the transport industry about its rights of appeal. Proposed new section 697L deals with deceased estates and the right of succession. Proposed new section 697M(3) will refer to the arbitration panel the task of determining whether the contract of settlement was entered into freely and was an agreement which was fair and reasonable in all circumstances. The panel will be able to set aside an agreement and proceed to hear and determine any application under part 5A of the Act.

The problem referred to in proposed new section 697M(3) arose as a result of the Hymix case which occurred on 23 December 1993. After a year of starvation of work 33 lorry owner drivers employed by Hymix were called in and told, "There is $12,500 cash and a contract you must sign. If you sign the contract you get the money - one in, all in; one out, all out". The drivers were forced, through duress and desperation, to enter into this agreement. The contract of settlement had two clauses, namely, that the drivers should sign the contract of their own volition and should not be placed under any duress. However, honourable members should note that the contract was signed and the money was handed to LODs on 23 December - 1½ days before Christmas. Moreover, Hymix knew that those people needed the money and that at least four were expecting to

receive foreclosure notices on their homes.

One has only to hear what the wives of these LODs have to say to become aware of the ruthless and scrooge-like attitude of companies like Hymix and the extent to which large companies will go in

stamping on the little bloke. Proposed new section 697O will change the 1993 Act to enable any LOD to make a claim within a five-year period retrospective from the date of proclamation. This legislation covers a six-year period. The new retrospective period for this bill will be 1 December 1990. But if for some valid reason there is a claim after 1 December 1989 it can be heard if, in the opinion of the panel - and taking into account all the circumstances of the case - it should be heard. This bill is essential to 15,000 families and to their financial and marital welfare. If, through one ounce of indifference, we allow these families to disintegrate financially because this legislation dies, I believe we have abrogated our responsibilities as members of Parliament. The financial, physical and mental misery that the goodwill system has caused is such that eventually the Parliament would be forced to act.

In a meeting with the transport industry I asked it to resolve the goodwill dispute itself, but it seems unable or unwilling to do so. The LODs have right on their side. It is easy to do justice, it is hard to do right. If the bill reflected everything the LODs wanted and disregarded the transport companies which have to pay, the LODs would say that justice was done, and the transport companies would say that no justice was done. This legislation does right and I say to all honourable members of this House: let right be done. I commend the bill to the House.

Debate adjourned on motion by Mr Phillips.

MOONEE BEACH NATURE RESERVE BILL

Message

Message sent to the Legislative Council requesting that the Moonee Beach Nature Reserve 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.

CONSUMER CLAIMS TRIBUNALS (FEES) AMENDMENT BILL

Second Reading

Debate resumed from 17 March.

Mr O'DOHERTY (Ku-ring-gai) [9.31]: I appreciate the reasons that have caused the honourable member for Mount Druitt to introduce this bill and his motives for doing so. Like all of us he is concerned about the impact that the things that we as legislators do will have on the people we are trying to help. For a period there was a downturn in the number of people who were lodging claims before the Consumer Claims Tribunal, but I think that since the honourable member introduced his bill, subsequent events in the economy and the experience of the Consumer Claims Tribunal this year have shown that the legislation is no longer necessary and was probably based on a false premise.

Mr Amery: Based on one month's figures!

Mr O'DOHERTY: The honourable member opposite interjects with the amazing foresight that the argument I am about to develop is based on one month's figures. Let us look at the latest figures and then I will take my argument back a couple of months and we will see whether the honourable member is right. The latest figures for claims lodged at the Consumer Claims Tribunal are for March and they became available recently. I

have the benefit of having received a memorandum from the Minister about the number of claims made in March. The number of claims lodged with the Consumer Claims Tribunal in March was 545. How do we judge that? For example, in March 1993, the comparative period 12 months before, the number of claims lodged was 449. Comparing month to month - that is March to March across the 12 months - there is clearly a sharp increase in the number of people who lodged claims. That accounts for some of the seasonal factors.

It is also the highest monthly level since the fee was increased. That increase has been taking place throughout the course of this year and going back as far as November last year. The figures for November and December 1993 and January and February this year - sometimes slow months - were each higher than for the equivalent months of the 1992-93 financial year. It is not just one month's figures, as the honourable member for Mount Druitt said. This is the picture: the increase represents an economy that has started to pick up. Consumers have started to become more confident about the economy, about increased consumer activity and, perhaps, as a result of an increase in consumer activity, have made an increasing number of complaints about retailers and others. As the economy and activity in the sector have picked up, so has the number of complaints made to the Consumer Claims Tribunal.

It might be too early to tell whether that upward trend will continue, but it is a trend that has continued since November last year and it is becoming a trend that is hard to ignore. It is more than one month. These figures are important because the honourable member for Mount Druitt has said - and it is the reason we are debating this bill - that the increases in fees for the Consumer Claims Tribunal are so onerous that they are preventing people from lodging claims. If that is the case, if people cannot afford to make claims, why have increasing numbers of people been lodging claims since November 1993? Furthermore, why does that increase coincide with the upturn in the economy and the slight increase in consumer-sentiment figures? The reason seems to be that there is a nexus between economic activity, consumer confidence and the number of claims presented before the Consumer Claims Tribunal.

When the honourable member introduced the bill after the increase in fees he said, "There has been a sharp decrease in the number of people lodging claims. The increase of fees by $5 is so heavy that it will stop everyone from getting justice". At the time those figures were probably reflective of the fact that the economy was in downturn and there was less

activity and for that reason fewer people were making claims. He cannot produce any evidence that that is not the case. To some degree we are speculating, but it is reasonable speculation based on the figures. If a person has a complaint against a manufacturer, a retailer, or whomever, will the $40 fee be so onerous as to stop that person from making a complaint? For 545 people in March 1994 it was not onerous enough to stop them. Since November, thousands of people have lodged claims. It has not stopped them either. But what about people who genuinely cannot afford the $40 to lodge a complaint. If one is an eligible pensioner or a student, a $5 concession fee applies. Today the gallery is full of students. I am not sure which school they are from, but perhaps one of the clerks would be able to tell me.

[*Interruption from gallery*]

I cannot hear what you are saying. I know it is out of order to say that.

Mr SPEAKER: Order! The honourable member for Ku-ring-gai is totally out of order in what he is saying. He will come back to the ambit of the bill.

Mr O'DOHERTY: If students in the gallery want to submit a claim to the Consumer Claims Tribunal a $5 concession fee applies, as it does to eligible pensioners. If they have a complaint about a manufacturer or retailer because they have bought something that does not work and the dispute cannot be resolved with the retailer, for $5 they can lodge a complaint with the Consumer Claims Tribunal. I would suggest that is not too onerous a fee, but the honourable member opposite is trying to suggest that it is. The $5 concession fee is paid by approximately 20 per cent of those who lodge claims. The remaining 80 per cent pay a fee of $40 unless they are seriously disadvantaged. For example, in claims before the Building Disputes Tribunal seriously

disadvantaged people can apply to the registrar and the fee can be waived entirely.

For the information of the students from St Ursula's College those are the facts. It is good to see students in the gallery today, and to see that they are interested in the debate and actively involved in democracy. These fees compare well with other jurisdictions. For example, how much does it cost to lodge a claim in the small claims division of the Local Court? Does anyone know the answer to that? It costs $45, which is $5 more than it costs to lodge a claim with the Consumer Claims Tribunal. It is a bargain. The monetary jurisdiction of the tribunal is $3,000; that is claims must relate to matters up to the value of $3,000. The jurisdiction of the Consumer Claims Tribunal is $10,000 for general claims and up to $25,000 for building claims. So those costs are comparable with and slightly better than other jurisdictions.

Other costs are associated with going to court that are not encountered by consumers who choose to approach the tribunals. I am sure the students from St Ursula's College would realise that going to court is a lengthy process, more lengthy than it need be. It is often a complex process, more complex than it need be, and is often a very difficult process which sometimes stops people receiving justice. The Government recognises that and is working very hard to reform the legal system. The Consumer Claims Tribunal is a tribunal court system that does not suffer from any of those problems. It is not as complex, the costs are not the same, legal counsel is generally not involved, disputes are settled in a far more amicable fashion with complaints talked out between the complainant - say the students now present - and the retailer, so that a resolution can be reached without going through lengthy legal debate and without having onerous court costs applied, and so on.

It is a cheap and effective form of justice. The $40 fee is a reasonably priced form of justice. To have this Parliament reset the fees as proposed in the bill which was introduced by the honourable member for Mount Druitt last year, is simply not warranted. One might say that it is a good thing to reduce fees. Of course it is a good thing to keep fees as low as possible but there are financial costs associated with running the tribunal. This Government recognises, the community broadly needs to recognise, and honourable members opposite would do well to recognise, that at the end of the day someone has to pay for the costs of running a system such as the tribunal. Someone has to pay; nothing is free.

Earlier this week at a public meeting someone suggested to me that the Government should print more money in order to pay for the things that it wants to do. It would if it could. That has enormous implications across the entire country. Certainly State governments cannot print money and Federal governments should not. The Government believes that $40 is a reasonable yet necessary fee to cover some of the costs of running the tribunals which provide a quick, cheap, informal and final resolution of consumer and building claims. Presently 6 per cent of running costs are recovered by the fees. Certainly the fees do not cover anywhere near the majority of the costs.

Mr Amery: Therefore it is not an issue.

Mr O'DOHERTY: Of course it is an issue. To reduce the fees in the way suggested by the honourable member for Mount Druitt would bring recovery costs down to an even lower percentage. If the honourable member for Mount Druitt argues that it is not a factor, he needs to be careful.

Mr Amery: You said it costs 6 per cent.

Mr O'DOHERTY: Yes, but that will lead the honourable member for Mount Druitt to the conclusion that I am sure he does not want to reach, which is that the fees should increase and that there should be full cost recovery. No one is suggesting that, certainly not the Government. I would be interested to hear whether the honourable member for Mount Druitt thinks that that is an answer to the problem. If the scale of fees proposed by this bill is adopted, cost recovery will be only 2.8 per cent.

Less than 3 per cent of what it costs to run the tribunal would be recovered. Revenue would be reduced by $100,000. Real financial implications would follow a reduction in the fees in the way suggested by the honourable member for Mount Druitt, and in the bill.

The Government has no intention of imposing a user-pays system on the tribunal. The honourable member may argue himself into a corner one day if he is not careful. I caution him and give him some gratuitous advice, which I am sure he does not need. In summary it is important that people have access to these tribunals. They have become a very important part of consumer law in New South Wales. Students such as those from St Ursula's and their parents may seek access to the Building Claims Tribunal and it is important that the cost is not onerous, that they have access to cheap, efficient and final justice. The question the House is discussing today is: how much will access to that justice cost? The Government has set the fee at $40, bearing in mind some of the costs associated with running the tribunals. The number of people who are making claims to the tribunals has been increasing since November which clearly demonstrates that the new $40 fee is not stopping people from making claims. People are coming back to the Building Claims Tribunal in droves which reflects the increased consumer confidence in the economy.

Mr Amery: What if the claim is only $40?

Mr O'DOHERTY: The honourable member's primary argument is that the fee is stopping people from having access to the system. The figures show it is not stopping access to the system. The bill was introduced in very different circumstances last year when the number of complaints was quite different. The bill has had its day. It has had its time. It is no longer necessary. The House would do well to recognise that it should reject the bill proposed by the honourable member for Mount Druitt and allow the tribunal to get on with the good job it is doing of protecting the rights of consumers.

Mr RIXON (Lismore) [9.46]: The Consumer Claims Tribunals (Fees) Amendment Bill as put forward by the Opposition is simply not a good idea at all. The Opposition proposes that the Consumer Claims Tribunals Act 1987 be amended to include a scaled fee schedule and to extend the concessional fees to holders of the Seniors Card. The proposed scale of fees is $10 for claims less than $2,000; $20 for claims of $2,000 or more but less than $4,000; $30 for claims of $4,000 or more but less than $6,000; $40 for claims of $6,000 or more but less than $10,000; with a $2 concessional fee for claims of less than $6,000 and a $5 concessional fee for claims of $6,000 or more but not more than $10,000.

The Consumer Claims Tribunals Act sets up tribunals to which consumers, including small businesses and incorporated associations, may bring claims of up to $10,000 in cash and or performance of service. Their ongoing aim is to offer a low cost, informal, speedy and easily accessible forum to resolve disputes about goods and services for a one-off fee. Disputes which may be heard before the tribunals relate to such issues as faulty goods, professional and trade services, general insurance claims and disputes with utilities. The Building Disputes Tribunal, which began operating in 1991, provides a complementary service to dispute resolution mechanisms offered by the Building Services Corporation. Its monetary jurisdiction is $25,000.

Under the present Consumer Claims Tribunals Act the fee schedule for filing a tribunal claim is set by regulation. The regulation was amended and a new fee schedule commenced on 1 August 1992. The fee rose from $10 to $40 for a standard claim. The cost for a disadvantaged person rose from $2 to $5. At the same time the monetary jurisdiction of the tribunals was increased from $6,000 to $10,000. The Building Disputes Tribunal is run in tandem with the CCTs. Its fee is a flat $100. In general the claims it handles are longer and more complex and thus cost more to process. The Building Disputes Tribunal has legislative links with the Building Services Corporation and any revision of its operations awaits final decisions about the future of the Building Services Corporation. On 29 October 1992 the honourable member for Mount Druitt moved a motion disallowing the fee amendment. That motion did not succeed.

The honourable member for Mount Druitt claims that the 1992 fee rise has deterred people wishing to make claims for small amounts. While there has been a drop in claims since the regulation was amended, the decrease has affected claims at all levels, not just those for lower amounts. There could be other reasons for the claims decrease which are mirrored in a lower incidence of complaints of other types to the Department of Consumer Affairs during 1992-93. Lower levels of transaction and exercise of greater caution by buyers because of the economic climate are believed to have had an impact. The tribunals received very few

complaints following the fee rise. The trend to lower claims intake has recently been reversed. During November and December 1993 and January and February 1994 the intake was higher than for the equivalent months in 1992 and 1993. The figures for February show the greatest increase: in 1993 the intake was 363; in 1994 it was 508, the highest monthly rate since the fee increase.

Despite the $100 fee there has been a steady increase in claims to the Building Dispute Tribunal since it commenced operation. Concessional fees have been available to pensioners and students since 1982. In addition, fees can be waived on application to the registrar - a quick and simple process. The tribunals were not set up to recover cost but they need to raise some income. Treasury now allows the tribunals to retain fee income, although there is no immediate expectation that the service be fully self-supporting. If the scale of fees proposed in the bill were adopted revenue would be decreased by $100,000.

The honourable member for Mount Druitt also wants to include possession of the Seniors Card as a ground for paying the concessional fee. The Seniors Card is an administrative arrangement sponsored by the Government for all people over 60 years of age. People over 60 are not necessarily disadvantaged. The needs of the disadvantaged are already well served. If Mr Kerry Packer retires at over 60 years of age he will be eligible for a Seniors Card. Does the honourable member for Mount Druitt really think Mr Packer will need that concession? There are many people who have a Seniors Card but who are quite well-off. Does the honourable member want to give that concession to all people over 60 years of age?

There is little point in comparing the New South Wales situation with other States because of the wide variation in practices from State to State. Most States are reviewing their fee structures in line with government directives for greater cost recovery by their instrumentalities. Some States deal with small claims through the court system, while others have a separate tribunal system. The costs for filing the fee, for the service fee and for obtaining a judgment in the Local Court to enforce claims are as follows: for amounts up to $300, the fee is $77; for amounts between $301 and $2,000, the fee is $347; for amounts between $2,001 and $6,000, the fee is $720.

Mr SPEAKER: Order! The honourable member for Mount Druitt will have the right of reply.

Mr RIXON: In the $6,001 to $10,000 bracket, the fee is $863. Honourable members should compare the court fee with the Consumer Claims Tribunal fee: $40 for claims up to $10,000, compared with up to $863 in the courts; $100 for building cases up to $25,000; and $5 for pensioners and those who have some sort of a concession. Some other issues need to be understood. Why are companies limited by guarantee allowed to go to the tribunal? Some community, sporting and social groups have this type of legal status. Like incorporated associations, it was felt that they should have access to the tribunals. This amendment was passed by Parliament in 1992.

Why should businesses have access to tribunals? Exempt proprietary companies were given access to the tribunals when the then Labor Government introduced the Consumer Claims Tribunal Act in 1987. It recognised that small business had interests similar to consumers when it came to small claims. The sorts of claims made by small business relate to the purchase of office equipment, computers, motor vehicles, and services supplied with leased premises such as faulty air-conditioning. Complaints by business are a small proportion of total claims.

The consumer claims 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. The Building Disputes Tribunal began operation in 1991 to provide a similar service with respect to building claims. In 1974 the fee to lodge a consumer claim was $2. In 1982, under the then Labor Government, the fee rose to $10, and a $2 fee for eligible pensioners and students was introduced. In 1992 the fees rose again to $40 and $5 respectively. The honourable member for Mount Druitt has made a lot of fuss about the percentage increase between 1982 and 1992, but it is clear that this merely repeated a pattern set by the previous Labor Government.

The fee for a building claim is, and always has been, $100. This has not prevented an increasing number of people from using the Building Disputes Tribunal's services. In 1991 there were 646 claims; in 1992, 860; and in 1993, 989. The stated objective of this bill is to restore access to consumer claims tribunals for consumers seeking redress or resolution of matters involving small amounts of money and for other purposes. It does not stack up. Let us look at the issue. Consumers are already very well protected. The Opposition's bill will do nothing to improve the situation; in fact, it will only complicate the position. I am rather disappointed at the way in which the Opposition is approaching the issue.

The Opposition seems determined to ignore the fact that taxpayers of New South Wales have to pay for this service. It is an excellent service, and over the years members on both sides of the House have supported its continuation. Nevertheless, if those who use the service were forced to pay the full cost there would be many who would not have access. The Government has not set a fee which recovers the full cost of the tribunals; it has set a fee which goes some way towards cost recovery, while remaining in the reach of the ordinary consumer. The schedule of fees imposed by this bill is simply unrealistic, particularly in relation to building claims. Such claims are particularly complex and difficult to deal with.

The Government opposes the bill and does not accept the contention of the shadow minister for consumer affairs that consumers are being denied access to low-cost dispute resolution procedures. The cost of a day before the Consumer Claims Tribunal is still substantially cheaper than the cost of a day in court, when one takes into account the initial filing fee as well as the cost of legal assistance and court procedures which lengthen the time that might be taken to finalise a matter. The present fee structure has been in place for 18 months and there is no need to change it. We have a fair system, one that is working, does not impose onerous costs on the individual, and guarantees the individual a fair and just hearing. Why change it? To put it succinctly: if it ain't broke, don't try to fix it. That is what this bill would attempt to do. The present system works. Why try to change it or do anything that might make it worse or unworkable? It would be sensible for the Opposition to withdraw the bill and for us to retain the present system, which is working well.

Mr AMERY (Mount Druitt) [10.1], in reply: I thank the honourable member for Ku-ring-gai, the honourable member for Lismore, the honourable member for Myall Lakes and the Minister for Consumer Affairs for their contributions. In reply to the debate I should thank especially the honourable member for Auburn, for he was the only member who

spoke with gusto in support of the bill. The Minister for Consumer Affairs, to use her words, strongly opposes the bill. She gave many reasons why in her view the bill should be rejected, and she challenged me to substantiate the claims I made in my second reading speech on 11 November 1993. I was disappointed with the Minister's approach to the bill. Her speech was an exercise in putting forward the view of the department and was not the contribution one would expect from a Minister who professes to support the interests of consumers.

To be fair to the Minister, she had been left with the task of defending the actions of her predecessor, who had been conned by the department into increasing fees, obviously for the sole purpose of raising additional revenue for the department. Revenue was the strongest point made in all of the speeches made by Government supporters in this debate. It should be noted that the fees charged by the Consumer Claims Tribunal has been one of the department's chestnuts for years. The issue has been trotted out by departmental officers every time a new Minister for Consumer Affairs has been appointed, going back to the days when the Government came to office. Up to and including the period when the present Treasurer was the Minister for Consumer Affairs, proposals for fee increases were always rejected. The previous Minister for Consumer Affairs, Mrs Chikarovski, bought the department's line and increased fees, and the present Minister has been left to defend that decision. The Minister argued against my contention that increasing fees effected a drop in claims, by citing some improvements in the number of claims lodged in January and February this year compared with the figures for last year.

Ms Machin: And March.

Mr AMERY: By way of interjection the Minister says March also. The Minister's figures highlighted that there had been 500 applications in February this year, the highest monthly rate since the fee increase - up from 363 cases in February last year. One honourable member from the other side of the House updated the figures and said that in March this year 545 claims had been made. The Minister and other Government supporters omitted to mention that the February 1993 figures with which they were making the comparison related to the new fee structure. Prior to the increase in fees there had been 712 claims in July 1992, 493 in June 1992 and 564 in May 1992. Those figures relate to a time when the jurisdictional limit was only $6,000, not $10,000. Claimants have a higher jurisdictional limit now.

The number of claims was substantially higher when the jurisdiction was lower. The very best the Government can say is that with increased jurisdiction there have been fewer claims, or perhaps close to the same number of claims. Apart from any debate about monthly figures, the Minister defeated her own argument when she referred to yearly figures. She said that in 1991 there were 6,200 claims - and it should be remembered that we are talking about a time when the jurisdictional limit was $6,000 - in 1992 there were 5,600, and in 1993 the number was 4,500. That was the first full year during which the increased fees were applicable. In other words, the department is getting more money for doing less work. Only this week the Minister answered a question upon notice in which she gave monthly figures of consumer claims. It will be noted that the number of claims increased shortly after Christmas, and that seems to be what the Government is hanging its hat on at present. In her answer to the question upon notice the Minister said:

> When the number of cases heard during the period from August 1992 to October 1993 (inclusive) is compared with the number of cases heard from August 1991 to October 1992 (inclusive) the result is a total decrease of 15 per cent.

There has been a substantial increase in the jurisdictional limit and the Minister's answer reveals that the number of claims has decreased by 15 per cent in a year. The yearly figures give a better indication of what has been happening than do the monthly figures, which Government supporters seem to rely upon. That makes a mockery of the Government's opposition to the bill. Government members have suggested that the provisions of the bill will have a deleterious effect on revenue. The honourable member for Ku-ring-gai made an interesting point when he said that the revenue from these fees equates to 6 per cent of the total running costs of the consumer claims tribunals. Let me examine the estimates. How genuine are Government members when they make estimates? The honourable member for Ku-ring-gai said the Government would lose $100,000 in revenue. The Minister said it would lose between $300,000 and $500,000.

In the course of the same debate the Minister and a backbench member on the Government side of the House have said the loss in revenue would be $100,000, $300,000 or $500,000. It would have been just as accurate if they had said it will result in a loss of somewhere between $10 and $2 million. The provisions of the bill will have little effect on revenue. Members opposite have failed to take into account that with a structured fee system there will be more applications for small claims - under $100. More people will be applying at the lower end of the spectrum. That is what the bill is all about. The revenue argument is damaged further because the Government will not acknowledge that more equitable fees will result in additional applications being lodged. I refer again to the Minister's answer to the question upon notice, which showed clearly that when fees were more reasonable, additional claims were made. That seemed to be the only argument raised by members opposite. The next issue I should address is the Minister's challenge to me at page 915 of *Hansard*, when she said:

> 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 . . .

The Minister went on to defend the department's decision. Though I do not want to wander too far from the substance of the bill, I shall address a couple of matters on which the Minister challenged me. When the Treasurer, the Hon. Peter Collins, was the Minister for Consumer Affairs, a Minister of this Government, he attempted to bring in a bill that would allow consumer claims tribunals to award costs against applicants in

certain circumstances. That was an attack on the fundamental operations of consumer claims tribunals. Had he been successful - he was not; the Opposition opposed it and the bill was defeated - traders who were the subject of consumer complaints could have easily used that legislation as a weapon to deter people from making claims. That substantiates one appalling attempt to erode the fundamental role of consumer claims tribunals.

The Legal Profession Reform Bill included a provision that took away the authority of consumer claims tribunals to adjudicate on legal fees. I note that the Minister did not contribute to that debate. If that direct action were not enough, during debate on the bill the honourable member for Wakehurst, certainly a prominent member of the Government, referred to consumer claims tribunals as kangaroo courts - exposing what one member of the Government thinks about consumer claims tribunals. That is again another issue where the Government does not support this mechanism. Of course, the biggest problem with consumer claims tribunals is the issue which this bill seeks to address - the cost of a claim relevant to the value of a claim. The Minister's own figures in her contribution to this debate and in answer to questions upon notice support the argument of the Opposition. I turn to the Seniors Card, which was referred to by the Minister, the honourable member for Lismore and a couple of other members.

[*Interruption*]

The Minister's interjection reminds me of the example given by the honourable member for Lismore when he said that Kerry Packer could get a Seniors Card, make a claim and receive a $5 concession from a consumer claims tribunal. I know that in debate honourable members sometimes draw a long bow, but could they imagine Kerry Packer taking, say, the local drycleaner to a consumer claims tribunal to argue about the poor job that the cleaner had done on his suit? He would more likely buy the dry-cleaning shop. That is an indication of how long a bow the Government is prepared to draw.

Let me say on this subject that the Minister's words will be repeated often in forums for self-funded retirees in this State. They will be given the choice of a party that is prepared to enshrine the Seniors Card in various pieces of legislation - that is the Australian Labor Party - or the Government, which, to use the Minister's words, considers this inappropriate because it would be a cross-subsidy to those who are well off. Such a view is inappropriate for the Department of Consumer Affairs, which is supposed to best represent consumers in this State.

In answer to another question on the Seniors Card yesterday the Minister for the Ageing strongly defended Seniors Card government concessions. In answer to my question he said that the Government was considering car registration concessions. The Minister outlined a list of other Seniors Card entitlements, such as $1 excursion tickets on Government rail in Newcastle suburban areas, $2 and $3 outer metropolitan excursion tickets, half fare travel on Sydney Harbour and Stockton ferries, half fare travel on private bus services, $1.50 admission to the art gallery - the Government will allow Kerry Packer into the art gallery for $1.50 - $1.50 admission to museums, $2 admission to the Power House Museum, $3 admission to Historic Houses Trust properties, 10 per cent discounts to the Chinese Gardens at Darling Harbour and the Sydney Cove Authority, a free cup of coffee or tea at selected outlets at Taronga Zoo, wills and such done free of charge by the Public Trustee, and 25 per cent off New South Wales Department of Agriculture publications.

That is what other Government departments are offering Seniors Card holders, but the department that is supposed to represent consumers is saying that this is a cross-subsidy to those who are well off. The Government's position on this will take some explaining over the next few months. Obviously, if retirees are to have equity and justice and as many concessions as possible, the one department that should be leading the charge is the Department of Consumer Affairs. These other organisations have already recognised the benefit of giving concessions. I am pleased politically with the Government's attempt to legislate to give Seniors Card holders a few extra concessions, something it has never done before.

When the Building Disputes Tribunal legislation was introduced, the jurisdictional limit was $10,000. In the past few weeks that figure has been increased to $25,000, but I note that is not mentioned in any clause of this bill. It is the intention of the Opposition, should this bill pass through the Legislative Assembly, to move

a minor amendment in the Legislative Council to address that change to the jurisdictional limit, which has occurred since this bill was introduced. Notwithstanding that, the Opposition's policy is to make consumer claims affordable and relevant to the value of the claim.

One of the flaws in the Government's argument is the inconsistency between similar value claims. If a consumer takes a furniture retailer to a consumer claims tribunal in relation to a chair valued at, say, $250, the application fee under this Government's regime would be $40; and under our regime it would be $10. However, if the same consumer takes a carpenter to the Building Disputes Tribunal in relation to faulty work of the same value, $250, the application fee is $100. Consistent with the Opposition's view that an application or lodgment fee should be consistent with the value of the product or service, building dispute application fees should be the same as consumer claim application fees. If the Government cannot see that anomaly, we will have to agree to disagree. Our position is fairer and less discriminatory to all consumers.

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I reject the Government's argument that this proposal is administratively cumbersome. I missed the point of what system the honourable member for Lismore was reading into *Hansard*, but he detailed circumstances of staggered fees in other forums and other dispute mechanisms. At page 914 of *Hansard* the Minister said, "Though I can understand the thinking behind that," - not a bad idea but we will vote against it - "and although the idea of linking the fee to the value of the claim is superficially attractive, it is administratively cumbersome". That is the argument put up by government departments through the decades. I call it the Sir Humphrey Appleby defence, and I believe it is a load of nonsense.

If a consumer went to the Building Disputes Tribunal in relation to a dispute about major house repairs to the value of $5,000 or $6,000, the public servant would say, "Look, the fee structure is such and such" and collect the money. But if a consumer wants to lodge a dispute about a fridge, the value of which is $500 or $1,000 is the Government saying that the Department of Consumer Affairs is so incompetent that its employees cannot follow a scale of fees? What a lot of nonsense. It is appalling for the Minister to buy that. "Administratively cumbersome" is the standard argument used by government departments throughout all portfolios to oppose any worthwhile reform. The honourable member for Lismore and the honourable member for Ku-ring-gai argued that the measure was not deterring people, and they mentioned counter figures, and so on. I made representations to the Minister on behalf of a consumer concerning an item valued at $34. The person was outraged and claimed to have been ripped off. However, I received a good reply from the Minister, the final paragraph of which states:

> If not happy with this response, the consumer can take this to the Consumer Claims Tribunal. Please find enclosed an application.

It would cost the consumer $40 to lodge a claim for $34. That is the point I am trying to make. I am not saying that $40 is not a fair fee if the claim is for a substantial sum. However, many examples were given, such as a drycleaner or small retailer where the claim might be for only $90 or $100. The Opposition's view is that people should not be deterred from lodging an application to the Consumer Claims Tribunal. The Local Court fee of $45 was also mentioned, and the Minister made some reference to the availability of the small debts court. However, the purpose of the Consumer Claims Tribunal is to encourage people to make claims, not to have matters heard in court. Any improvement in the number of claims being stated by the Minister and the Government results more from the fact that the limit on claims has been increased to $10,000; it has nothing to do with improvements in the economy.

The honourable member for Ku-ring-gai referred to improvements in the economy. Fees decreased because of a downturn in the economy and now are increasing because of an upturn in the economy. As I said earlier, in July 1992, when the old fee structure with a limit of $6,000 was in place, 712 claims were made, and in the following month - the first month under the new structure - the number of claims dropped to 368. That is not a decline in the economy; it is a crash! If it is being asserted that the decrease is in any way relevant to the fall in the economy, the argument is pretty thin and the Government should come up with a better argument than

that.

I ask all honourable members, particularly members on the crossbenches, to support the bill. The Opposition argues, and will continue to argue right up until the next election, that access should be available to consumer claims tribunals irrespective of how small a claim is. In some cases the Department of Consumer Affairs is not able to sort out the issues prior to a matter going to a tribunal. State legislation should recognise Seniors Card holders. The Opposition will continue to argue against the Government's view that any concession at a consumer claims tribunal for Seniors Card holders is a cross-subsidy for the wealthy and, therefore, is not appropriate. Retirees are more likely to purchase furniture, travel, and so on, and should not be deterred from making claims to a consumer claims tribunal. In fact, they should be encouraged to do so when rip-offs are exposed in the community. With those few comments I thank all honourable members for their contributions and ask that the House support the bill.

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

The House divided.

Ayes, 48

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

Noes, 46

Mr Armstrong	Mr W. T. J. Murray
Mr Baird	Mr O'Doherty
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Causley	Mr Petch

Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Photios
Mr Cochran	Mr Richardson
Mrs Cohen	Mr Rixon
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Mrs Skinner
Mr Downy	Mr Small
Mr Fraser	Mr Smith
Mr Glachan	Mr Souris
Mr Hartcher	Mr Tink
Mr Hazzard	Mr Turner
Mr Humpherson	Mr West
Dr Kernohan	Mr Windsor
Mr Kinross	Mr Zammit
Mr Longley	
Ms Machin	*Tellers*,
Mr Merton	Mr Jeffery
Mr Morris	Mr Kerr

Pair

Mr J. J. Aquilina	Mr Griffiths

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

HOMEFUND LEGISLATION (AMENDMENT) BILL

Second Reading

Debate resumed from 3 March.

Ms MACHIN (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [10.33]: It will come as no surprise to the Opposition that the Government opposes the measures in the bill presented to the House by the honourable member for Heffron. I intend to take some time to go through the issues in detail because those aspects have not been properly debated for some time, certainly not outside this Chamber, and the bill warrants an examination of them. The HomeFund Legislation (Amendment) Bill is merely another attempt by the honourable member for Heffron to delay resolution of HomeFund difficulties. The evidence shows clearly that the bill is an attempt to keep HomeFund on the political agenda, and the honourable member for Heffron has made that quite clear. She is part of the problem, not the solution. As time goes by it is becoming clearer not only to me but also to HomeFund borrowers that she does not have the interests of the borrowers at heart and that they are being used for political purposes. That is becoming more evident - and the borrowers have even said so - as the next election approaches.

The bill is a mischievous attempt by the honourable member for Heffron to resuscitate debate on a matter that the Parliament rightly concluded last December, albeit in a somewhat backdoor way. I am sure this attempt will not be the last. Last December this Parliament reconvened to settle once and for all the way forward

for those who remain in the HomeFund program. Members will recall the hours that were spent in negotiations. Most members were held up in their offices while a small group of us attempted to come to some agreement. That piece of legislation was truly resolved by the Parliament, not by the Government. The Government brought to the Parliament a restructuring package that was very carefully and expertly developed over many months. That reflects the complexity of the issue.

The package was endorsed by the then HomeFund Commissioner, a person who has an intimate understanding of all aspects of the lending program, and who has spent considerable time getting to know and understand it. The package was subjected to wide and intense scrutiny. There were many hours of negotiations between the Government, the Opposition and the Independents. Finally, as I have said, the Parliament approved a restructure of HomeFund. An important outcome of the negotiations was a firm commitment on the Government's part to provide impartial financial and legal advice for borrowers covered by the restructure. That commitment, which is the primary subject of this debate, was reflected in section 14 of the HomeFund Restructuring Act, which provides:

> It is the duty of the Minister to ensure that HomeFund borrowers who are eligible to participate in the restructuring scheme, but who are not yet participating in that scheme, are given access to impartial financial counselling and legal assistance services.

It is a duty under the Act, and the Government is carrying out that duty. Throughout the negotiations it was made abundantly clear that the Minister for Consumer Affairs would be the responsible Minister. I assure all honourable members that the Minister for Consumer Affairs is, indeed, the responsible Minister and that I am complying with the wish of the Parliament. The duty is clear. I do not think any member who was involved in those negotiations could be under any misunderstanding about who was to be responsible for the service, and there was quite strong support, particularly from the Independent members, for that arrangement.

No one is denying the complexity of the legislation approved by the Parliament, and that is largely due to the great challenges of interpretation set by the Parliament. The restructuring of HomeFund presented enormous challenges, which were reflected in the time taken to finalise an agreement. I am sure the honourable member for Heffron was convinced those challenges could not be met. She must be very disappointed that the scheme is progressing, that borrowers are being dealt with and that the restructuring is having an effect. After all, helping the borrowers is not on her agenda.

In December last year the Chief Executive Officer of the Home Purchase Assistance Authority wrote to the remaining 23,173 borrowers in the HomeFund scheme. In his letter he outlined the nature of Parliament's restructure of HomeFund and advised borrowers that over the Christmas-New Year period his staff would be working to finalise the implementation of the restructure and how it would affect borrowers. The Government was working on the basis that it was the will of the Parliament to provide assistance to the borrowers as quickly as possible, yet when the Government moves quickly the honourable member for Heffron inevitably criticises it for one reason or another. The chief executive officer said also that by mid-February 1994, he would be writing to borrowers again with details of the assistance which may be available and their options.

During February, the Home Purchase Assistance Authority mailed to those HomeFund borrowers affected by the restructure packages of material which included a booklet entitled "HomeFund Borrower's Guide to Loan Restructuring". Accompanying material made it clear to HomeFund borrowers that they could call a toll-free number for general information about the restructuring of HomeFund; interpreting services; help with replacement forms; and, importantly, access to impartial financial or legal advice free of charge from the advisory service managed by the New South Wales Department of Consumer Affairs. The HPAA letter went on to advise borrowers what they should then do, stressing that borrowers should call the HomeFund Restructure Information Centre if they required further information. I know that the honourable member for Heffron was kept posted with all this information.

The purpose of mailing out this material was to ensure that every borrower received proper details of the

restructure and to let them know impartial advice was there for the asking. I inform the House that in its first eight weeks of operations there have been a total of 6,019 contacts with the HomeFund Advisory Service - the one under my management - for financial and legal advice, with 5,791 telephone contacts and 228 interviews to date. That letter to borrowers originally indicated the preliminary category the borrowers were considered to be in, based on financial information available to the Home Purchase Assistance Authority as at 31 January 1994.

Borrowers were encouraged to complete assessment forms, allowing them to bring their financial positions up to date, so that the Authority could accurately determine their categories. The borrowers were also informed of their right to have the authority's categorisations independently reviewed by the HomeFund Advisory Panel. The HomeFund Restructure Information Centre is staffed by trained operators who answer inquiries on strict procedures. They have absolutely no discretion in referring to legal or financial inquiries. The honourable member for Heffron would not understand the difference because she will not go near the place, but there are two sides of the coin and it is important that honourable members understand the difference. The information service is about the scheme itself and the advisory service gives borrowers advice on what decisions they should make, because those decisions are obviously very important. I have already mentioned that section 14 of the HomeFund Restructuring Act requires the Minister for Consumer Affairs to ensure that HomeFund borrowers who are eligible to participate in the restructuring scheme, but have not yet done so, are given access to impartial financial counselling and legal assistance services.

The Government was conscious of the need to provide a cost-effective service while ensuring the impartiality, quality and consistency of the advice provided. It was decided that this could best be achieved through the immediate establishment of a centralised service in the Sydney central business district under the management of the Department of Consumer Affairs. Further consideration would then be required to identify the best means of providing opportunities for personal interviews in country and suburban locations. So it has always been the case that personal interviews will be provided where needed and when needed by the borrowers.

In this latter regard, the department has commenced the delivery of these services in Parramatta and Penrith, as well as in the city of Sydney, and will shortly extend them to Campbelltown and a number of major regional centres. I am sure the honourable member for Heffron is disappointed to hear that. I refer honourable members to my letter that I sent to them on 5 April in relation to face-to-face interviews in suburban and country locations, because, unlike a number of members of the Opposition, other members of the House are genuinely interested. I have received several replies from members - including members of the Australian Labor Party - thanking me for the advice and telling me that they will refer borrowers to that advisory service.

Mrs Grusovin: Produce them.

Ms MACHIN: I cannot produce them.

Mrs Grusovin: Why not produce them?

Ms MACHIN: I will. I will send them to you - which is not your practice; you do not forward any complaints to me.

Mrs Grusovin: I write to you all the time.

Ms MACHIN: You will not give me any information. The member for Heffron will not give me any complaints she has got. I do not believe she has any genuine complaints. She cannot rally a crowd whenever she likes, because the fervour is simply not there, and she will not go and see the service in operation. How much more mischievous could anyone be? How much more insincere and transparent could a member be? The borrowers are waking up because they are starting to tell us. During the Christmas-New Year period all stops were out to prepare a management plan for the HomeFund Advisory Service, and to get it up and running as quickly as possible for the sake of the borrowers fund

using it at a great rate of knots. That plan outlined the nature of the service, the steps necessary to establish it within the necessary time frame and the administrative and operational processes involved. The role of this service was carefully considered. Throughout our negotiations last December it was clearly understood and accepted that borrowers must have access to impartial financial and legal advice to assist them make informed decisions.

Mrs Grusovin: They thought they were going to.

Ms MACHIN: What is getting your goat? You are always so sour. Impartial is the key word. The Government is concerned to ensure that and as I continue, I will demonstrate clearly that the advice is impartial. The advice is not prejudiced or unfair. The service is not biased towards one particular outcome or another. It has no reason to be. The service provides complete and accurate personalised information about the options available and, on the basis of current data, the consequences of those options for borrowers trying to make informed decisions.

Mrs Grusovin: I challenge you on that.

Ms MACHIN: If the honourable member for Heffron wants to challenge me or the Minister for Housing, why will not she not go and have a look at the service?

Mrs Grusovin: I am too busy answering the telephone calls from HomeFund borrowers who cannot get advice.

Ms MACHIN: The honourable member could use Mr Isaacs' answering machine to help her out like she did last time - a so-called borrower who is in real distress! She is about as sincere as rocking horse proverbial.

Mrs Grusovin: I am more sincere than you.

Ms MACHIN: At least I put up. The honourable member will not forward any complaints. She will not even visit the service she wants to abolish. She does not know what she is talking about. It is ludicrous to suggest that the financial and legal services should be or would be what the honourable member for Heffron now claims they should be. It was clear in the negotiations last year that it was never intended that legal services would extend to casework. It was not envisaged that financial advice would embrace the full range of financial counselling services - that is, the casework, education and advocacy that advice sometimes entails.

Although there are HomeFund borrowers who are in financial distress or are overcommitted, not all borrowers who seek to use or have sought to use the advisory service will be or are in such difficulties. Obviously the nature of the service differs somewhat from that of a conventional financial counselling service. The service has a role to play in this exercise. The experience of the inquiry service in the office of the HomeFund Commissioner is instructive in one regard. That inquiry service restricts itself to matters relating to HomeFund. If a borrower refers to other financial difficulties which require the longer term remedies of casework or advocacy, the borrower is referred to a body with the appropriate expertise. That is quite logical.

Borrowers can expect the HomeFund Advisory Service to demonstrate the costs and benefits of the restructure package compared with the existing scheme for their particular circumstances. So, essentially financial advisers from the HomeFund Advisory Service show how the proposed restructure, and staying in the existing scheme, will affect individual borrowers, especially those in Category B, given their income and other financial circumstances. With the borrower's consent - and I stress consent -

Mrs Grusovin: Informed consent?

Ms MACHIN: Yes - this is done by accessing data supplied by FANMAC and the HPAA and with the use of sophisticated computer modelling. The honourable member for Heffron only has to go down there and she can have a look. The service advises borrowers in category A of the prospects of refinancing with other

commercial institutions, normal eligibility requirements and possible stamp duty savings in accordance with the legislation the Parliament enacted last year. It explains to borrowers in category C the likely implications of a sale of their homes. It advises borrowers in category D about arrangements they can make to pay arrears and the implications if they do not. It explains to borrowers the criteria used by the HPAA to determine categories and the opportunity of having a determination independently reviewed. What more could the service be doing? It is working strictly from the legislation passed by the Parliament last year.

I know the honourable member for Heffron was very cheesed off about legislation because it was not what she wanted. It was the Parliament's decision. I do not think the legislation was particularly just in many ways either, but my reasons are probably different from those of the honourable member for Heffron. Nevertheless the Parliament made a decision and she does not like it. She is a member of that Parliament, and she has to live with Parliament's decision. She is cheesed off no end because she did not get her own way. The work of the financial advisers is commenced after the borrower's identity has been confirmed and with the borrower's consent to use the loan information. Once again, at the risk of becoming tedious, I repeat that if the honourable member for Heffron only went down there she could see the system for herself, but I know she does not want to see it. As the honourable member for Heffron says, the legal effect of the HomeFund Restructuring Act is to alter the borrower's entitlement to a legal remedy, depending on the decision made about participating in the restructure.

As I have said, the effects of the restructuring scheme may involve category A borrowers in refinancing and category C and D borrowers in the sale of their homes. In all of these instances

borrowers will obviously have queries about their legal rights and obligations. Legal advisers therefore explain borrowers' rights and obligations at common law and under relevant legislation. They explain borrowers' rights and obligations under the restructuring program and the existing scheme. They explain the appeal process to the HomeFund Advisory Panel. They advise borrowers whether they could have an entitlement to a legal remedy which could be pursued through the HomeFund Commissioner's office or the courts.

The legal advisers advise borrowers whether they may have grounds for the establishment of a legal wrong in order to complain to the HomeFund Commissioner in accordance with the administrative issues listed in schedule 2 to the Act. They advise borrowers about the procedures that need to be followed in complaining to the HomeFund Commissioner, or instituting private court actions, and they explain the procedures involved in refinancing a mortgage and indicate circumstances where the borrower might be wise to engage a solicitor to represent him or her in the process. It is simply not true to say that legal advice is not being given against a consideration of all potentially relevant law. I have listed a whole raft of options, and they are being given very clear options and advice on what they may consider doing.

It was decided that the advisory service should be staffed by persons experienced in financial planning or advising and counselling, as well as lawyers with relevant expertise. The completely ignorant comments made by the honourable member for Heffron are a slur on the people working in the advisory service. They are working very long hours, at times under great stress. That was particularly so at the beginning. I do not believe that they would appreciate for one moment the ignorant bleatings of the honourable member for Heffron, who refuses to look at fact or to look at the service that is offered, because that does not suit her political agenda. I am sure the staff of the service will not forget those comments, and I know that many other people who are involved in helping the borrowers will not forget the particularly nasty words of the honourable member for Heffron during the last year or so.

A unit of 10 financial advisers, five lawyers and support staff was established to commence the service. Because of the plan to conduct interviews in suburban and country locations, the service has been supplemented by an additional six similarly qualified advisers. As one of the original advisers is no longer with the service, the present number of advisers totals 20 - 14 financial advisers and six lawyers. In the letter I sent them on 5 April, honourable members were advised that on 11 April face-to-face interviews with advisers from the advisory service would commence in Parramatta and Penrith, and that is happening. These facilities are expected to be available in Campbelltown within the next few weeks.

Legal and financial advisers will soon conduct personal interviews in centres such as Newcastle, Gosford, Tamworth, Lismore, Port Macquarie, Dubbo, Wollongong and Wagga Wagga. A draft schedule of dates has been prepared and advertisements advising HomeFund borrowers of these arrangements, which are already under way, appeared in the metropolitan press on Saturday, 9 April. Similar advertisements will appear in country newspapers during the weeks leading up to visits to regional centres by officers of the HomeFund Advisory Service.

In some respects the department probably would have preferred to locate the HomeFund Advisory Service separately from the HomeFund Restructure Information Centre, but there were some compelling reasons to co-locate the service with the centre. The primary reason was so that the service's advisers could have immediate access to FANMAC and HPAA data and, importantly, so that a single toll-free telephone number could allow a central point of contact for borrowers - to overcome the concerns of the honourable member for Heffron about the revolving door syndrome. However, she is now critical because there is only a single contact point and no other telephone number. You cannot win. If there is one contact point she says that is not good enough; if there is no single contact point she says borrowers are being sent on a circuitous route. That demonstrates again the shallowness of her arguments and her insincerity on the whole issue.

The fact is that co-location provides additional benefits through the day-to-day contact between staff of the centre and the advisory service regarding borrowers' inquiries. This has resulted in some policy revision by the HPAA. All literature and personal communication stresses the absolute independence of the advisory service. I personally take offence at the inferences that this service is not independent. I have not even met the people who work there. Much as I would like to, I do not intend to because I do not want to give the honourable member for Heffron the opportunity to sledge them any more than she has already done. When this is all over I will make my feelings clear to them. I will inform them of the Government's appreciation of the service they are providing. The borrowers have told the Government that they also appreciate the service.

The initial recruitment of those independent staff took place in January this year. The response to newspaper advertisements was overwhelming, with over 120 applications being received. Contact was made with the Financial Counsellors Association of New South Wales Inc., the Legal Aid Commission and the Law Society of New South Wales for assistance with possible secondments and other measures to facilitate speedy recruitment so the restructure could be put into place quickly, which the Government understood was the Parliament's will. Collectively the 20 people recruited have almost 300 years' experience in banking, financial counselling and legal fields. Needless to say, whatever staffing is necessary to meet the demand will be provided. I have already stated that the numbers have already been increased. All advisory service staff underwent intensive and comprehensive training.

It is instructive to look at the demand. The service commenced on 14 February this year. As at 8 April there had been 5,791 telephone contacts between the advisory service and borrowers. That is equivalent to about 30 per cent of all calls made to the HomeFund Restructure Information Centre. In addition, 228 personal interviews were conducted in the city location by that date. That brings me to the bill before the House, which is more than the honourable member for Heffron discussed in her second reading speech. Leaving to one side for the moment the unsubstantiated claims of the honourable member for Heffron in her second reading speech, the bill has three main features. It requires the Legal Aid Commission to provide financial counselling and legal assistance to HomeFund borrowers who are eligible to participate in the HomeFund restructuring scheme but are not yet participating in that scheme. It extends the date by which complaints must be made to the HomeFund Commissioner from 31 March this year to 30 September this year, and it extends the earliest date for cutting off offers of assistance under the HomeFund restructuring scheme from 30 June 1994 to 30 September 1994.

The honourable member for Heffron claims that these uncosted changes are necessary because of what she describes as the Government's "blatant attempt to circumvent the specific requirements of section 14 of the

HomeFund Restructuring Act". I am still waiting for that claim to be substantiated, and will happily continue to do so. In her second reading speech the honourable member for Heffron repeated what she had already said in correspondence with the honourable member for South Coast. She itemised a litany of so-called conspiracy theories to support her claim. I propose to go through that speech in reasonable detail to show that it is blatant politicking - that will not be particularly hard - and also to demonstrate to the House that what the Government is already delivering satisfies the requirements of section 14 of the HomeFund Restructuring Act.

The honourable member for Heffron opened her second reading speech with the claim that the Government is intent on repeating the same mistakes in the HomeFund Restructure Information Centre. That is fairly predictable. She says that borrowers call the centre's 008 number and can be referred to an employee of the Department of Consumer Affairs for financial counselling and legal assistance if - and it is to be inferred as only if, I suppose, from what she said - the employee of the authority considers it appropriate to do so. That is another slur on the integrity of the people working in that service. She is almost saying that the attitude of the people working for the service is: if they do not know it is there, do not tell them. That is a disgraceful implication, and it is absolutely wrong. The letter of 11 February from the HPAA to all borrowers spells out the availability of the HomeFund Advisory Service through the 008 number. That booklet itself repeats the message three times. Perhaps the honourable member for Heffron has not read it. If she would like to read it, I can make it available to her. She would find it particularly clear. I do not know how much clearer one can be. It states:

> The Information Centre can provide you with: impartial financial or legal advice free of charge from the advisory service managed by the NSW Department of Consumer Affairs.

Borrowers who telephone and ask for the department's advisory service are put through straightaway. But it does not stop there. The staff of the HomeFund Restructure Information Centre refer to the advisory service any issue that is not covered in the manuals. Honourable members should be aware that the Home Purchase Assistance Authority has written to borrowers affected by the restructure with an indication of their preliminary category. Most people interested in this issue would be aware of that. Except for category D borrowers, no final decision will be made until a borrower returns an assessment form or the time for returning of that form expires, that is 30 June this year. Category D borrowers have until 31 April this year.

Many of the inquiries to the HomeFund Advisory Service have been about the printed material, clarifying procedures and the like. I anticipate that the demand for financial and legal advice will increase after more and more decisions are taken about borrowers' categories and firm offers are made by the HPAA. That is starting to occur now. This appears to be the trend, judging by those borrowers who have recently had their categories formally determined by the HPAA. To date that had only been a fairly small proportion. As I mentioned earlier, just on 30 per cent of the calls made to the HomeFund Restructure Information Centre, that is the centre that is responsible for giving out the details of the restructure, have been referred to the advisory service, for which my department is responsible. There are two separate services, and it is important that they be recognised as such.

The honourable member for Heffron keeps repeating the figures 26,000 borrowers and 15 people. She has been bleating about there being not enough people, the advice being terrible, and so on. As I said at the outset, 23,173 borrowers have been supplied with the restructure kit, so she is out by nearly 3,000 to start with. There have not been inquiries from each of those 23,173 borrowers eligible to participate in the restructuring scheme. There was never going to be an inquiry from each and every one of those borrowers. In fact, since the restructure kits were posted on 11 February, the number of eligible borrowers has dropped to 21,818 as a result of about 1,355 HomeFund mortgages being discharged. To date the staff - which, as one would expect, was stretched in the early days following the bulk postage of information to HomeFund borrowers - has coped with the demand. For a couple of weeks they worked every day, 10 hours a day, including weekends, but obviously they have received no credit for that. The recruitment of additional advisers to assist with personal interviews, which I mentioned earlier, indicates quite clearly that the service is being

managed to ensure that any increase in demand for assistance is met. This is the way we will continue to

manage the service.

The honourable member for Heffron, who is notably absent from the Chamber and who has been for some time now, questions how 15 people could give proper counsel and legal advice to 10,000 borrowers. The answer is that they did not have to. If she bothered to read her mail or she went down to the service she would find out how it works. But, as has been demonstrated for a year, she does not want to know. Facts are the last thing on her political agenda. The figures quoted by the honourable member for Heffron related to the total number of inquiries made to the information centre at that time, not the number of borrowers who contacted the Advisory Service.

Obviously, not all borrowers go straight through to the advisory service, first up at least. They simply want to get the information and then they have the option, as they are aware, to go to the advisory service. So the only absurdity in all this is whether the honourable member for Heffron is seriously suggesting that the Government will make available only 15 staff to meet the demands of 26,000 borrowers. The fact that there has been an increase in staff is testimony to this Government's commitment to providing appropriate resources. As I have said, we will maintain that commitment and adjust it as the demand ebbs and flows. I emphasise that the focus is on quality rather than quantity.

To give some perspective to this issue, figures for the last six weeks of operation of the service have been prepared. That period was chosen because it was a period during which advisers worked normal hours and the volume of contacts was more consistent, as opposed to the earlier few weeks in which the service operated. In this period there were on average 14.5 advisers and 126 contacts each day. Each financial adviser dealt with an average of 9.15 contacts each day, while legal advisers dealt with an average of 7.8 contacts each day. Of the total number of contacts, 69 per cent were with financial advisers while 31 per cent involved legal advisers.

The honourable member for Heffron attacked the recruitment process. Again, we cannot win. She said last year that the Government was tardy and it was dragging its feet. We went through a quick recruitment process which the honourable member for Heffron also slated in the House. She said that training is limited to the new HomeFund restructuring provisions. She selectively quoted from an advertisement in the *Sydney Morning Herald* on 15 January to support her claim that training would be limited to the restructuring provisions. But she is wrong again. Why did she not seek to clarify what training was to be provided? Again, it did not suit the script or her political agenda, so she did not inquire. I suspect she probably knew anyway. The management plan clearly sets out the training requirements. I would like to quote from that plan, which states:

> It will be essential that Advisory Service staff have a complete understanding of the restructuring scheme, existing rights and obligations of borrowers, the role of the HomeFund Commissioner -

The office of HomeFund Commissioner has now been in place for almost a year:

> - and to be able to identify prospective legal entitlements.
>
> An intensive training program will need to be implemented in conjunction with the development of procedural, reference and guidance material. This must be completed by the time the Advisory Service becomes operational.

It was spelt out quite clearly in the advertisement that a wide range of training was to be undertaken. That training was successfully undertaken by the advisory service staff who were recruited. The training was intensive and comprehensive and, in many training sessions since then, advisers have built up a practical body of knowledge and experience of this service. The Financial Counsellors Association of New South Wales and the HomeFund Commissioner's office participated in the training program. New advisory service recruits who were put on in recent weeks have also undergone intensive training and have had the added benefit of being able to gain from the knowledge and experience of staff engaged from the commencement of the service, who have been participating in the service since that time.

I will again draw from the speech made by the honourable member for Heffron. The only "spiel" that HomeFund borrowers are getting is from her. If there is any secret agenda for HomeFund it is certainly known only to the honourable member for Heffron and her advisers. We cannot get any information about any of the issues or complaints that she says are so pressing. Borrowers have admitted this to us, which has been most enlightening, but it is not surprising. The honourable member for Heffron, in her speech in the second reading debate, quoted from a letter which she received from an unsuccessful applicant for a position with the advisory service. The writer agrees that the honourable member for Heffron is correct when she says that the advice is very different from counselling and assistance, but it is too bad that the writer did not go on to tell the honourable member for Heffron the difference. She clearly does not see any difference. One has only to look at her bill to establish that she does not make the difference herself.

The writer went on to say that the recruitment process was out of the ordinary. In public sector terms I am sure it was, but the Government had good reasons for doing what it did. The service had to be pulled together rapidly in January so we could commence the restructure as quickly as possible. I pay tribute to the people who worked so hard over those holiday months when the Leader of the Opposition was sipping a cappuccino in Venice and other honourable members were overseas. They worked their proverbials off and got that service together very quickly. As I said earlier, I think that surprised the honourable member for Heffron because she did not believe it could be done. All she does

now is go out of her way to criticise the way in which staff members are delivering that service. The writer who was complaining about the advertisement also said to the honourable member for Heffron:

> Their methodology, in my opinion, suggests the "Commission" has no inclination to provide impartial financial advice or counselling. Rather they seem more concerned with ensuring continuity of employment for staff at the ongoing expense of both the Government and the borrowers.

What is his agenda and where is he coming from? Advisory staff are temporary employees. I would have thought that even blind Freddy could see that. Not one member of the advisory staff came from within the Government. The members of that staff have a job to do. When it is done they will be able to move on to new employment. I am sure that working on such a complex issue will be good for their future employment prospects. I certainly hope so. In fact, I know that one adviser has already picked up a very good job as a result of the work he has been doing.

I do not intend to delve into the work experience of the person who wrote to the honourable member for Heffron, but it is interesting to note that he was not interviewed because he did not strictly qualify in terms of the requirements of the position. Many others did qualify. As I have said, we received 120 applications. People were appointed on merit and there was no conspiracy, but I expect that that is a little hard for members of the Australian Labor Party to understand, especially when we consider their shenanigans on the frontbench over the past few weeks. The writer also referred to the so-called unique response from the Department of Consumer Affairs, but unfortunately he did not give the honourable member for Heffron the full text of the department's response, or she chose not to read it. I will. It states:

> Dear [Applicant]
>
> I refer to your application for a temporary position with the HomeFund Advisory Service.
>
> Because of the need to establish a service almost immediately, interviews for the position were conducted on 20 and 21 January 1993.
>
> At this stage all available positions have been filled. Your details have been retained, however, and you may be contacted in the future should further vacancies arise.
>
> Thank you for your interest.

The letter was signed by the responsible deputy director. So what is unique about that response? It states simply that the positions have been filled. I have received letters like that in the past and I am sure other honourable members have also. They have probably received a lot of letters like that. The honourable member for Heffron, in pursuing her claim that the Government has blatantly attempted to circumvent the specific requirements of section 14 of the HomeFund Restructuring Act, then headed off in the direction of financial counselling. She said that the Opposition believed that financial counselling had been inherently agreed to in legislation passed in December. She had plenty of opportunity to have an input. If she wanted clarification as to whether it was inherently agreed to, all she had to do was open her mouth, which she is not too shy about doing. But that was not the case. I do not think it could ever be said that that was understood to be the case.

It was agreed that the Government would provide borrowers with impartial advice about the financial significance of the restructuring. This year the Government has provided a record high allocation of $763,672 for financial counselling services. This year my department provided $392,500 under a triennial credit counselling program and $371,000 to support, for another year, the operation of the 008 telephone service that was established as part of a recession buster package two years ago. I emphasise that that was intended to be a one-off package, but because the recession went on for so long we extended it for a second year. I was able to persuade the Treasurer that it was worth while extending it for yet a third year. So a package which was meant to be a one-off package has continued.

This State is making quite a contribution towards financial counselling. That is not bad when compared with the contribution of the Federal Government, which created the financial hardship that many HomeFund borrowers have been suffering. This State contributes nearly $800,000, but the Federal Government contributes $1.1 billion for the whole of Australia. Big deal! The honourable member for Heffron said that I had not allocated funds that were approved before Christmas. That is so, but she does not say why it has taken so long. That is something we might discuss in more detail at another time. Suffice it to say that I referred this issue immediately to the major organisations involved in financial counselling for their advice on how best to distribute funding that we have been given by the Treasurer. I asked those organisations for a combined submission. It has taken them some months to get agreement on a combined submission and to agree on funding arrangements. That assistance will be going out shortly to a number of services around the State that otherwise would have to close their doors. The fault does not lie with this Government for delaying the release of this funding. It is quite the contrary.

In support of her claim that the Government is circumventing section 14 of the Act, the honourable member for Heffron turned her attention to the competence of the staff employed in the HomeFund Advisory Service. The honourable member said she could quote for hours from the piles of correspondence that she has received, and keeps reminding me of that in this House. And I keep reminding her that I would like to get from her evidence of any complaints.

Mrs Grusovin: I have been telling you what is the matter.

Ms MACHIN: I look forward to that. I have been waiting for a while.

Mrs Grusovin: I do. I give you letters every week.

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Ms MACHIN: The honourable member for Heffron has not put up one complaint that has legs. In fact, she will not give me any information. So I do not know how these poor old borrowers are supposed to access any information if their complaints have been kept in a file which appears to be only waved around as a fist full of papers in this Chamber when it suits the honourable member's political agenda. The HomeFund Advisory Service has had some 6,000 contacts. It is interesting that the honourable member for Heffron complains that there have been numerous criticisms of the service. The Government has received six complaints - I repeat, six complaints - from the 6,000-odd people who have contacted the HomeFund Advisory Service. All of those

complaints have been satisfactorily resolved. I understand the last complaint was received on 2 March, about six weeks ago.

That is a complaint record of 0.001 per cent of the contacts. Because the honourable member for Heffron was distracted - I would say deliberately distracted - I repeat: from the more than 6,000 contacts there have been six formal complaints. So there is a big difference in our stories. All I can say is that if the honourable member has more complaints she should put them forward and we will work through them. It would be remarkable if, in the light of that experience, so many people would make the honourable member for Heffron their first port of call. A few weeks ago I met with the HomeFund borrowers who assembled behind Parliament House.

On 11 February I wrote to the honourable member for Heffron informing her of the advisory service before it commenced. I told her of the number of proposed staff and their range of experience. I also outlined the details of how the service would operate and invited her to contact the project manager if she had any inquiries regarding operational aspects of the service. I also said:

> Finally, you previously indicated that you have received complaints about services provided by my portfolio for HomeFund borrowers. In order to be able to promptly respond to any complaints about the partiality, timeliness or quality of services provided by the HomeFund Advisory Service I would like to establish a process by which details of such complaints can be quickly brought to my notice. I thus invite your suggestions as to how this can be achieved.

The response by the honourable member for Heffron to this invitation appears to have been along the following lines: first, to take over the Plumpton meeting on 27 February of the HomeFund action group and convert it into something of a political rally, on which I will elaborate later, and, second, to use the event to launch an attack against the impartiality of the HomeFund Advisory Service. I point out that the service had been operating for 13 days at that time the rally was held. Despite that it seems the honourable member for Heffron knew all about it, knew all about the deficiencies and so on - without ever going there, and without responding to my letter seeking her constructive advice on how to deal with complaints and any problems in the system.

Mrs Grusovin: Minister, you have the department now.

Ms MACHIN: The honourable member says I have a department and that I am supposed to deal with all these complaints. But the honourable member will not give me the complaints and will not give me her views on how to deal with these matters, yet when the Government does something the honourable member is quite prepared to criticise the Government. This shows the paucity of her arguments and the cheapness of the tactics she is using, which are becoming increasingly clear to the HomeFund borrowers. The third of her responses to my genuine requests for her positive advice was an attempt to organise a rally behind Parliament House on 10 March to coincide with what she hoped would be the introduction of this legislation, which did not occur on that day.

As for this particular rally that took place at the rear of Parliament House, the honourable member for Heffron was a conspicuous absentee from that rally, despite her beating the drum and promising a large demonstration in Macquarie Street and forecasting that the place would be absolutely jam-packed with unhappy HomeFund borrowers and that this would bring about the end of the Government. The staff of my office counted the people as they arrived at the rally. My staff counted 54 people; the press reported a few more. We watched to see whether he honourable member for Heffron would turn up, but she did not.

Mrs Grusovin: Did you give them a drink too?

Ms MACHIN: Yes, we did give them a drink, because the honourable member left them standing out there in the heat. A number of young children were present. A number of delegates were invited into my office where they were given cool drinks - a lot more than they received from the honourable member for Heffron. I can only assume the honourable member was embarrassed about the small roll-up. Far be it from me to suggest that had the attendance been significantly greater the honourable member for Heffron might have

been seized with the need to go out and talk to those people. Perhaps only 50-odd people was not enough for the honourable member to go and speak to. My colleague the Minister for Planning and Minister for Housing and I spoke to them. The honourable member for Heffron was particularly unaccessible that day, very noticeably absent, given that she had organised and promoted that particular demonstration.

It was not until 11 March - a month after the sending of my letter seeking that initial advice and input from the honourable member for Heffron - that she had the courtesy to reply. This reply is again based entirely on supposition rather than fact. I was interested to see her letter of 5 April, I think, to the Minister for Housing because in it - despite our offers to the honourable member to go down to the HomeFund Advisory Service, because of her so-called interest in and criticism of it - the honourable member really said, "I won't go".

Mrs Grusovin: I have not got the time.

Ms MACHIN: You have not got the time?

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Mrs Grusovin: That is right.

Ms MACHIN: You are really genuine, aren't you! You want to dismantle this service because, according to you, everything in the world is wrong with it. The people are wrong and do not know what they are talking about, the numbers are wrong, the methodology is wrong, so you want to disband the service, but you do not have the time to go down and see it! How sincere are you? How fair dinkum are you in terms of dealing with this issue?

Mrs Grusovin: More than you.

Ms MACHIN: I am happy to have my track record stacked up against yours any day. In the reply of the honourable member for Heffron it is alleged that rather than by an assessment of the myriad complaints by individual borrowers - and I mentioned that we have received only six complaints from 6,000 contacts - she stated she was not going to bother attending. That is about all we could conclude from that response. I believe I should address with some importance and some urgency the beliefs of the honourable member for Heffron that legal assistance from the advisory service does not involve consideration of the HomeFund Restructuring Act, the HomeFund Commissioner Act, the Contracts Review Act, the Fair Trading Act, the Trade Practices Act and common law principles of unconscionability. Earlier I went through the training they received - I think the honourable member for Heffron was out of the Chamber at that point of the debate - and quite clearly indicated that those issues were raised. The people at the service do have legal experience and one would assume they already had some understanding of the issues before they went through their training.

I do not know the basis on which the honourable member for Heffron has formed her belief. She will not say, and she continues not to say. I understand that the HomeFund Advisory Service informed borrowers in general terms about the restructuring Act and how it affects their legal rights. That is an important issue. The borrowers are informed about the variety of remedies available and how they can be pursued at law in accordance with the training that they received. Legal advisers with the HomeFund Advisory Service are familiar with the particular legal references quoted by the honourable member for Heffron in her letter and they provide advice accordingly, having regard to the particular circumstances of each borrower. Prior to the 31 March deadline for complaints to be lodged with the HomeFund Commissioner, all borrowers, whether seeking legal assistance or not, were provided with assistance about the opportunity to lodge a complaints guide with the HomeFund Commissioner.

Mrs Grusovin: Not all of them, I can assure you.

Ms MACHIN: If some have missed out, the honourable member can tell my office and they will be sent the information. Since 31 March borrowers who have not lodged complaints have been advised about the

commissioner's discretion to receive complaints after 31 March. Last night I checked and some inquiries have indeed been received and complaints guides have been sent. People have been told that they still have the opportunity to send that in and the commissioner is treating those late applications very sympathetically. I can only wonder why the reply from the honourable member for Heffron is so presumptuous.

These issues relate to quality of assistance from the HomeFund Advisory Service and they are within the scope of my original invitation to be put forward suggestions about how we deal with issues in terms of quality control and problems within the HomeFund Advisory Service. I suppose it will be after the next election and beyond before I receive any advice like that. It would probably be cynical of me to suggest that the motive underlying the approach taken by the member for Heffron is a desire to undermine the credibility of the service. I do not know how I could come to that conclusion but somehow I seem to have done so. I argue that until the honourable member comes up with evidence of substandard assistance from the service, it is her allegation that lacks credibility.

Mrs Grusovin: There is plenty of evidence, and it is mounting.

Ms MACHIN: The honourable member for Heffron says the evidence is mounting. We have had six formal complaints out of 6,000 cases. The honourable member keeps saying she has plenty of evidence and it is mounting. I am beginning to get letters from borrowers thanking me for arranging interviews and appointments.

Mrs Grusovin: Have you had any calls from the Office of the Ombudsman lately?

Ms MACHIN: No, I have not. I have said before that we are not clairvoyants, whatever else we might be or profess to be. If the honourable member has complaints, how does she expect the service or any of the resources of government to deal with them if she does not tell us what they are? She just will not put up. Frankly, I think she is lying, because she does not have any information and if she does, she will not give it to me. That is the only conclusion I can come to.

Mrs Grusovin: On a point of order: I ask that the Minister be directed to withdraw the imputation that I was lying in the course of the debate.

Mr ACTING-SPEAKER (Mr Tink): Order! I ask the Minister to withdraw the remark. I suggest also that the honourable member for Heffron might interject a little less.

Ms MACHIN: I withdraw it. I cannot understand how I could have come to that conclusion or made that statement. All I can do is to continue to repeat the invitation in my letter: if the honourable member has suggestions on how to improve the service and has concrete examples of why it is not working, she should show the complaints to me so that they can be considered and the problem rectified.
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We are not clairvoyants and cannot do anything unless we know what the complaints are. If the honourable member stacks them in a folder in her office, that will be only to the detriment of those borrowers. They know that. The honourable member referred to an offer made by the Public Interest Advocacy Centre, acting on behalf of the HomeFund Support Coalition, consumer legal centres and financial counsellors, to produce a comprehensive manual for both financial counsellors and legal officers. The centre suggested a figure, which I think was $30,000 or $50,000, but the proposal did not reach the stage of the cost being considered.

Mrs Grusovin: They said it was too much.

Ms MACHIN: It did not reach that stage, because the centre was satisfied that the comprehensive training undertaken by staff and the resource materials already developed obviated the need to take up the proposal. As I said before, there has been input from a wide variety of organisations which have experience in this area. Before we all get too carried away with the significance of this manual, I would like to consider its merits. To my knowledge its preparation was canvassed during a meeting between officers of the Department

of Consumer Affairs and representatives of the HomeFund Support Coalition. I understand that no formal written specification for the manual was ever presented to the Government. I would have been happy to have received one. Honourable members will understand our lack of enthusiasm for the manual given that we never received any details about it, other than a proposal to develop something.

There has been no evidence of substandard assistance being provided by the HomeFund Advisory Service, despite some generalised claims by the honourable member for Heffron. We have yet to see anything that would stand up to scrutiny. Coupled with this, what is now proposed? On the basis of what appears to be little more than an idea canvassed during a meeting, and in the light of the failure of the armchair critics to come up with any evidence of substandard assistance, is the Government expected to conclude that what has been done to date is incorrect? Are we supposed to cease the provision of further assistance under the current format? Are we supposed to advise the borrowers who have already been assisted under the current arrangements to disregard the advice received and to wait until the manual is produced? Are the staff to be retrained before we can correct the situation? That is the implication in the remarks of the honourable member for Heffron: all bets are off?

The system is in its ninth week now and there have been six complaints out of 6,000 cases. The honourable member for Heffron seems to suggest that we should disband the service now because of some whim or idea floated by her; that we should rejig and restart the whole service. If the answer to the questions I posed is yes - and that would be a silly answer - it would be irresponsible of me not to warn that there would be a hiatus of about a month or six weeks while everything was wound down and restarted. I cannot understand where there would be any benefit to borrowers. I do not know whether the honourable member could genuinely and sincerely say that there would be any benefit to the borrowers. It would simply visit on them unnecessary anguish and delay, all for nothing apart from satisfying some of the honourable member's political motives. I am sure that if we were to restart, the honourable member for Heffron would say there was something wrong, she would have another idea and would want to change the system again.

The bottom line is that this is about delaying, and you guys opposite have said that in the House before: "Surprise, surprise, it is political!" The honourable member for Kogarah interjected in question time on one occasion and said that this was only political. The bulk of ALP members do not care about HomeFund borrowers. They never participate in the debates, they never write to me or take up any issues. It is simply a political matter. Honourable members should carefully consider the questions I have posed in regard to abolishing the service and relocating it before they unreservedly embrace the concept of the manual or the other proposals that are the substance of the bill.

The honourable member for Heffron then went on to consider the role of the Legal Aid Commission, the body she would have operate the advisory service. Officers of the department met with commission representatives a number of times. I have spoken with different organisations about getting the service up and running, getting properly qualified people into the service and getting a good spread across the State. The Legal Aid Commission put forward a proposal to assist the delivery of legal services. The Commissioner for Consumer Affairs wrote to the Legal Aid Commission advising that its offer would be kept in mind for future needs once we got going.

Earlier this week officers of my department again met with representatives from the Legal Aid Commission, including Mr Ben Slade, who I know is known to the honourable member for Heffron, to discuss how the commission could assist the HomeFund Advisory Service in providing face-to-face interviews, particularly in country locations. The result was that the Legal Aid Commission representatives believed it would be impractical for them to offer assistance at this time because of the general unavailability of their legal staff due to heavy workloads - we all understand that - and the length of time necessary to train such staff to the level of expertise required to advise HomeFund borrowers on the HomeFund restructuring scheme.

It was agreed, however, that the Department of Consumer Affairs would continue to monitor resource needs against demand for services and assess any future opportunity for the Legal Aid Commission to provide legal assistance should it be considered appropriate and practical. Yet again, it is simply not true to say that the

involvement of the Legal Aid Commission was not considered by the Minister for

Consumer Affairs as an acceptable proposition. It was considered at the outset. In the past two days we have gone back to the Legal Aid Commission and it has said that it is too hard, it is not something the commission has the time or expertise to do.

Mrs Grusovin: It makes interesting reading, I will tell the Minister that.

Ms MACHIN: If the honourable member is disputing what those people are saying and calling them liars, they can read that in *Hansard*. I am simply reporting the outcome of the meeting, and I am sure the honourable member for Heffron is not particularly pleased about that. She continues to labour under the misapprehension that it is inappropriate for the Department of Consumer Affairs to provide an advisory service, despite the will of the Parliament, which involved more than just the honourable member for Heffron. The majority of members of this House were happy with the proposal and it was explicitly discussed in the negotiations on the legislation last year. Is the honourable member seriously suggesting that the people involved would compromise their professional values, their professional integrity, to somehow minimise Government liability? Why would they? What does it have to do with them? Why would they care where the Government might end up at the end of the day?

I challenge the honourable member for Heffron again to produce evidence of her claim - not innuendo, not wild and unsubstantiated accusations, but hard evidence. That is not coming through. I would also like the opportunity to report to the House the results of an attempt by one of my staff to gather some evidence of substandard assistance being provided by the HomeFund Advisory Service. HomeFund borrowers do ring my office, and we talk to them. That might surprise the honourable member. As members are probably aware, a number of community groups have sprung up to provide support for HomeFund borrowers in different parts of the State. During a telephone conversation with a member of one of these groups it was repeatedly alleged that the HomeFund Advisory Service was partial or biased. When that person was requested to elaborate upon how this bias occurred the telephone was passed to a person who, it was initially understood, was the victim of biased assistance from the service. I was concerned to hear this.

During the ensuing discussion, the person who was allegedly the victim of bias stated that she had not spoken to the HomeFund Advisory Service and had in fact declined the offer of the HomeFund Restructuring Information Centre to be transferred to the HomeFund Advisory Service. When the telephone was passed back to the original representative of the support group, with whom the honourable member for Heffron has had some contact, details were again sought about the alleged partial assistance, how it was considered to be partial, and what it was. A request was made to tell us the problems so that we could fix them. The answer on this occasion was that, for a number of understandable reasons, non-English speaking borrowers have difficulty comprehending advice when speaking to an adviser through an interpreter. I have said already that we have arrangements in place to address that problem by way of face-to-face interviews whenever a borrower wants one.

The support group was then invited to present to me a proposal to overcome the difficulties - generally with the service and also with regard to people from non-English speaking backgrounds. I might add that no advice has been received to date, and that all took place more than a month ago. I mention this to demonstrate my genuine attempts to elicit information from people who have complaints, to enable me to take remedial action and to illustrate the types of events that some are interpreting as partial. This is the type of thing that has been relayed to the honourable member for Heffron. She then beats it up and makes out that the service is not working. In fact, in this case the borrower did not even speak to the service.

Two further aspects of the honourable member's bill demonstrate her state of confusion. If she is so concerned about the requirement for impartial advice why has she omitted it from the scheme in existing section 14? I can find no reference in her bill to the word "impartial". If that is so important, why has the honourable member for Heffron not made that clear in her bill? The other issue is why the Legal Aid Commission does not suffer the same criticism as the Department of Consumer Affairs in relation to its capacity to provide impartial

assistance to borrowers. I suspect that if it was moved there, they would suddenly become partial. There would be something wrong, you can bet your bottom dollar. As with my department, the commission is relying on the Government for funding.

The honourable member for Ashfield implied that there were problems on the part of the Government, and the honourable member for Heffron then looked to the HomeFund Borrowers' Guide to Loan Restructuring to further support her argument. She said that the wording is inconsistent with the legislation. The honourable member claims that, as described in the booklet, financial advice is not financial counselling and that legal advice is not legal assistance. She was emphatic on this point when she wrote to the honourable member for South Coast and, I imagine, to other Independent members. What is the honourable member for Heffron saying? On the one hand she is telling the world at large - and the honourable member for South Coast in particular - that legal advice is not legal assistance, yet her bill says otherwise. Let us look at the definition, which is her definition, of "legal assistance services" on page 4 of the bill. It says:

> Legal assistance services means the giving of legal advice as to the rights of HomeFund borrowers . . .

Mr ACTING-SPEAKER (Mr Tink): Order! It being after 11.30 a.m., pursuant to sessional orders the debate is interrupted.

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SELECT COMMITTEE UPON MOTOR VEHICLE EMISSIONS

Mr LANGTON (Kogarah) [11.32]: I move:

(1) That a Select Committee be appointed to consider and report upon:

(a) the optimum system for New South Wales to monitor motor vehicle emissions and to report on air quality generally in New South Wales, and in metropolitan Sydney in particular;

(b) the advantages and disadvantages of overseas systems, including those of the United States and Europe, of inspection and maintenance for motor vehicles, to ensure that motor vehicle emissions are reduced to the maximum practicable extent;

(c) the advantages and disadvantages of centralised and decentralised systems of inspection and maintenance, for motor vehicles demonstrated by overseas experience in terms of:

* consumer convenience;

* cost to the consumer;

* efficiency;

* environmental benefits; and

* human health.

(d) the efficiency of overseas systems of "test and repair" stations, in which motor vehicle emissions are tested and any faults are repaired, within a single organisation;

(e) the investigation of adequacy of current measures designed to improve air quality, and the matter of air quality generally in New South Wales, and in metropolitan Sydney in particular;

(f) the effectiveness and local relevance of alternative technological systems for monitoring motor vehicle emissions;

(g) to recommend on whether or not an inspection system for vehicle emissions should be introduced in New South Wales, and if so, to recommend which type of system is introduced.

(2) That the committee consist of Mr Gaudry, Mr Humpherson, Mr Langton, Dr Macdonald and Mr Rixon.

(3) That at any meeting of the committee any three members shall constitute a quorum.

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

(5) 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.

Seventy-five per cent of air pollution originates from motor vehicles. The pollutants emitted include carbon monoxide, lead, hydrocarbons or reactive organic compounds, carbon dioxide, methane, CFCs, nitrogen oxide and toxic compounds such as sulphur and benzene. The effect of these emissions is a deterioration in air quality; both direct and indirect detriment to human health, including respiratory diseases such as asthma; detriment to the environment; depletion of the ozone layer; and the greenhouse effect. The air pollution officer for the Total Environment Centre recently stated:

Ozone is produced by UV from the sun acting on motor vehicle emissions. The link between ozone and asthma as indicated in numerous overseas studies, is that of sensitising and predisposing people, particularly children, to asthma.

The incidence of asthma in Australia has more than doubled in the past 10 years. Although air pollution is highly visible on some days, it is its usual invisibility that has resulted in many people having misplaced confidence in our air quality. Despite the warnings of many scientific and conservation organisations, New South Wales has not addressed the issue of motor vehicle emissions. Air pollution levels in Sydney are seriously high, and the worst affected areas are the west and southwest of Sydney. The topography of Sydney is such that these areas form an ideal catchment for pollution and it is not surprising that the rate of respiratory diseases in these areas is correspondingly higher than in any other part of Sydney. Death rates from respiratory disease in the outer western suburbs are 80 per cent above the State average. In its 1991 report entitled "Air Pollution and Greenhouse", Greenpeace warned that:

Without major new policy initiatives, smog in Sydney is likely to exceed Los Angeles levels within 10 years.

We know that an important part of the strategy required to prevent such a situation is the improvement of public transport. This Government has time and again shown its unwillingness to invest in public transport. Indeed, it has shown a marked preference for more and more roads. I am disappointed that the Minister for Transport is not in the Chamber today - in fact he is not even in the building. He is at the Mortuary Station announcing further moves to destroy public transport in this State. I am sure that the House would be aware of my concerns about public transport. Though I will not give up the fight for public transport improvements in this State, I shall not be debating that issue today - at least not in the Chamber.

We are debating the appointment of a select committee to consider what might be the best system for monitoring vehicle emissions in New South Wales. I understand that the Environment Protection Authority is investigating these issues at the moment, but I am still concerned that too little is being done and that it is taking too long. We need an effective vehicle emissions testing program in New South Wales, and we need it

immediately. A select committee will be able to evaluate the various options without the constraints or biases that may be apparent in leaving this to a bureaucratic decision.

Australian car emission standards allow six times more hydrocarbon, four times more carbon monoxide and eight times more nitrogen oxide emissions than the United States 1994 standards. In Sydney alone,

motor vehicles emit almost 800,000 tonnes of pollutants each year, and that raises a serious concern with regard to respiratory health. In addition, they emit 500 tonnes of lead per annum. Some statistics might appear meaningless but we daily see the effect of these statistics. Visit any casualty ward of any children's hospital and you can witness the devastation caused by asthma. As I said earlier, the situation is worse in western Sydney. Clearly there is an urgent need for the Parliament to thoroughly review the state of air quality and consider how best to monitor and control motor vehicle emissions. The United States has had more than 20 years' experience in implementing various programs designed to test motor vehicles for emissions to repair faulty vehicles. The United States Environmental Protection Agency has found as follows:

> Despite the most rigorous vehicle pollution control program in the world, cars and trucks still create about half of the ozone air pollution and nearly all of the carbon monoxide air pollution in United States cities, as well as toxic contaminants. Of all highway vehicles, passenger cars and light trucks emit most of the vehicle-related carbon monoxide and ozone-forming hydrocarbons. They also emit substantial amounts of nitrogen oxides and air toxics.

The United States EPA makes the point that while major progress has been made in reducing the emission of these pollutants, total fleet emissions remain high. This is because the growth in vehicle travel has offset much technological progress, and that growth in travel is increasing. The Australian experience is similar. Our reliance on motor vehicles will continue and, therefore, efforts to reduce emissions from individual vehicles are essential, particularly because many vehicles are old. Despite stringent pollution standards for new passenger cars and trucks, proper vehicle inspection and maintenance is needed to ensure vehicles stay clean in actual use. Without efficient systems for detecting and rectifying emissions, air quality will continue to worsen. The United States requires high-tech inspection and maintenance systems for areas which suffer high levels of air pollution. Amendments to the United States Clean Air Act were passed in 1990, and this provided the catalyst for a review of the various emission testing systems in place around the United States.

Regulations for inspection and maintenance were passed in November 1992 to enable States to achieve air quality targets. These regulations required any State with serious to extreme air quality problems to implement a new style of maintenance program for motor vehicles. A new high-tech emissions test was introduced to deal with motor vehicle emissions, and some 30 States were affected by the new regulations. It has been stated many times that 10 per cent of vehicles cause the majority of vehicle-related pollution. However, the point is that proper testing is required to detect these cars. It is not just a simple matter of visual inspection. The United States EPA says that it is rarely obvious which cars are high emitters as emissions themselves may not be noticeable. Emission control malfunctions may not necessarily affect vehicle performance.

Even new cars will fall into this category, with around 8 per cent of one-year-old vehicles identified as high emitters in a United States EPA report of July 1992. The United States EPA is concerned that simple exhaust tests are ineffective. The Roads and Traffic Authority and the Environment Protection Authority have trialed such tests in New South Wales through service stations. The idle tests worked for older cars; but for more modern vehicles, sensor and computer operation and emissions must be tested during the high emission acceleration and deceleration driving modes to most reliably identify high polluting cars. Another problem is that evaporative emissions - that is, vapours which escape from various points in the vehicle fuel system - present a huge source of hydrocarbon emissions, generally greater than that from the exhaust system.

As the name suggests, an exhaust check is not going to detect emissions which escape from anywhere other than the exhaust. The results of the New South Wales trials which were conducted more than one years ago have never been publicly released. The United States EPA estimated that the cost of the high-tech system is $US12.50 per vehicle per year, or $US9 per vehicle per year in a high-volume station. There is much debate about the merits of centralised or decentralised systems of vehicle inspection and maintenance, and the

Opposition has an open mind on this issue. But we must canvass all the options and make sure that in New South Wales we implement the best system of vehicle emission testing. The air quality issue is far too important to permit expedience in the decision-making process.

I believe that Australia has much to learn from overseas experience, particularly where there has been a long history of auditing the results and environmental impacts of various systems, such as in the United States. New South Wales deserves a more rigorous examination of all policy alternatives before we commit ourselves to systems which have clearly been found wanting. It is just not good enough to tack a superficial emissions test on to the existing authorised inspection station system. Although that system is good for the detection of faults in the mechanical fitness of motor vehicles, and although it has operated efficiently to this point, it is not the perfect system. I do not believe that adding to that system a pollution or exhaust check, especially if that is to be a static test, will adequately determine mechanical problems with a vehicle's emission. I do not believe that will be sufficient to ensure that when emission problems are detected, adequate regulations are in place or the Government has adequate resolve to do anything about repairing faults to make sure emissions are decreased. Setting up the committee will provide a one-off opportunity to tailormake a program to quickly achieve a better environment at low cost to the consumer. The establishment of a committee to determine the most efficient, effective, and particularly cost-effective system for New South Wales is extremely important. This committee should be the starting point for policy deliberations. [*Time expired*.]

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Mr HARTCHER (Gosford - Minister for the Environment) [11.42]: The honourable member for Kogarah appears to be unaware of the Government's air quality initiatives, which will provide the strategies required to protect and enhance air quality in this State. This Government has already committed itself to the introduction of an in-service emissions test for motor vehicles as part of a comprehensive strategy for reducing emissions from motor vehicles. To establish a select committee to investigate air quality and other motor vehicle issues when the management is well developed is unnecessary and would only duplicate an established program. Let me advise the member for Kogarah of the extent of the Government's efforts in this area to date.

Protection of our air quality is important, not only from a public health perspective but also as an aesthetic issue. On both these grounds I am pleased to advise that monitoring data indicates that air quality in the greater Sydney metropolitan area is improving. The Government is aware of the potential for air quality to deteriorate as motor vehicle numbers increase and as urban areas of Sydney expand. Consequently it has been proactive in implementing its management strategy. As part of this strategy, the Government approved $10 million funding over three years for the Environment Protection Authority's metropolitan air quality study in 1992 in order to increase our knowledge of air quality in the Sydney, Newcastle and Wollongong areas, and to improve our ability to predict the effect of future urban planning and industrial development proposals.

The ultimate aim of the so-called MAQ study is to develop an air quality management plan for all of metropolitan Sydney as well as for the Illawarra and lower Hunter regions. One of the benefits of the study will be the facility, which has not been available to us before, of modelling and predicting the effect of changes, such as different patterns of urban development, on air quality. The model will also allow testing of the impact of various control strategies for protecting air quality. The MAQ study will provide a detailed inventory of emissions in the air shed from all sources, including motor vehicles, industry, and domestic situations. The motor vehicle inventory is based on the best available data on vehicle emissions and will be regularly updated with data provided on vehicle emission trends from the EPA's motor vehicle laboratory and data on vehicle usage trends from the Government's transport study group.

This Government is not waiting, however, for all details of the MAQ study to be complete before taking action. We already know that motor vehicles are a major contributor to air pollution, and programs to reduce emissions from motor vehicles are being initiated. In particular, last November I launched the motor vehicle maintenance program, which is a four-pronged approach to tackling the issue of how to ensure that motor vehicles are properly maintained throughout their working life so as to meet their designed emission performance. The components of the program are: an upgrading of the skills and equipment of the motor

vehicle repair industry to ensure that vehicles that fail an emissions test are readily able to be effectively diagnosed and repaired; a community education program to enhance the community's understanding of the car's contribution to air pollution and how emission testing can contribute to improvements in air quality; a visual check of the vehicle's catalytic converter as part of the annual pink slip inspection to ensure that the catalyst is in place and has not been disconnected; and the development of an in-service emission test program.

The proposal by the member for Kogarah focuses only on the last component of this comprehensive strategy and falls into the same trap that the North American in-service program fell into during the 1980s. That is, it focuses all efforts on developing a bigger testing program rather than on reducing emissions from the in-service vehicle fleet. It is not enough to develop a technically sophisticated test and put in place a testing network that is reliable and consistent, as important as these are, because it is also necessary to ensure that the repair industry is capable of effectively diagnosing and repairing polluting vehicles. This is a new task for the repair industry and it is currently working with the Government to ensure that this infrastructure is in place.

As I have said, the development of the in-service emissions test program is well under way. Senior officers from the Environment Protection Authority and the Roads and Traffic Authority undertook an inspection tour of in-service programs in the United States and Canada in November 1993. This tour provided insights into the critical issues for the successful implementation of an in-service vehicle emission program and also confirmed that this State's approach is consistent with world best practice. The New South Wales EPA motor vehicle laboratory is also participating in a Commonwealth sponsored in-service motor vehicle emission study, which will assist in identifying the most appropriate emission test for Australian conditions. This New South Wales program therefore comprehensively addresses the issues that the member for Kogarah seeks to have considered by a select committee. It also addresses a number of issues which the member has not raised but which are critical for the effective operation of an in-service motor vehicle program.

The motor vehicle maintenance program is just one component of the New South Wales air quality management program that is currently being undertaken by the Environment Protection Authority in conjunction with other government agencies, key industry groups and community stakeholders. The key, however, is education, awareness of the effects of the motor vehicle and our alternatives: encouragement to use less polluting modes of transport, alternative, cleaner fuels; and urban design that recognises our needs for transport to and from our places of work without the need to rely on the motor car.

In conclusion, the Opposition should understand that these are not inconsiderable undertakings by this Government, which is showing that the investigation and management of air quality are well in hand. A management plan to be presented at the end of the metropolitan air quality study will further demonstrate this Government's already substantial commitment to this issue. Any deviation from the program at this stage would only serve to delay the implementation of these important strategies. The very people who are doing the work are the only people who will be able to advise a select committee. All that a select committee could do would be to hear from the EPA and the RTA reports on the programs they are already successfully undertaking.

The honourable member for Kogarah talks about looking at experiences overseas. The committee is not qualified to evaluate overseas experience; only the experts can do that. If he is looking for a trip for himself, let that be noted. However, the fact is that in 1992 the EPA and the RTA undertook studies in the United States and Canada. The United States EPA developed a transient test that was tested by the United States general accounting office, which presented to the United States House of Representatives a report outlining the suitability of the test and identifying significant drawbacks. The fact is that at this stage there is no developed program overseas that is working successfully. The New South Wales EPA and the RTA are examining the whole range of overseas experiences, and they are the people best qualified to examine them.

The ignorance of the honourable member for Kogarah on all matters before this Parliament is well known. If he wants to transport his ignorance overseas, well and good. If he wants to go overseas to the United States and Canada, and drag his committee with him, well and good, but the fact is that he is not qualified to make an

assessment. Nor will the parliamentary committee be qualified to make an assessment; its only qualifications will be to hear evidence put before it. And, of course, who will be putting the evidence before it? The evidence will come from the Environment Protection Authority, the Roads and Traffic Authority and other organisations such as the National Roads and Motorists Association, which are already involved in this program. All that the parliamentary committee would be doing would be wasting the time of members of the Parliament; it would achieve nothing, nothing at all. It may be a forum for the honourable member for Kogarah to display his ignorance, but he has ample opportunity in this House to do that, and we will all be witnesses to that. The Government does not support the motion. [*Time expired*.]

Mr GAUDRY (Newcastle) [11.52]: What is the Minister afraid of? If the reports of the EPA and the technical studies prove to be of such magnitude and significance as he suggests, then let the parliamentary committee review them and make its determination. In 1992, following the air quality summits, and when speaking on this matter in the House, the member for Ermington, Mr Photios, who was then the Government's environment committee chairman, stated:

> The second and most critical issue of concern, universally agreed by all people represented at the air quality summits one and two, was the all important issue of monitoring and then controlling, through appropriate standard settings and measurement devices, the question of motor vehicle emission in the Sydney air shed. For that reason it demanded that government move beyond the random testing and on the spot fines program which, although certainly a positive move in the right direction, was not in any way, shape or form the comprehensive answer to this question.

It is now April 1994 and the Government has not shown, either by any achievable results or by any determination, that it is moving to combat that most serious of policy issues and health issues, that is, the problem of motor vehicle emissions. It does bear to repeat that some 60 to 70 per cent of Sydney's air pollution is caused by motor vehicle emissions and that those motor vehicle emissions contribute to the smog problem of Sydney. Though I acknowledge that in both Sydney and Newcastle, and particularly Newcastle, there has been improvement in the control of smog, there is certainly a large and difficult problem associated with motor vehicle emissions. It will be a growing problem because there is no doubt that this Government has shown very little real commitment to improving the public transport net in the Sydney area. We have all heard the many released options for public transport by the Minister for Transport and Minister for Roads, re-released again and again, yet in practical terms there is still a great dependence on the private motor vehicle in the Sydney area. That dependence will certainly increase, so that the problem of air pollution will become entrenched. A study on the matter states:

> Evaluation of air quality for the development of Macarthur South and South Creek valley regions of Sydney indicated that prevailing winds push emissions, largely from cars, to the western suburbs of Sydney.

Of course, that is an area that is highly affected by any pollutants that occur within the Sydney basin itself. This is a problem that will increase. It is a problem that should be looked at now and it is a problem that will be approached by this select committee. Let us just look briefly at what the select committee will do. Firstly, it will look at an optimum system for monitoring motor vehicle emissions and report generally on air quality in Sydney and in New South Wales. It will look at the advantages and disadvantages of overseas systems to ensure that motor vehicle emissions are reduced to the maximum practicable extent. It will look at the advantages and disadvantages of centralised and decentralised systems of inspection and maintenance. As the Minister said, the overseas experience does differ quite markedly. For example, the systems used in the United States, the United Kingdom and Europe vary considerably.

If a professional report is produced, it is competent for this committee to look at the results of such a report and to determine whether further studies need to be done in order to set up a system that brings

maximum benefit to the people of Sydney, in terms of both the effect on the health of the people of Sydney and New South Wales from motor vehicle emissions, and the environmental benefits that will come from such programs and from the efficiency of those programs. As the Minister and the shadow minister have said, it is not of great value to set up a system that returns a marginal benefit at great cost. We must look for the most

effective system possible, and we must consider the cost and convenience to the consumer. [*Time expired.*]

Mr HUMPHERSON (Davidson) [11.57]: I support the Minister's eloquently expressed arguments and I admire the deep passion that he feels about this matter. Although the motion of the honourable member for Kogarah suggests that he has some understanding of the issues associated with the management of motor vehicle emissions, it appears that he is not fully aware of the work conducted by Government agencies in this field. For example, the honourable member's motion would effectively duplicate large parts of an already well established program, including a major metropolitan air quality study and a motor vehicle emission reduction strategy. The emission reduction strategy is quite clearly comprehensive and contains a range of controls which include a motor vehicle maintenance program.

As my colleague the Minister for the Environment has stated, the motor vehicle maintenance program, which is a joint initiative of the Environment Protection Authority and the Roads and Traffic Authority, is currently being implemented. It includes a community education program which I recall was launched in conjunction with the NRMA during Smog Action Week late last year as an industry program to enhance the capacity of repair industry to make cost-effective repairs to vehicle emission systems. We have heard that the details of the motor vehicle inspection system are currently being developed, with close attention paid to the inspection maintenance programs run in the United States of America. Although the honourable member for Kogarah appears to be well intentioned in his move to establish a select committee to investigate motor vehicle emissions, there is a risk that such a committee would simply duplicate the extensive and important work currently being undertaken.

Furthermore, it is unlikely that such a committee would be able to make an additional significant contribution at this time to the development of a motor vehicle inspection system in New South Wales, particularly when one compares any contribution such a committee may be able to make with the process adopted by the Government to harness the collective expertise of technical specialists within government departments and industry. Rather, the proposal of the honourable member for Kogarah has the potential to divert the attention of those currently working on the problem and impair their productivity and timely response to this issue.

The control of motor vehicle emissions is extremely important. However, it is a complex problem, and a select committee investigation at this stage is only likely to muddy the waters. For those reasons, I join the Minister in opposing the motion and I applaud him for his well-managed and structured approach to improving air quality in New South Wales. I do not believe any member of this House would disagree with the broad objective of improving air quality in Sydney and, indeed, other centres throughout New South Wales. However, it has been acknowledged by the Government that significant work has already been undertaken in this field. In many areas that work is well advanced. Therefore, the formation of a select committee at this time would be inappropriate. It would simply pre-empt and specifically duplicate much of the work that is currently being undertaken.

With a number of exceptions, the members nominated to be members of the committee are highly qualified and capable. I am sure they will approach their duties on the committee with great diligence if and when they are given the opportunity. However, the formation of the committee should be left for the future. The relevant departments should be able to continue their work and investigations without interruption. I also question the propriety of establishing another select committee at this time. It is proposed that the committee consist of five members, including the honourable member for Manly. I ask, perhaps as a challenge to him, whether he intends to chair this committee, bearing in mind the amount of time he has committed to the Joint Select Committee upon the Sydney Water Board.

Mr McMANUS (Bulli) [12.2]: One member of this House who should be screaming from the rooftops for a select committee on motor vehicle emissions is the honourable member for Davidson. His electorate is covered by probably half the smog in this city. I now refer to the ignorance of the Minister. Why is this Government so averse to select committees? The Government was dragged kicking and screaming all the way to the formation of a select committee on bushfires. What is wrong with this House being apolitical? The

Joint Standing Committee upon Road Safety has existed for a decade and has done tremendous things for New South Wales. It has been claimed that the shadow minister is ignorant of the facts.

The shadow minister, who is proposing the select committee, served on that committee from 1984 to 1991, and for two years was the chairman of that committee. Random breath testing and heavy vehicle safety were two of the major issues he dealt with. How can it be claimed that the shadow minister is ignorant of the facts? Let me tell the Government what it needs to hear. It is all very well for the Minister to drive around in his Fairlane, his ministerial car, but he does not understand what the people of New South Wales have to put up with. He does not realise the cost to the community of replacing a catalytic converter. It cost me $350 to replace the catalytic converter in my old Fairlane. That may have been easy on a parliamentary salary, but millions of people cannot afford that sort of thing.

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Mr Hartcher: What is the Labor Party doing for them?

Mr McMANUS: The Minister is in government and he should make sure the charges are reduced. The Government has clearly been averse to the formation of controversial select committees. What is wrong with establishing an apolitical committee? The coalition will lose the next election, and when Government members are then seated on the other side of the House they will understand the policies of the Labor government. Why does the Government continually hide behind Cabinet subcommittees and bureaucratic committees from which nothing emerges? As the shadow minister has already shown, the Government has carried out investigations but has not released any information so that the Opposition or the people of New South Wales can evaluate what is happening with emission control.

The Government is always screaming that New South Wales takes the lead from Victoria. In the week leading up to Easter Melbourne could not be seen for smog, Geelong could hardly be seen for smog, and the way the Government is going this State will take the lead from Victoria for lead emissions and other pollution. The Government will do nothing about it. The Minister should take a look at Victoria to see what is in store for New South Wales if we do not act. The way to do it is to take action on an apolitical basis. The shadow minister is happy to put forward his expertise, gained from a decade of expertise on the Staysafe committee, to give an indication of what needs to be done.

When the Labor Party gains office its policies will be written in concrete. It will adopt any recommendation made by this Government that will benefit the people of New South Wales. It will not hide behind Cabinet subcommittee doors, and will not be averse to working on an apolitical basis. The people of New South Wales should have a government and an opposition that will assure them that Sydney will not end up like Melbourne. That is the biggest danger facing New South Wales. Only when more children die from smog in this State will the Government understand that motor vehicle emissions are one of the State's major problems. The Government will not listen to suggestions from the Opposition about how to deal with the problem. Over the Easter weekend Melbourne experienced health problems everywhere, but the Government will not listen to reason.

Mr O'DOHERTY (Ku-ring-gai) [12.7]: I was entertained by that highly passionate contribution.

Mr Hartcher: It was excellent.

Mr O'DOHERTY: The Minister says it was excellent. I would be more inclined to describe it as moderate. Although the contribution of the honourable member for Bulli was highly passionate, it was completely off the point. The Parliament is being asked to vote on whether a select committee should be established to investigate some of the problems the Government is already investigating. The honourable member for Bulli claims that Sydney will become another Melbourne. That is not possible because the climatic, geographic and other conditions are quite different. The honourable member for Kogarah claims Sydney will become another Los Angeles. Under United States standards, New South Wales would come

nowhere near Los Angeles. Based on the standards that apply in the United States, Sydney would be a moderate city on the United States scale of low to extreme. Therefore, there is no prospect of Sydney being anything like Los Angeles. In relation to Melbourne, it is far off the planet to put forward arguments about children dying and so on. The honourable member was becoming excited by the sound of his own argument.

The Government is clearly committed to reducing vehicle emissions that are harmful to the health of New South Wales citizens. This Government has demonstrated that is it committed to building better cities on behalf of the people it represents. The people of Ku-ring-gai and the people of Bulli would expect the Government to do that. Thankfully for the people of Bulli and the people of New South Wales, the Government is doing that. The Government is committed to building better cities, which includes improving air quality. I will mention briefly six things that the Government is doing. Earlier the Minister expanded on these six things. First, stringent emission standards for new vehicles are being set. Second, a motor vehicle maintenance program will be put in place to monitor emissions of vehicles already on the road. Third, new engine technology and environmentally friendly fuels are being promoted. The Federal Government could do more than it is doing now to help in that regard.

Fourth, the Government will attempt to influence travel behaviour through education. The Government believes in the use of mass transit, where possible and available. Fifth, the Government will encourage the availability and use of less polluting modes of transport, such as bicycles and public transport, to which I referred earlier. Sixth, the Government will promote urban design strategies to reduce the need for motor vehicle use. The Government is already doing work in those areas and, since 1988, it has been committed to doing that work. The Government has encouraged people to report cars that smoke them out when they are sitting behind them. If people report those vehicles to the Environment Protection Authority - this is where the community can play an important role - they will be dealt with under current law.

But the Government is not stopping there. The Roads and Traffic Authority and the Environment Protection Authority are investigating all the complex questions quite rightly raised in debate by the honourable member for Kogarah. We do not agree that another parliamentary select committee is needed to do this. The honourable member for Kogarah has asked this Parliament to send members of the proposed select committee to the United States of America, Canada, Europe and other places to investigate what is being done there. The United

States of America is already having trouble determining the best course of action to follow. If members of the select committee travel to the United States they will find that the United States cannot establish the best tests.

In the transient test, for example, 25 per cent of vehicles tested by the Environmental Protection Agency initially failed the emission test, but when they were tested again they passed. The United States has had trouble tracking down the best tests to use. The emission test alone would probably cost $1 million for equipment and infrastructure and the establishment of stations. The cost of the test for individuals would be $60. The United States is facing significant problems. The EPA and RTA are monitoring studies conducted in the United States and are working in parallel with them. Work is already being done by government agencies, so there is no need for a select committee to be established or to go overseas to determine something about which the RTA can already advise the Parliament and the Government. No one disagrees that we need a better strategy. The Government is working towards a better strategy. The Government is committed to building better cities and control of vehicle emission problems is an important part of it. We do not agree that another select committee should be established to waste the time of members and to waste the money of the people of New South Wales. The cost of such a select committee would be phenomenal. [*Time expired*.]

Mr LANGTON (Kogarah) [12.12], in reply: How dare the honourable member for Ku-ring-gai flippantly talk about children in Sydney dying of asthma! He said that children are dying, and so on. He is a disgrace. He should leave this Chamber now and hang his head in shame.

Mr O'Doherty: On a point of order: the honourable member for Kogarah has transgressed the rules of this House. He has made a substantive attack on me. He should be directed to withdraw what he said,

particularly in light of the fact that, in his opening remarks, he said that I spoke of children dying of asthma. That is wrong. I said nothing about asthma. In fact, I was quoting the honourable member for Bulli, who spoke earlier about the death of children. The honourable member for Kogarah was not listening. His reflection on me, first, is factually wrong and, second, is out of order as it was a substantive attack on my rights as a member. The honourable member for Kogarah should apologise.

Mr ACTING-SPEAKER (Mr Rixon): Order! My interpretation of what was said by the honourable member for Kogarah is not the same as that of the honourable member for Ku-ring-gai. The honourable member for Kogarah may continue.

Mr LANGTON: The Minister for the Environment claimed that the Government was taking a proactive approach, which is a destruction of our English language. One is either active or one is not. Obviously, this Government is not active. The Minister claimed that the Government was spending $10 million on a metropolitan air quality study. I wish to refer to what the Total Environment Centre had to say about that:

> We don't need any more submissions or studies on air pollution. Enough is known already about the sources of air pollution and its health effects. What is needed is some action by the State Government taking what we usually call hard decisions.

The Minister would not know what a hard decision was. How will more data on vehicle emissions and vehicle usage resolve existing problems? For heaven's sake, we have had studies and reports and we know what the problems are! Let us establish a committee to determine how to test vehicle emissions and how to go about reducing them. We do not object to research, but what is required is action. Research is not a substitute for action. The Minister referred also to educating and training people in the motor vehicle industry. The TAFE course to which the Minister referred will not be ready until mid-1995. TAFE cannot introduce a program before 1996-97. The Minister and his little mates opposite are prepared to wait for another three or four years while children in Sydney, particularly western Sydney, continue to die. The Government continues with its agenda, which is achieving nothing. How about some action, Minister? Government members have been hypocritical enough to talk about implementing strategies so that people use public transport. They have the hide to come into this Chamber and suggest that this Government is doing something about public transport!

[*Interruption*]

What did the honourable member for Davidson say last week about building a tollway? He thought it was a great idea. What about some public transport on the northern peninsula? The honourable member for Davidson thought it would be fine to build a tollway as long as people were charged only $1. Tell that to people in western Sydney who pay $2. How about some public transport initiatives? The Minister for Transport and Minister for Roads is at Mortuary Station now announcing a further cutback in country rail services. Government members should not come into this Chamber and talk about this Government doing anything about public transport. I do not know what members opposite had for breakfast. Perhaps they did not get enough sleep or something. It is ridiculous!

The Minister for the Environment claimed that people in the RTA and the EPA, who are currently working on this issue, are the only ones who can advise the committee. I would not accept advice from the RTA on anything! I would not believe the RTA if it told me what the time was. I do not believe people at the RTA know how to get home at night. What about independent experts and academics? For honourable members opposite to suggest that the proposed committee would be unqualified is like suggesting we should not have standing or select committees at all as they would all be unqualified. I am sorry, Minister: I admit that I am not a motor

mechanic. I am not even a scientist. The Minister claims that all select and standing committees are no good because they do not have the necessary expertise. We require a select committee to ensure that as quickly as possible we get to the bottom of vehicle emission testing and rectifying pollution problems caused by motor vehicles. [*Time expired*.]

Question - That the motion be agreed to - put.

The House divided.

Ayes, 46

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

Noes, 44

Mr Armstrong	Mr O'Doherty
Mr Baird	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Petch
Mr Causley	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mrs Cohen	Mr Schipp
Mr Collins	Mr Schultz
Mr Cruickshank	Mrs Skinner
Mr Debnam	Mr Small
Mr Downy	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Hartcher	Mr Turner
Mr Humpherson	Mr West
Dr Kernohan	Mr Windsor
Mr Kinross	Mr Zammit
Mr Longley	
Ms Machin	*Tellers*,

Mr Merton	Mr Jeffery
Mr W. T. J. Murray	Mr Kerr

Pairs

Mr A. S. Aquilina	Mr Fahey
Mr Neilly	Mr Griffiths
Mr Newman	Mr Hazzard

Question so resolved in the affirmative.

Motion agreed to.

PROSPECT, WORONORA, MACARTHUR AND ILLAWARRA WATER TREATMENT PLANTS

Ms ALLAN (Blacktown) [12.28]: I move:

That this House, pursuant to Standing Order 54, orders to be laid before the House the following documents:

(1) KPMG Peat Marwick - Review of Tax Implications for Board re: Corporatisation/Privatisation; and

(2) National Economic Research Associates (NERA) - Model for Corporatisation/Privatisation of the Water Board.

The release of the documents which are the subject of this motion is critical if this Parliament is to uphold the standards of open government set by this Parliament through freedom of information legislation. The Opposition has again been forced to invoke the use of Standing Order 54 to obtain these documents on water privatisation because the Government has been determined to hide its privatisation plans for the Sydney Water Board from the public and the Parliament. This is despite the fact that the Government has spent more than $750,000 from the pockets of taxpayers on preparing reports on privatisation of the board.

Intervention by the Minister for Planning in the freedom of information process was revealed in a very interesting feature in the *Sydney Morning Herald* on 30 March 1993 about how FOI legislation is not working. The story showed how Robert Webster, the Minister for Planning, has evaded FOI laws, stopped the release of Water Board documents about privatisation, and misled the Parliament on at least two occasions. The article was based on an FOI search initiated by the *Sydney Morning Herald* on 9 February last year for three Water Board reports relating to privatisation. When the Water Board refused to release the reports and they were transferred to the Premier's Department, the *Sydney Morning Herald* initiated a search of the Water Board's FOI file notes in an effort to discover the truth about the cover-up.

A comparison of the file notes and Mr Webster's claims revealed a strong case not only to support the contention that Mr Webster misled Parliament but also to support the claim that the reports on the privatisation of the Water Board should have been released. On 2 March last year Mr Webster told Parliament that the documents would not be publicly released because they were "part of the Cabinet process". The file showed that on the same day the Minister's office gave a written direction to the board to stop the release of the document. The file also

revealed interesting advice from the Government's experts on FOI legislation. Mr Webster's claim that the documents were part of the Cabinet process contradicts advice to the board from the Deputy Crown Solicitor, Mr John Withington.

Mr Withington advised the board's FOI officer on 15 February 1993 that the documents could not be classified as Cabinet documents because they were not created for Cabinet. That is right. The documents were created by the Water Board for the Water Board's use. The Cabinet never asked for the documents; it

probably did not even know they existed. Mr Withington argued that there was no reason why the documents should not be released. On 9 March last year the Leader of the Opposition in the Legislative Council, the Hon. Michael Egan, questioned the Minister for Planning again on the Water Board privatisation reports. He asked whether the reports were transferred from the board to the Premier's Department before or after 2 March and whether the transfer was done to evade FOI laws. Mr Webster answered that the transfer of those reports to the Premier's Department was done well before he was asked questions about the matter on 2 March, and that it was not done to evade FOI laws.

The FOI file notes show that this was not the case. The notes show that the documents were not transferred to the Premier's Department until late on 4 March. The Premier's Department still did not know whether it had authority to accept the documents at 12.45 p.m. on 4 March. Other interesting information on the file included a note from the then Water Board managing director, Mr Bob Wilson, who wrote a memorandum on 2 March to the board's freedom of information co-ordinator saying it was "regrettable" that the Minister's office had intervened in the processing of the freedom of information application. There was also a note suggesting that the board was preparing to release all of the documents, based on Withington's advice.

This motion strikes at the heart of whether the Parliament is willing to defend the Freedom of Information Act from politically motivated actions by the Fahey Government to stop the release of important information that deserves to be made public. The Government says that it wants to corporatise the Water Board, and the Government is actively considering that corporatisation. Yet all of the Government's actions infer that there is a much more sinister agenda. On 15 January last year the Minister responsible for the Water Board, Mr Webster, announced the Fahey Government's intention to make the Sydney Water Board "a candidate for privatisation". The Minister's statement was supported by the then managing director of the board, who said:

> Government should not be involved in the delivery of services; they should be involved in policy. I am a great believer in corporatisation and privatisation. If you aim [just] for corporatisation you're aiming short.

The Minister is not aiming simply for corporatisation. The Water Board has already spent almost $250,000 over the past 12 months on consultancies on Water Board privatisation. They include consultancies on community attitudes to privatisation, a review of tax implications for the board when privatised, and models for corporatisation and privatisation. The Government also commissioned the consultant Pacific Road to devise a plan on how to corporatise and then privatise the board that included the franchising of the Water Board's regions to the private sector. Several board officers have travelled overseas to investigate privatisation in the United Kingdom and France.

The former Minister responsible for the Water Board, Mr Schipp, also registered the Government's interest in privatising the Hunter Water Corporation. As we move closer to the introduction in this Parliament of the Government's so-called corporatisation legislation the public must have access to the Government's covert reports, so that we can make proper assessments about how they want the rivers and waterways of the State to be managed. We need to have the Government's privatisation reports that I have detailed in the motion so that we can see what the Premier really has in mind for the State's $14 billion Sydney Water Board.

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [12.35]: I am grateful for the opportunity to speak to this motion on behalf of the Government. Before I start on the substance of my contribution I will take the opportunity to rebut many of the comments that the honourable member for Blacktown made about my colleague in another place, the Hon. Robert Webster. Throughout her brief four-minute tirade she used expressions such as that Mr Webster was pursuing an undisciplined game, was lacking in integrity and probity, was politically motivated, was wasteful and was running an agenda that was contrary to the public good. Much of what she said was aimed personally at my colleague in the other place. Her approach is resentful and is completely rejected by the Government. It is unworthy of the nature of this debate, which should deal with the substance of the motion.

This debate should not be used to make imputations and slurs, matters in which the honourable member for Blacktown is only too expert. That has been obvious often in recent days. She is an expert in clouding issues:

she allows her personal prejudices to come forward and she uses unsubstantiated innuendo. The motion is another attempt to use Standing Order 54 to gain the release of sensitive documents. Indeed it is another attempt to misuse Standing Order 54. The use of that standing order to get access to commercially sensitive material is contrary to the proper good management of government in New South Wales. The documents are a reproduction of the working documents of the Government and because of their commercial sensitivity should not be released for political expediency. That is what the motion is all about.

The honourable member for Blacktown is an expert in misusing the processes of the Parliament for political expediency. If the motion is successful, the use of Standing Order 54 will make a statement to the business sector that it is foolish to do business with the Government in New South Wales; that if one seeks to do business properly in New South Wales, it

is likely that all sensitive material associated with one's business dealings will find its way into this Chamber, to be misused, misrepresented and twisted for cheap political gain, especially by the honourable member for Blacktown. That will do much to destroy competition in New South Wales and will destroy the integrity of the process of doing business with government.

As a matter of principle the Government opposes the misuse of Standing Order 54 to enable the honourable member for Blacktown to go through the charade of revealing documents and misusing them in the way she obviously intends to do. The documents, which were the subject of a freedom of information application, were considered to be exempt because they contained information of commercial value. The disclosure of the documents could reasonably be expected to destroy, or at least diminish, their commercial value. They were deemed to be exempt also because the information contained in them related to the business, professional, commercial and financial affairs of the board and disclosure could be expected to have an unreasonably adverse effect on those affairs.

What is the motivation behind this misuse of Standing Order 54? It will have a very significant impact on those professional, commercial and financial affairs to which I have been referring. The other reason for denying the FOI application was that the information would disclose an opinion, an advice, or even a recommendation obtained for the purpose of the decision-making function of the Government and that the disclosure would be contrary to public interest. Nothing would be worse than this cheap political act resulting in a regime under which the advice being relied on by the Government - some of which undoubtedly would be subjective as well as objective in terms of evaluation of the material - was able to become part of the public arena and able to be misused for political purposes.

I turn now to what the honourable member for Blacktown is really on about. She is a member of the select committee of this Parliament dealing with these matters. The honourable member for Blacktown has seen these documents. She requested their release on 1 April 1993, giving notice of intention to use Standing Order 54 to secure the release of these reports. The Premier's briefing note of 24 April on this issue indicates, along with the Cabinet Office and the legal branch advice, that Standing Order 54 had been misused by the Opposition in relation to the notice of motion for production of Treasury's report and other matters.

The Government has attempted to act responsibly in relation to these documents. Three of the National Economic Research Associates documents were made available pursuant to the FOI request. The documents were also made available on a confidential basis to the Joint Select Committee upon the Sydney Water Board. It is my understanding that the honourable member for Blacktown on that occasion made no attempt to view the documents. In other words, she has displayed her clear political motivation. She is not interested in the content of the documents or pursuing sensible reform of policies in relation to the Water Board. She is simply interested in playing politics. If the honourable member for Blacktown had even the slightest interest in these documents she would have at least taken the opportunity to view the documents provided to the select committee on that occasion.

As a matter of principle the price of playing politics will be very high. The Government already has received several representations from the private sector complaining bitterly about the actions of Parliament

several weeks ago in undermining commercial confidentiality. If the honourable member does not believe me, she ought to make a few telephone calls to those in the business sector. If she does, she will learn how she has undermined business confidence in this State. She will be told the damage she is doing to the standing of the State and its ability to do business. She will learn that she has brought into question the confidentiality and integrity of commercially sensitive documents. She has done much to damage our reputation and to destroy the pursuit of good business in this State.

Ms Allan: Don't cry.

Mr SOURIS: Don't cry? The honourable member for Blacktown really has no understanding of the damage she is doing. She should take the opportunity to consult with the public sector and particularly with the people whose sensitive documents she is seeking to publicly parade around for her own cheap political purposes. She is destroying the confidentiality and the integrity of the process. She stands condemned and exposes her real agenda - to destroy business opportunity, which her leader professes to admire so much. He goes to the board rooms and says, "No, under Labor this State will have great integrity in the business process. Your commercial documents will remain confidential. We want to do business with the private sector, and we want to encourage competition, jobs and economic growth in this State". Yet every action of his lieutenants, such as honourable member for Blacktown, seeks to destroy that process and to prevent any semblance of good business being achieved in this State, either now or in the future.

If the Labor Party comes to office, we know exactly how it will operate and the sort of agenda that it will install in this State - a regime that will strike at the heart of commercial reality, commercial confidentiality and the integrity of business and the potential to do business in this State. All honourable members who support the motion stand condemned. They have not taken advantage of the opportunity and have exposed their base political motivation. We all know it now. The honourable member for Blacktown should withdraw to where she came from, to think about her socialist ideals, left-wing motivation and other ways of destroying business in this State. [*Time expired*.]

Mr IRWIN (Fairfield) [12.45]: The actions of the Minister in ordering the Water Board not to release the documents sought by this motion clearly show that the Government has something to hide. Why else would the Minister for Planning have taken the action that he did on the same day that he told the

Parliament that Water Board documents were, he claimed, part of the Cabinet process. Just what does the Minister have to hide? Why has the Minister claimed that the reports were transferred to the Premier's Department before questions were raised in the Parliament? The intentions of the Government to privatise the Water Board have been made clear enough, as the honourable member for Blacktown has outlined.

Why would the Water Board have commissioned these reports if privatisation was not being seriously considered? Why would the Water Board expend $750,000 of public money on the report as well as other investigations on water privatisation overseas? It has been made crystal clear by the Minister's actions that privatisation of the Water Board is the Government's objective. Why else would the Water Board be interested in the taxation implications which were the subject of the KPMG Peat Marwick report? Why else would the Water Board be interested in the development of a model for privatisation which was the subject of the report of the National Economic Research Associates? And why, for that matter, would the board be interested in a report on community attitudes to privatisation?

These are major issues dealing with a major public service provider. For informed debate to take place on anything dealing with the Water Board, particularly on the issue of corporatisation, it is essential that the Parliament and the public have access to this vital information, which is being concealed by the Government. Informed debate cannot occur when a government undertakes spurious actions to prevent the release of documents which may be essential for a full understanding of the matter and when a government does all in its power to keep the agenda of Water Board privatisation hidden from public scrutiny.

If these were merely working documents to assist in the process of corporatisation of the Water Board,

they could be released and treated as such without controversy. Clearly they are reports which have an impact upon the Government's privatisation agenda. It is time for the Government to be honest with the people of New South Wales about its plans for the Water Board. The Parliament and the people of New South Wales have a right to know the Government's intentions relating to privatisation of the Water Board. In view of the recalcitrance and subterfuge of the Government, the Parliament has no alternative but to invoke Standing Order 54 to demand the tabling of these documents.

Mr HUMPHERSON (Davidson) [12.48]: This is the second time in three weeks that we have seen a disgraceful demonstration from the honourable member for Blacktown and the Opposition of the abuse of Standing Order 54 to try to have released to the public domain information that will jeopardise the public sector in this State, jeopardise information the public sector provides to the Government and its agencies and put in jeopardy the benefits that the people of New South Wales obtain from private sector investment and efficiencies in the Water Board.

Three weeks ago the Opposition sought to use Standing Order 54 to reveal technical information relating to water treatment plants. As a matter of principle the Government opposed the release of that information because it was in-confidence information provided to the Water Board by international consortia and financiers. Today the Opposition again seeks to compromise the position of the Water Board for base and cheap political reasons. The Minister said that there is a high price for playing these games. Already many players in the private sector have responded by expressing concern about the abuse of Standing Order 54. As an example, a spokesman for the International Banks and Securities Association - which, incidentally, wrote to the honourable member for Manly expressing concern at his role - wrote as follows:

> I wish to express the great concern of my Association at the recent resolution of the New South Wales Parliament requiring the Water Board to provide confidential documents relating to the tenders for the build/own/operate arrangements in respect to the water treatment plants.
>
> Banks and financiers, both Australian and overseas, regard the confidentiality of commercial transactions as an essential element of a business process. Forced disclosure of commercially confidential details through the unprecedented use of this standing order can only harm the standing of New South Wales Government business enterprises which wish to establish commercial arrangements with the private sector.

Damage has already been done, yet the Opposition wants to continue today. The International Banks and Securities Association also said:

> Future use of Standing Order 54 will in my view impair investment and retard future growth as I can see no practical way in which the use of Standing Order 54 can be controlled to prevent disclosure of technologically processed information as well as confidential financial information.

That is the International Banks and Securities Association of Australia indicating its displeasure at the role played by the Opposition in relation to Standing Order 54. On the previous occasion the Opposition attacked consortia involvement with water treatment plants. Was that not also a breach of trust? The honourable member for Blacktown and the Leader of the Opposition had actually given an undertaking to support the consortia involvement with water treatment plants. They had private briefings with those consortia and gave assurances. I quote a letter signed by Bob Carr:

> The Opposition is pleased to give an assurance to the financiers intending to give assistance to a development plan.

The Opposition was prepared to give assurances and undertakings privately to consortia yet breached those undertakings in this House and disclosed that information publicly. The Opposition says it supports the concept of private sector involvement in new infrastructure developments, in particular for the Water Board, yet in practice in this House it does not. The attitude of the Opposition is disgraceful. The honourable member for Blacktown, as a member of the Joint Select Committee upon the Sydney Water Board, had opportunity in camera to have access to the very information she is seeking to obtain now. But did she take advantage of an

opportunity to see that document? No. That underscores the point made by the Minister.

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The honourable member for Blacktown is interested not so much in seeing the information but rather in disclosing it to as many people in the public sector as she possibly can to create as much damage as possible. Her comments on corporatisation and privatisation are interesting. It is well known that when she last visited the United Kingdom she publicly supported corporatisation. After visiting a number of agencies in that country she stated that corporatisation in Australia is the way forward. From what she said in her last contribution in this House, she apparently wants to compromise corporatisation and argue that a prerequisite of the secret agenda of the Government is to move to privatisation. That is clearly not the case. [*Time expired*.]

Mr WHELAN (Ashfield) [12.53]: Naturally I support the motion of the honourable member for Blacktown and urge all honourable members to do so.

Mr O'Doherty: On a point of order: the honourable member for Ashfield did not refer to the substance of the matter, as he should have.

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

Mr O'DOHERTY (Ku-ring-gai) [12.54]: The motion is another attempt to use Standing Order 54 to secure the release of sensitive documents. When a freedom of information application was made for access to the documents they were considered to be exempt because they contained information of commercial value, disclosure of which could reasonably be expected to destroy or diminish such commercial value. The documents also were considered to fall outside the freedom of information principles because they concerned business, professional, commercial and financial affairs of the board, disclosure of which could be expected to have an unreasonably adverse effect on those affairs. The third reason the documents were considered to be outside the freedom of information principles was that they would disclose an opinion, advice or recommendation obtained for the purpose of the decision-making functions of the Government, disclosure of which would be contrary to the public interest.

Those three reasons which knocked out an FOI request are the very reasons, apart from argument presented in debate, why this House should not order that these documents be laid upon the table. Honourable members should think carefully about the implications of this material being laid on the table of the House. To the honourable member posing the motion, or other members of the Joint Select Committee upon the Water Board who might want to look at this material for the purposes of the deliberations of that committee, I suggest there are other options. Before honourable members vote on the motion they ought to think deeply, drawing on their own principles, about the three criteria on which the FOI application was knocked back.

Do members of this House seriously want to destroy or diminish the commercial value of the transaction being inquired about? Do members opposite seriously want to have on their conscience, against their name in the parliamentary record, the unreasonably adverse effects on the business, professional, commercial and financial affairs of the Water Board? Members opposite might like to think they can take part in the systematic destruction of the name of the Sydney Water Board or of growing public confidence in the environmental standards and commitment of the Government and in the environmental achievements of the Water Board during the past five years. It might suit the Opposition's political agenda for this measure, if successful, to negatively impact those achievements. Opposition members should think more broadly and consider whether that approach is the best way to serve the people of New South Wales. Is that the best way to encourage the community to participate in and have trust and confidence in the environmental programs being offered through the Water Board and the processes of government?

The motion is nothing more than a continuation of the slow dripping campaign to undermine the credibility of the Water Board and the confidence of the community in a continuing community-based program to improve the waterways of New South Wales. The Opposition, through this motion, and for cheap political gain alone,

could undermine those values. The motion, if passed, will undermine all the good work done in the past five years for the environment of New South Wales. Improvement of the quality of our urban waterways is at a critical stage, as Mr Speaker well knows, having been close to a crucial part of that process in the Hawkesbury-Nepean rivers system. That ongoing endeavour could be undermined, to the peril of the people living in that catchment area.

The third matter that should be on the conscience of members opposite, if they vote for the motion, is that disclosure of opinions, advice and recommendations obtained in the decision-making processes of government is deemed to be contrary to the public interest. A well established and important principle in our democratic system is that governments are entitled to take advice, make policy decisions and carry them out. An Opposition needs to play fair if it questions those decisions. Those principles are the essentials of our democratic system. The laying of sensitive commercial information or policy documents on the table of the House was never envisaged when the standing orders were determined or when the Government introduced the FOI principles that the Opposition has been content to use for so many years. [*Time expired*.]

Ms ALLAN (Blacktown) [12.59], in reply: I want to make two very simple points. First, the contention from the Minister and other Government speakers in this debate is that these documents contain valuable commercial information. That is simply not the case and they are confusing a debate which occurred in this Parliament three weeks ago with what has happened today. The other important point I want to make relates to the comment from the Minister that we had the opportunity to view these documents within the committee on the Water Board. Yes, we did have the opportunity and we could have gone to the room - and some of us did - and observed that a large slice of the information was unavailable.

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Mr Humpherson: On a point of order: the honourable member for Blacktown was arguing that Government members have been arguing a point contrary to the point she made. The point that we were making -

Mr SPEAKER: Order! No point of order is involved. The honourable member for Davidson is entering into the debate.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 46

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

Mr Hunter	Mr Sullivan
Mr Iemma	Mr Thompson
Mr Irwin	Mr Whelan
Mr Knight	Mr Yeadon
Mr Knowles	
Mr Langton	*Tellers*,
Mrs Lo Po'	Mr Beckroge
Mr McBride	Mr Davoren

Noes, 44

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
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mrs Cohen	Mr Schipp
Mr Collins	Mr Schultz
Mr Cruickshank	Mrs Skinner
Mr Debnam	Mr Small
Mr Downy	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Hartcher	Mr Turner
Mr Humpherson	Mr West
Dr Kernohan	Mr Windsor
Mr Kinross	Mr Zammit
Mr Longley	
Ms Machin	*Tellers*,
Mr Merton	Mr Jeffery
Mr W. T. J. Murray	Mr Kerr

Pairs

Mr J. H. Murray	Mr Fahey
Mr Newman	Mr Griffiths
Mr Rumble	Mr Hazzard

Question so resolved in the affirmative.

Motion agreed to.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Evidence of Mr Temby

Mr TINK (Eastwood) [1.8]: I wish to make a few comments about the collation of evidence, in particular, an exchange between myself and Mr Temby concerning the Operations Review Committee of the Independent Commission Against Corruption. I am referring in particular to page 74 which goes to this general question about perceptions. The ICAC has made it abundantly clear on numerous occasions, in particular in its

report on the North Coast matter, that perceptions are as important as realities when it comes to rules and behaviour. A matter that arose in the Operation Milloo report clearly indicates that Mr Temby does not practise what he preaches when it comes to questions of perception. I am referring to the situation where the Commissioner of Police, Mr Lauer, gave evidence before Mr Temby in the ICAC hearing on Operation Milloo. I do not think anyone would argue that Mr Lauer's evidence was crucial. However, I am deeply troubled that Mr Lauer, who sits on the Operations Review Committee of the ICAC, was present at a meeting with Mr Temby during the sittings of that Operations Review Committee approximately three weeks prior to giving evidence to Mr Temby at the ICAC. What is more, he was also present about three days after he gave that evidence, while matters the subject of the evidence he gave were still under active consideration by the commissioner. The commissioner chaired that meeting as well.

Lest I am misunderstood, I am not having a go at Mr Lauer. The ICAC has set the rules; the ICAC, through Mr Roden in the North Coast inquiry, said perceptions were as important as reality when it came to these matters. Mr Temby specifically adopted that proposition in the context of the annual report that was issued immediately after the North Coast report was handed down. If perceptions are important, Mr Temby cannot, on any basis, defend taking Mr Lauer's evidence three weeks after an Operations Review Committee meeting chaired by Mr Temby and at which Mr Lauer was present as a member, and being present about three days after that evidence was given. This is not an idle point. I refer to an article in the *Sydney Morning Herald* of 5 March 1994, a lengthy article on judges. A number of judges were interviewed, one of whom was Justice Cole. The article stated:

> Justice Cole has this anecdote to illustrate how a normal life can be hard to achieve.

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Justice Cole said:

> I had to drag my wife away from three cocktail parties because someone who was a litigant, or was likely to be a witness -

I stress the words "likely to be a witness". The article continued:

> - turned up at a cocktail party of 100 people. We got there and had a drink and had to leave. Of course you would not talk about the case and it wouldn't influence you -

I am not suggesting for a second that there was any influence between Mr Temby and Mr Lauer. Justice Cole continued:

> - but society may say that it would, or they think it might . . . the perception maybe that it might.

Justice Cole is spot on. He has identified the perception. He said it does not matter what actually happens. He says he would not dream of speaking to the witness - nor would Mr Temby speak to Mr Lauer, or vice versa, I dare say. However, the perception is the key, and it is all the worse in this situation because the ICAC has been saying repeatedly, particularly in the North Coast inquiry, that perceptions are important. This is a troubling example. It was not a case of formal evidence, it was not a case of limited evidence. One only has to speak to Sergeant Cook to understand the importance of Mr Lauer's evidence in this matter, and in that context I am not having a go at Mr Lauer.

In my opinion it was for Mr Temby, who had already set the standards or adopted the standards set by Mr Roden, to take the lead and tactfully suggest to Mr Lauer - as happens on many occasions - that on this occasion he might step aside and send, for example, Neil Taylor, the deputy commissioner; this happens on numerous other occasions. This is a troubling example, which is not the subject of current practice, and Mr Temby should know better. [*Time expired.*]

Mr NAGLE (Auburn) [1.13]: In regard to the collation of evidence, extensive questions were asked of

Mr Temby on his final appearance before the ICAC parliamentary committee before he retired. It goes into lengthy detail. I call on members who are interested in what Mr Temby has to say to look at the report, the questions that were asked and the answers that were given. Some were satisfactory and some were not. I asked questions in regard to the concept of the serious fraud office, which is needed in New South Wales. Mr Temby was able to obtain the corporate plan and an extract of the annual report of the New Zealand serious fraud office, which was helpful in regard to considering establishing a serious fraud office in New South Wales in the future.

It is estimated that last year $1 million was lost to investors and other people through serious fraud by various directors of companies and by other shareholders. I asked Mr Temby questions in regard to public inquiries; he still advocates the retention of public inquiries. I supported that contention and I delivered a paper on that subject at a conference dealing with international anti-corruption. I wish to put on the public record that Mr Temby did not have the easiest of jobs to perform. He created the ICAC from an embryonic stage when the legislation was first passed in 1988. Many things have happened since then. I am concerned about what happened within the ICAC and the public inquiries. However, one must balance what Mr Temby tried to achieve and did achieve in those years as opposed to what he did not achieve. One outstrips the other, and the benefit is in favour of Mr Temby and the ICAC.

The ICAC needs to consider many areas, and members of Parliament will have to consider many areas in the future. I congratulate Mr Temby on his five years as ICAC commissioner and on the courtesy he has extended to me and to my other colleagues on the parliamentary committee. I wish to make it known to the people of New South Wales that although it was not an easy task, he tried to do his best, even though he had to face problems which, in some respects, left a bad taste in some people's mouths. I repeat, it was not an easy task and in the circumstances he should be congratulated for the work he carried out in that five-year period.

Mr HATTON (South Coast) [1.17]: I support the comments made by the honourable member for Eastwood and express my concerns as one who has supported Mr Temby and the ICAC from day one. I have given him strong and powerful support. I am most concerned that the ICAC, in that five-year period, has not really dealt with the Police Service in depth. Mr Temby has admitted that police have to be involved in drugs if drugs are going to continue to be a public market. My colleague the honourable member for Bligh is concerned at the increasing incidence of illegal activities in Kings Cross, one of which is drugs. If there is a public market and drugs are being sold at Kings Cross, some police must be involved in corrupt activity. There has been plenty of evidence of this kind of activity.

In the Milloo inquiry the big earner was drugs. However, there the ICAC did not penetrate the drug area. I congratulate and have congratulated Mr Temby on the establishment of the ICAC, the pioneering work he had to do, the challenges he had to overcome and the controversial public cases on which he had to defend his position. However, I underline my concerns as expressed by the honourable member for Eastwood in regard to Mr Lauer. Mr Lauer was called late; he had the benefit of other evidence and cross-examinations. Mr Lauer has his pipelines in the Police Service. He was subjected to soft cross-examination by the ICAC by any standards.

Mr Thorley, a former judge and chairperson of the State Drug Crime Commission, cross-examined Mr Lauer on the Frenchs Forest matter before that commission. He subjected Mr Lauer to some of the softest cross-examination and, from a professional point of view, one of the most disgraceful cross-examinations I have ever had the unfortunate experience to read. It concerns me whether proper processes exist for these powerful organisations to invigilate a police commissioner and, for that matter, other senior officers.

The outcome of the inquiry by the Independent Commission Against Corruption to which I referred reflects strong support of Superintendent Myatt by Commissioner Lauer and an attempt by Commissioner Lauer to devalue Sergeant Cook by saying that Cook was trying to enhance his pension. One finding supports Cook and recommends charges against Myatt, which does not leave intact the credibility of the police commissioner.

We have also a chapter in the second Milloo report in which the commissioner says that he knows what it is like to be a whistleblower because he was sent to Katoomba.

That was accepted on its face value by Temby and quoted by him. In that chapter Temby went on to say, which was unbelievably naive, that procedures were put in place in February 1994 to handle whistleblowers. Compare that with what Lauer did to Cook. Lauer had allegedly been subjected to "punishment" within the police force about 17 or 20 years earlier and had done nothing about whistleblowers. That does not say much for Lauer's credibility. It is unsatisfactory that one question has not been answered. Why were the Sturgess allegations not taken up and inquired into by the ICAC? That leaves a major question in my mind. [*Time expired*.]

Mr GAUDRY (Newcastle) [1.22]: I acknowledge, as other colleagues did, the five-year term of Commissioner Temby and his work in that time against corruption in New South Wales. When the committee was hearing evidence from Mr Temby I was constantly impressed by his capacity to answer questions clearly. I acknowledge also the ICAC report. I note the concerns raised by the honourable member for South Coast about some of the operations of the ICAC - concerns shared by other members of the committee. I congratulate Mr Temby on achieving what he did in his time as commissioner. He aimed to preserve the independence of the ICAC.

Attempts have been made and will continue to be made by the Government to water down the independence of the ICAC and to make it less effective against corruption. One thing that concerned me in our last discussion with Commissioner Temby was the failure of the Government to advertise the position of the commissioner and to ensure that a new commissioner would be appointed in March to continue the proper management of the ICAC. I am not calling into question the qualifications of the Acting Commissioner, Mr Mant, but a permanent commissioner should take over the management of that important organisation.

The ICAC has a large range of powers available to it. By its very nature it needs effective and continuous management and administration. Despite the fact that the commissioner had a fixed five-year term - the Government was aware of that - it did not propose a candidate for appraisal by the committee. One of the roles of the ICAC committee is the power of veto. The committee is still waiting for the Government to propose a suitable candidate. The attack on Mr Temby at the conclusion of his period in office by former Premier Greiner and Gary Sturgess I found disgraceful. While Mr Temby was commissioner he was unable to answer those criticisms.

That attack was effectively dealt with by the *Sydney Morning Herald* when it stated that there was a great deal of spite but little substance in the complaints made by the former Premier. In my view Commissioner Temby, in his time in office, effectively moulded the ICAC into a body dedicated to working against corruption. Mr Temby was not sidetracked by the big bang theorists who thought he should be responsible for a number of activities. Mr Temby established a process that we hope will continue to ensure New South Wales has a public service organisation free from corruption.

Report noted.

Report: Anti-corruption Conference and United States Study Tour

Mr NAGLE (Auburn) [1.27]: I, the honourable member for South Coast, the Hon. S. B. Mutch and other people from the Committee on the Independent Commission Against Corruption attended the very extensive sixth international anti-corruption conference held in Cancun, Mexico. The conference was well attended, unlike the Amsterdam conference, with a ratio of 3 to 1. There was a real commitment by all delegates to fight against corruption. Mr Ian Temby, who was mentioned earlier in debate, chaired a number of committees and delivered a paper which was well received by delegates. The honourable member for South Coast, the Hon. S. B. Mutch and I also delivered papers. The paper I delivered was on the advantages and disadvantages of public inquiries into corruption prevention - a subject I researched extensively. There were concerns about people's rights of privacy, the right to a fair hearing before the ICAC committee and the way in which the media handles

public inquiries conducted by the committee.

The only conclusion I could come to was that there were advantages and disadvantages in holding public inquiries, but it was in the interests of the people of New South Wales to retain them at this stage. I went also on a study tour of the United States a week after the conference. I visited Washington and met with various people. I spoke to members of the Ethics Committee of the United States Congress. I have before me an interesting report which reflects concerns in the United States concerning the role of members of Parliament and the role of the Ethics Committee. The United States is experiencing a number of difficulties in this regard. I met Mr Goldstock from the organised crime task force in New York and spent about four hours with him. He took me to the airport and we had a long discussion about the fight against organised crime. On the day I met with him he had been instrumental in putting five members of the New York mafia in prison for long terms. We walked out the back of his office. Straight away he pressed a button, the car alarm activated and the car started. I guess that was to make sure a bomb had not been planted. I wondered whether I should get in the car with him, but we arrived safely at the airport.

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Mr Goldstock is an impressive person and knows his subject. He had occupied his position with the task force for eight to nine years and had been very effective in the fight against organised crime. I recommend that members of this House read the paper that relates to him and the New York organised crime task force. It was a privilege for me to attend the conference. The Hon. Stephen Mutch, the honourable member for South Coast and I were able to play a role in helping to place the conference in 1996 in China, where it will assist in the fight against corruption. The Chinese delegation was grateful for the assistance given by the ICAC staff, members of the committee and Mr Ian Temby. I commend the papers and material contained in the report on the sixth International Anti-Corruption Conference and the United States study tour.

Report noted.

Evidence: Kyogle Visit

Report noted.

GOVERNOR'S SPEECH: ADDRESS IN REPLY

Suspension of Standing and Sessional Orders

Motion, by leave, by Mr West agreed to:

That Standing and Sessional Orders be suspended to allow the member for Gladesville to speak to the motion moved by the member for Maitland on 2 March 1994 for an Address in Reply to the Governor's Opening Speech.

Tenth Day's Debate

Debate resumed from 12 April.

Mr PETCH (Gladesville) [1.31]: I thank the Opposition for its indulgence in allowing standing and sessional orders to be suspended to afford me the privilege that has been afforded me during the six years that I have served as a member of this House to respond to the Speech the Governor made at the opening of the Fourth Session of the Fiftieth Parliament of New South Wales. I am fully conscious of the tradition and history that manifest themselves on such an occasion, and I compliment His Excellency the Governor, Rear Admiral Peter Sinclair, for the exemplary manner in which he discharges his sometimes onerous duties and responsibilities as the Queen's representative in this State.

Historically, the Governor of New South Wales has the distinct honour of being appointed to the position in a line of governors dating back to First Settlement in Australia in 1788 under Governor Philip. There is little doubt that our country has prospered under the wisdom and advice it receives from the Crown, and, indeed, our system of democracy is one to be prized when we contemplate current events that plague other parts of the world. Australia is a constitutional monarchy. As such, the Queen, through her representative, the Governor, is the head of our Government. In this manner no Minister can become the ultimate authority and, more important, no Minister can become a dictator and exercise authority for which he has no mandate from the people.

Not too many years ago a great deal of controversy surrounded the actions of the State Labor Government headed by John Thomas Lang. History records the dismissal of the Lang Government by Governor Sir Phillip Game because the Premier chose to step outside the Constitution in a dictatorial manner over taxes. There was no doubt that Premier Jack Lang wanted to defy his Federal counterpart, Labor Prime Minister James Scullen, by inciting taxpayers in New South Wales to pay their taxes direct to the State Treasury in cash and thus obviate any action by Canberra to foreclose on any State funds through the banking system. Many will argue that Jack Lang was zealously guarding the interests of New South Wales, and I am sure that he enjoyed sympathy from both sides of the political spectrum. However the Governor was constitutionally charged with a duty to warn the Premier that he was moving in a totally illegal direction for which he had no mandate.

Fortunately, not many governments have been dismissed since universal suffrage was introduced in Australia, and it is interesting to note that under our system as a constitutional monarchy there has never been a coup - bloodless or bloody - but merely a transition of power from one government to another. Honourable members have only to look at the events of the moment leading up to the elections in South Africa to realise quickly what a stabilising effect the monarchy has provided throughout the history of our nation. As I said earlier, the monarchy is a constitutional monarchy, that is, controlled by the Constitution - the Queen is part of the Australian Legislature.

Although powerless if you like, in a substantial sense, except by the will of the democracy, but powerful in the sense of sustaining history and unity, the Queen retains much authority. Indeed, the royal assent delegated to the Governor is required before any legislation that passes through this Parliament can become law. The Queen is also part of the daily administration of law which is dispensed in the name of the Crown. It is her judges who preside in the courts; it is her writ which runs; and it is her prosecutor who prosecutes. I could cite many more examples, but these are enough to indicate that in a Commonwealth country which retains direct allegiance the Crown remains a persuasive and stabilising element.

The suggestion that the monarchy is part of a bygone era and alien to the many migrants who have come to Australia is not sustainable. It has been my experience to know that many people have come from all parts of the world to live in Australia because of its stability and system of government. They have embraced the monarchy in a manner that would make any monarchist proud. They believe that a State can only exist with a head of State, and that in this modern world there is a need for a symbol of national unity. The Queen, through her representative, our Governor, provides that national unity in a real and sustainable manner, and I must recognise the tremendous support the Governor and the people of New South Wales receive from his good wife, Shirley Sinclair. It is appropriate that I congratulate them both on the extension of their term of office.

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One of the great moments of my life was to meet Her Majesty the Queen and Prince Phillip when she opened our Parliament last year. For my wife and myself that moment could only be described as something akin to a religious and emotional experience, an experience that transcended the politics of the Parliament. Irrespective of one's political philosophy, one could not help but be overwhelmed by the occasion. I must confess that my wife has been an ardent follower of the Royal Family since she was a young girl, and her scrapbooks are a testimony to her enthusiasm. Meeting the Queen, for her, also was an experience of a lifetime.

In his Speech His Excellency referred to two significant but conspicuously different events that have had an impact on our lives: the announcement by the International Olympic Federation that Sydney had won the bid to host the Year 2000 Olympic Games, and of course the horrific bushfires that ravaged Sydney and the east coast of New South Wales earlier this year. I was present with many of my colleagues and civic leaders at the Circular Quay terminal in the early hours of the morning to hear the announcement from Monaco that Sydney had won the bid. The atmosphere was electrifying. The Premier's gigantic leap on television was emulated by people dancing and jumping for joy, with choruses of "Advance Australia Fair" being repeatedly sung by a more than enthusiastic audience. This magic moment would have a tremendous impact on Australia as a nation, on New South Wales as a State, and, most important, on Sydney as the Olympic city.

No single event in my lifetime has done more to unite this nation than the announcement that Sydney had won the Olympic bid. The jubilation and goodwill towards Sydney displayed on television replays from all parts of Australia brought tears to my eyes. It was an exciting and emotional experience that made me very proud to be Australian. Despite the outstanding bid put together by Rod McGeoch, the Olympic bid team and the Hon. B. G. Baird, the Minister responsible for the Olympic bid, honourable members must recognise that it was a member of the Royal Family, Princess Anne, whose influence finally brought success by ensuring that most of the support for Manchester transferred as votes for Sydney in the final and decisive ballot after Manchester was eliminated.

I am delighted also that the electorate of Gladesville is in close proximity to the Homebush Bay site for the games. Sporting organisations in the electorate are preparing to play a supporting role in the Olympic build-up. Very soon the Ryde-Hunters Hill Hockey Association will open a world standard synthetic hockey field at a cost of $750,000 in the grounds of Peter Board High School at North Ryde. This type of facility is essential to train young hockey players who aspire to win gold at the Year 2000 Olympics.

The Olympic bid win also spells success for capital works programs in the Gladesville electorate. Work will shortly commence on the $22 million overpass separating Victoria Road and Devlin Street at Ryde. This, of course, will greatly improve traffic flow and relieve the peak hour congestion of Church Street traffic between Ryde Bridge and Victoria Road. The additional benefit from the overpass will reduce traffic flows in nearby collector roads, such as Morrison Road, where the traffic flow is almost unbearable.

In addition to the work commencing on the overpass, the old Ryde Bridge, which was opened by the Mayor of Ryde, Alderman William Harrison, in 1926, will soon have its first major facelift. The three-lane bridge, which serves as a northern artery of Ring Road 3, will soon be stripped of its original lead-based paint and restored with modern and environmentally acceptable paint to ensure that its life will be extended for many more years to come. The cost of the work - which will commence later this year and which will be an engineering marvel - is almost $2 million. To minimise disruption to traffic and safely remove the lead-based paint without contaminating the environment is a daunting challenge in itself, but to keep the bridge open and close only one lane during the refurbishing period, which will take a little more than a year, will be a major accomplishment by the Roads and Traffic Authority.

The Parramatta River has quickly become another new highway for the Government's initiative with the introduction of the RiverCat ferries. The recent extension of the service to Parramatta past the Olympic site has proved one of the most scenic and relaxing trips in the Sydney metropolitan area. The public demand on these services has grown so quickly that it is obvious that the RiverCat fleet of six vessels will have to be increased to cope with the demand. There is little doubt that the RiverCat service will be the preferred form of transport to the Olympic village, both for the games as well as other major events that will be staged there.

To overcome the immediate problems resulting from the overdemand for the RiverCat service, I have entered discussions with Sydney Ferries management on a proposal to schedule an additional 400-passenger First Fleet catamaran ferry service to commence at Abbotsford and Gladesville, which should ensure that commuters at stops between Gladesville and Circular Quay are not left behind because the RiverCat is full to capacity. Frankly, other than the absolute twenty-first century comfort afforded by the RiverCat, there will be little difference in the travelling time compared with the First Fleet service, as a minute saved by the cruising

speed of the RiverCat is easily lost waiting for a berth at Circular Quay.

I wish to place on record my admiration and appreciation for the many firefighters who rallied to the cause during the recent bushfires, which numbered around 800 and ravaged and destroyed areas of Sydney, the tablelands and coastal areas. Although 800,000 hectares were burnt out, 188 homes destroyed and four lives lost, the damage could have been far more devastating had it not been for the dedication of these brave men and women. I am

pleased that an interim report to Cabinet is in its final stages and that legislation dealing with fire hazard reduction and fire management and control will be introduced into Parliament this session. The Gladesville electorate was not spared bushfire devastation and, indeed, much of the Lane Cove River National Park, which straddles the electorates of Gordon and Lane Cove to the north and Eastwood and Gladesville to the south, sustained severe damage on the Friday afternoon when the fire was at its peak.

I expected that many homes and buildings in the immediate area would be lost, and the thick black smoke - which I later discovered emanated from the burning tar covering the historic De Burgh's Bridge - gave further cause to expect massive damage. Honourable members can imagine how relieved I was the following day to hear that damage in the Macquarie Park area was limited to only two units and that no one was seriously hurt. Much of the credit must go to the National Parks and Wildlife Service for its regular burn-back programs over the years, together with the Ryde council engineers, who had prepared firebreaks prior to the outbreak and worked consistently over the weekend until all was safe.

The contribution by the Ryde and Hunters Hill State Emergency Service personnel was invaluable, as was the contribution by police from Gladesville, Ryde and Eastwood stations. Their experience in managing traffic and ensuring that homes were evacuated was a critically important aspect that contributed to the minimum loss of personal effects. I witnessed police with wet handkerchiefs over their faces, eyes bulging like organ-stops directing traffic, and firefighters battling in dense smoke. Their actions were certainly beyond the call of duty and reinforced in my mind the quality of our Police Service. Of course, the ultimate gratitude is to those heroic firefighters who risked life and limb to accomplish what was considered at the time an almost impossible feat.

In the weeks following the bushfires I arranged a meeting with my colleague, the honourable member for Eastwood and members of the Hornsby, Ryde and Hunters Hill councils, together with representatives of all government and non-government organisations with an interest in fire prevention in the Lane Cove River National Park. I am pleased to inform the House that as a result of that meeting a committee representing the six local government areas surrounding Lane Cove River National Park will be formed to recommend uniform and lateral policies in respect of issues that contributed to the ferocity of the fires - issues such as legal and illegal dumping of foliage and even grass clippings in the national park, which have built up over the years as fire fuel. I am certain their recommendations will be complementary to the Government's proposed legislation to be introduced this year.

Finally, I am proud to identify myself with the Government's agenda as outlined in His Excellency's Speech. I compliment the Minister for Community Services on his sensitivity to his responsibilities and his commitment to improving the family unit in the International Year of the Family. As a family man I am particularly impressed with the Minister's strategy to achieve his objectives and, in particular, his demonstration of compassion and respect for the needs of the disabled in the community. It is men like the Minister who understand the problems and make such a valuable contribution to the quality of life for those most deserving of help.

As I outlined earlier, the RiverCat services are part of an expanding and improving public transport system. The recent introduction of ten air-conditioned 14½-metre buses between Ryde and the city has brought a new era of comfort in travel for commuters in the Gladesville electorate. I would like to place on record my appreciation for the assistance and co-operation displayed by the Minister for Roads and Minister for Transport, the Hon. B. G. Baird, and the interest he has displayed in the Gladesville electorate prior to and since my election as the local member. One of the pleasures of being a member of this House is the tremendous support

one receives from members of the Government.

I am always pleased when Ministers such as the Minister for Small Business and Minister for Regional Development and the former Minister, Mr Joe Schipp, who did an outstanding job as Minister for Sport and Recreation, visit the electorate. The Premier will visit it soon. They take a great interest in the community and have a direct interest in the Gladesville electorate. That is one of the things that makes it a distinct and outstanding pleasure to be a member of the Fahey-Armstrong Government. I compliment them on their initiatives; I compliment them on the way they have dealt with the problems that face the Government on a continuing basis; but, more important, I compliment them on being great humanitarians. I thank the House for its indulgence and extend my compliments to those who were involved in ensuring that standing orders would be suspended to enable me to make this contribution.

Motion agreed to.

[*Mr Acting-Speaker (Mr Tink) left the chair at 1.49 p.m. The House resumed at 2.15 p.m.*]

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Coal and Oil Shale Mine Workers (Superannuation) Amendment Bill
Health Administration (Medicare) Amendment Bill
Maritime Services (Offshore Boating) Amendment Bill
Mine Subsidence Compensation (Amendment) Bill
Occupational Health and Safety Legislation (Amendment) Bill
Trade Measurement (Amendment) Bill
Traffic (Parking) Amendment Bill
Workers Compensation Legislation (Miscellaneous Amendments) Bill

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report: Investigation into the Relationship Between Police and Criminals

Mr Speaker, pursuant to section 78(2) of the Independent Commission Against Corruption Act, laid upon the table the report of the Independent Commission Against Corruption on investigation into the relationship between police and criminals, second report, received 12 April.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

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BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr CARR: My question is directed to the Premier. Has the Premier sought an explanation for the complete failure of the police to find the person responsible for the bombing of the Blue Mountains City Council in March 1992? Have the police offered any reason why, in two years, the matter has not been resolved? If the Premier has not sought information to explain the failure, why not?

Mr FAHEY: It is interesting to note, once again in this House, the standards adopted by the Opposition on matters relating to justice in this State. If honourable members want a lesson in history of justice in this State I can take some time to go over the cases of Rex Jackson, Tom Domican, Murray Farquhar and others.

Mr SPEAKER: Order! Although the Minister for Industrial Relations and Employment and Minister for the Status of Women may not have been in the House for very long, she has been here long enough to know the rules. The Chair detects some tension in the Chamber today. I warn all honourable members that the Chair intends to ensure that the debate in this House will proceed in an orderly fashion. I ask all members to co-operate. I do not want a repetition of outbursts such as I have just witnessed.

Mr FAHEY: The Government does not interfere with police inquiries, unlike the Labor Party when it was in government. As far as I am aware there are ongoing inquiries by the police. If the Leader of the Opposition or any other member of this House has any information that will assist the police in those inquiries -

[*Interruption*]

Has the honourable member who interjects handed over anything he knows of such matters? The inquiries are ongoing. Justice will take its course and this Government will not interfere with that.

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr CARR: I have a supplementary question. In view of the answer just given, why did police, only yesterday, reopen their inquiry into the bombing of the Blue Mountains City Council?

Mr FAHEY: Those inquiries and any other cases not resolved in this State are ongoing.

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

STATE RAIL PERFORMANCE

Mr ZAMMIT: I address my question without notice to the Minister for Transport. Has the Government received the report from the American-based Mercer Management Consultants into the performance of State Rail? Can the Minister advise the House of the findings of that inquiry?

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

Mr BAIRD: The honourable member for Strathfield is obviously interested in questions of transport in this State. Honourable members may remember, especially those who were here in 1988 when the coalition came to government, that following a review of problems in State Rail an expert team was assembled from around the world by the Booz Allen consulting organisation to look at State Rail and the problems that existed at that time. Those problems were numerous, starting at the bottom of the organisation and rising all the way through. The Government has now had a number of years in which to implement the program established by Booz Allen. The Mercer report was established to carry out an audit of how successful State Rail had been in implementing the program, its achievements, whether areas still needed to be improved upon, and any further performance objectives that might be required.

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

Mr BAIRD: It is important to emphasise that this particular group has made it clear that within two years

State Rail will compare with best world practice. That did not occur under the previous government. This particular group showed a different picture to the one confronting this government six years ago. The Mercer report confirms that over the past five years State Rail has made good progress in rebuilding the State system and improving productivity and safety.

I am sure that all honourable members on this side of the House who have been involved with the rebuilding program and have taken the tough decisions, such as the honourable member for Barwon who has been defending the important changes, are pleased at the results achieved. The record is there to be seen. Criticisms made by Opposition members have been groundless. The changes have been made. The report highlights the significant improvement in the signalling system, productivity and safety across the network. They have all been vastly improved. The report deals with the standard of comfort on the trains, the ontime running performance which has been improved significantly under the present Government, and the extent of freight carried by State Rail.

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

Mr BAIRD: When the Booz Allen report was released it contained barely a good word for the State rail system after so many years of neglect. Let me quote from the Mercer report, which states:

> The improving condition of plant and equipment has permitted State Rail to offer higher quality service. On-time performance, transit times and average speed have improved . . .

Mr Harrison: You do not believe that yourself.

Mr BAIRD: I do believe it. The honourable member for Kiama knows that the rail system has never been better than it is under this Government. One might well ask what the former Labor Party Government did about providing an electrified service to Dapto. It was this Government that provided an electrified service down there.

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

Mr BAIRD: I will bet that the service to stations on the southern line is much better under this Government than it was under the former Government.

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

Mr BAIRD: Shortly the Endeavour trains will be used on the Illawarra line, and they are much better than the 40-year old trains that operated when the Government of his persuasion was in office. Those 40-year old trains were worn out, but that government did nothing about them. One might well ask the honourable members who represent south coast electorates, including the honourable member for Bulli, what the former Labor Party Government did in regard to services to the South Coast.

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

Mr Photios: It did nothing.

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

Mr BAIRD: If one asked them that question -

Mr SPEAKER: Order! I call the honourable member for Eastwood to order. There is far too much

interjection in the Chamber. Though it is not of the nature of an outburst to which I drew attention earlier, it is unacceptable. The exchange of interjections across the Chamber without purpose cannot be condoned.

Mr BAIRD: It is interesting to compare the statements that have been made about the performance of the rail system under this Government. Let me refer to a couple of things that were said by Booz Allen about what it was like under the former Government. The report said that there was overstaffing at all levels. It said:

> State Rail's financial results reflect this situation. By any normal business standards absent its support from the Government it would be considered bankrupt.

That was a report by an independent expert on the position under the former Government. The report continued:

> Comparison with other commuter organisations suggests that productivity levels on CityRail are low . . .These excessive staff levels are supported by inefficient work practices which impose significant additional costs on CityRail.

Honourable members will recall the allegations made by the honourable member for Kogarah in this House, which have been unsubstantiated. Referring to when the coalition Government came to office, the report says:

> The signalling system is life-expired, with one area requiring immediate attention. A relay replacement program is required to reduce the high maintenance costs of the present equipment. Some existing relays have twice been life-extended and are currently being monitored monthly.
>
> Crucial sections of overhead wiring are life-expired and cannot accommodate higher train speeds or increased power demands.

In regard to reliability the report makes specific mention of Campbelltown. The honourable member for Campbelltown knows that under this Government the on-time performance has improved dramatically, particularly for Campbelltown and Gosford commuters, although comments had been made about system unreliability on all lines.

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

Mr BAIRD: The report deals with communications.

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

Mr BAIRD: It mentions red rattlers, passenger security, cleanliness, and goes on and on condemning the State Rail system under the former Government. Undoubtedly, significant improvements have been made. As one might expect with a report of this magnitude, it has identified areas for further savings and efficiencies, which will be considered. Some of the recommendations, such as increasing fares, will not take place. The Mercer report confirms what we already knew: fares in this State are low by world standards. We intend to keep the fares low, to encourage people to travel by public transport. The Prices Tribunal is examining the question of fares for the next 12 months. I have indicated that my preference is for an increase in line with the CPI of 3.5 per cent, which means that most single and return fares in the metropolitan area will be frozen. The report also makes staffing recommendations. These are in line with our previously announced objectives. The staffing targets are being met without having to force anyone to leave State Rail, by virtue of natural attrition and redundancies.

Mr Langton: Oh, yes.

Mr BAIRD: I am pleased to hear the honourable member for Kogarah say "Oh, yes".

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

Mr BAIRD: The honourable member for Kogarah was at Orange, as was reported in the *Central Western Daily*. We all know the comments he makes about staffing levels in State Rail. Wherever he goes he speaks about the cuts in State Rail. One time he was asked about his view about staff levels, and whether he would return all the staff numbers to their former level. Despite his rhetoric, what did he say? The article in the newspaper reported "Although Mr Langton roundly criticised Mr Baird" for these staff reductions "he said there would be 'no need' to increase staff numbers under a Labor Government".

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

Mr BAIRD: When it comes to the crunch, Loose Lips gets it wrong again.

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

Mr BAIRD: The targets are being achieved by the Government. We established our objectives 5½ years ago with the Booz Allen report. Many tough decisions were made by individual members of this House. The Government is proud of the progress that has been made with State Rail reforms and looks forward to further reform so we can say with pride that the Sydney-New South Wales rail system compares with the best in the world.

HONOURABLE MEMBER FOR ST MARYS

Mr HUMPHERSON: My question without notice is directed to the Minister for Police and Minister for Emergency Services. Will the Minister confirm that serious allegations about the conduct of the honourable member for St Marys -

Mr SPEAKER: Order! I call the honourable member for Eastwood to order for the second time. It is very difficult for people to hear the questions asked during question time when there is continuing interjection. I ask all members to remain silent while the member for Davidson asks his question.

Mr HUMPHERSON: - concerning his involvement with the Henry Lawson Club at Werrington have been referred to police?

Mr GRIFFITHS: The question is about a most serious situation that must be of concern to all honourable members.

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

Mr GRIFFITHS: Let me assure these bungling fools opposite that any allegations made in this House will be treated seriously.

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

Mr GRIFFITHS: I can confirm that I have received a number of documents outlining what appears to be a quite alarming lack of proper management and accountability in the affairs of the Henry Lawson Club.

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

Mr GRIFFITHS: Those purported irregularities occurred during a time when the honourable member for St Marys was the honorary secretary. He subsequently held the position of senior vice-president of the club. Those positions of trust carry enormous responsibility to club members and to the community.

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

Mr GRIFFITHS: Individuals' conduct while in such positions must say much about their trustworthiness and their general character. Three documents have been provided to me today. The first document is a copy of the complaint and summons in the Licensing Court of New South Wales dated 24 June 1993.

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

Mr GRIFFITHS: I seek leave to table that document.

Leave not granted.

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

Mr GRIFFITHS: Clearly the Opposition is worried.

Mr Whelan: On a point of order: the Minister for Police is raising a matter which is clearly criticism of the honourable member. First, that should be done by way of substantive motion. Second, leave was refused to table the document because he has already been peddling it in the press gallery.

Mr SPEAKER: Order! It is quite correct that attacks on members of Parliament should be made by way of substantive motion. However, the member for Ashfield would have been in the Chamber when questions regarding the probity of members of Parliament have been asked. Such questions have traditionally been allowed in this House. Order! I call the Minister for the Environment to order. Provided that the Minister gives factual material in accordance with the answer, there is little the Chair can do to intervene. Obviously if it goes beyond that point, it should be the subject of a substantive motion. In regard to the second part of the point of order, namely, the fact that the material may have been circulated elsewhere, there is no point of order. Order! I call the honourable member for Coffs Harbour to order.

Mr GRIFFITHS: The honourable member for Ashfield has lied to the House in saying that I peddled this in the press gallery. I would ask that he withdraw that accusation.

Mr SPEAKER: Order! I think we can take that as part of the cut and thrust of the Chamber.

Mr GRIFFITHS: The second document is a copy of the decision of the Licensing Court dated 17 March 1994 regarding the complaint. I seek leave to table that document.

Leave not granted.

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

Mr GRIFFITHS: One wonders what the Opposition is worried about. What are you worried about, Bob? The last document is a report of the Independent Commission Against Corruption review. I bet the Opposition does not want that tabled either. I seek leave of the House to table that document.

Leave not granted.

Mr GRIFFITHS: The document is quite clear.

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

Mr GRIFFITHS: The ICAC document states that the Liquor Administration Board received a number of complaints in relation to the internal administration of the Henry Lawson Club. Clearly it was concerned about what was happening. The second document that I referred to canvasses the allegation against the club but could not address the broader question of criminality. That was the finding of the ICAC. The third document resulted in a conclusion by the ICAC that as the actions of the honourable member for St Marys related primarily to his capacity as a club official, the commission did not have jurisdiction to take the matter further. However, I understand that the ICAC did suggest that those matters could give rise to criminal action and should essentially be pursued by the Police Service, if necessary. Those documents have now been properly referred to the Commissioner for Police for his evaluation and further action if he considers that it is warranted. As with any matter which comes to my attention and requires police evaluation, it would be improper for me to comment any further.

BLUE MOUNTAINS CITY COUNCIL BOMBING

Dr REFSHAUGE: My question without notice is to the Premier and Minister for Economic Development. Has the Premier heard his colleague the honourable member for Blue Mountains impersonate a character called Tony the Wheel? Will the Premier ascertain from other Government members whether they have heard the honourable member for Blue Mountains use his feigned Italian accent? Will the Premier assure the House that the murder and bombing threats will be investigated without fear or political favour?

Mr FAHEY: To the last question of those three the answer is yes. On the other matters I can say very clearly no, I have not heard any impersonations from the honourable member for Blue Mountains. In fact, most of the time I spend my evenings over files, unlike many members of the Labor Party who are constantly at the pool table or at the bar. I suspect that most evenings most of them are trying to impersonate members of Parliament while they are at the bar. That is their idea of an impersonation. I make it abundantly clear that there will be no fear or favour, there never has been and there never will be by this Government in respect of matters that are being evaluated by police.

JET SKIERS

Mr BECK: I address my question without notice to the Deputy Premier, Minister for Public Works and Minister for Ports. Is the Minister aware of an increasing number of complaints about the activities of jet skiers on the State's waterways? What steps are being taken to ensure users operate in a safe and responsible manner?

Mr ARMSTRONG: New South Wales is home to some of the most magnificent waterways and beaches anywhere in the world.

Mr Langton: On a point of order: I love listening to the Minister, and I think it is fair enough to ask questions about legislation which is to come before the House, but legislation on exactly this matter went through the House 48 hours ago.

Mr Armstrong: On the point of order: the honourable member for Kogarah has no idea at all what the answer to the question will be. I doubt that he claims some expertise in this matter because he certainly did not exhibit any knowledge of the subject-matter when legislation on a related matter was before this House earlier this week.

Mr SPEAKER: Order! Legislation on a related matter was passed by this House last Tuesday. So far as I can interpret the question, I am unable to determine whether it falls within the category of raising a matter already determined by this Parliament. I will wait until I hear the Deputy Premier's answer.

Mr ARMSTRONG: New South Wales is home to some of the most magnificent waterways and beaches anywhere in the world. These natural assets are there for the entire community to enjoy but to be enjoyed they must be safe for the general public. Now, statewide, the Maritime Services Board-Waterways Authority has responsibility for 270,000 boat licences, 145,000 vessel registrations and more than 18,000 moorings. With such an intensive interest in leisure activities on the water, we can take pride in the relatively low number of incidents involving negligence, injury and just nuisance problems.

The growing use of personal watercraft - or jet skis as they are more commonly known - has given rise to some complaints about safety and noise problems. These figures are provided for the benefit

of the Opposition and for the honourable member for Kogarah in particular who claims to have knowledge of this. In a recent survey Water Police identified 71 incidents of negligent operation and speed, 53 incidents of operating too close to swimmers, 40 incidents of operating too close to other vessels, eight incidents of personal injury, two incidents of property damage and 57 noise complaints. In the light of that record the honourable member for Kogarah has the audacity to suggest this afternoon that this matter should not be contemplated in this Parliament when such concern is being expressed within the community regarding the use of these jet skis.

Concerns have been heightened following a fatality near Gosford in December and a separate incident in late January when an operator in Burraneer Bay at Port Hacking was revived by cardiopulmonary resuscitation and rushed to hospital. I have instructed the Maritime Services Board Waterways Authority to initiate a review of all aspects of the operations of these jet skis. The review will canvass a range of options, such as requiring jet skiers to hold separate licences, on the same principle that operating a motor bike is different to operating a motor car or a truck. A further option is a mandatory safe conduct advisory plate to be fixed to all jet skis where it can be clearly seen by the operator. I reiterate the Government's belief that education, co-operation and self-regulation provide the best solution to these types of problems. Any regulation must be aimed at a minority who refuse to do the right thing by their fellow waterways users.

The review will therefore also focus on developing an education package making jet skiers aware of distance and safety requirements in relation to other vessels, swimmers or board-riders, and licensing requirements. Today we have 29 waterways offices across New South Wales which serve as a network for disseminating an effective public campaign. At the International Water Safety Conference in Sydney earlier this year delegates from around the world responded enthusiastically to this Government's proactive education approach, supported by effective, meaningful regulation enforceable under law. This review is necessary and is in the interests of the public. Despite the fact that the Opposition does not recognise what is public safety, this Government is determined for two things to happen: one is for the public to enjoy waterways, to enjoy recreational boating, to enjoy this new technology of jet skis; the other is to do so with safety. The Government will continue with this program, irrespective of the Opposition's attitude.

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr ANDERSON: I direct my question without notice to the Minister for Police and Minister for Emergency Services. Did Councillor Pascoe report death threats on 16 May 1990, 10 September 1990 and 14 October 1991 to the Katoomba police? Did he hand over tapes of the death threats? In view of this, why did police fail to take a statement from Councillor Pascoe and launch an investigation?

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

Mr GRIFFITHS: I believe this needs to be put in perspective so that members of the Opposition cease to behave in the improper manner in which they are behaving under the leadership of Carr's chaos. Let us get the facts straight. The honourable member for Liverpool is suggesting that the police have not acted properly, have not investigated properly and are not pursuing this correctly. I would like to read the terms of reference in this regard and hope that while the investigation is being carried out members on the opposite side can act with a

little decorum and a little propriety. The terms of reference state:

> You are hereby directed to examine all aspects of the allegations made in State Parliament on Tuesday, 12 April, 1994, that were directed towards the Member for Blue Mountains . . .
>
> PHASE I
>
> Investigate all questions asked in The House by the Leader of the Opposition, Mr Bob Carr MP, Mr Whelan MP and Mr Anderson MP -

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

Mr Whelan: On a point of order: the answer must be relevant to the question asked. The honourable member for Liverpool asked why reports of death threats in May 1990, September 1990 and October 1991 have not been acted upon. The question does not relate to any proposal by the Minister in recent days to send a note to the Commissioner of Police. It relates to the death threats on Alderman Pascoe on 16 May 1990, 10 September 1990 and 14 October 1991 and why the police have failed to take a statement from Councillor Pascoe.

Mr SPEAKER: Order! The Chair is well aware of the questions that were asked. It is correct that answers should be generally relevant to questions. There can be no doubt that the comments of the Minister are relevant to the subject-matter which was the basis of the question. Whether the facts given in an answer satisfy the question is a matter which has been debated in this Chamber as long as I have occupied the chair. The Minister for Police is certainly within the bounds of relevance. He may answer the question as he sees fit.

Mr GRIFFITHS: If the honourable member for Ashfield had listened, he would have understood that I did not send anything to the commissioner. He has alluded to a letter to the commissioner. I did not say I sent a letter to the commissioner. If he listens to the answer, he may learn something.

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

Mr GRIFFITHS: The document stated, "Investigate all questions asked in The House by the" -

Mr Carr: On a point of order: the Minister is quoting from a document. He should at least give the date of the document and the status of the document.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order. I call the honourable member for Barwon to order for the second time. The Minister for Police will identify the document.

Mr GRIFFITHS: "Investigate all allegations made in The House by the Leader of the Opposition" -

Dr Refshauge: On a point of order: Mr Speaker, on the previous point of order you ruled and instructed the Minister to identify the document. He has totally ignored your ruling.

Mr SPEAKER: Order! I have instructed the Minister for Police to identify the document. He had not proceeded far enough for me to know whether he was flouting my ruling or not. I draw his attention to my instruction to identify the document.

Mr GRIFFITHS: I apologise, Mr Speaker. With the noise from the rabble opposite, I did not hear your instruction. The document is a New South Wales Police Service document signed by the State Commander, Senior Assistant Commissioner Bruce Gibson, to Detective Inspector N. Hill, Major Crime Squad, North West, dated 14 April 1994.

[*Interruption*]

Let us get the facts straight. The honourable member for Liverpool asked a question in regard to the bombing. This document will answer that question, if members opposite have the sense to listen. The honourable member raised the allegations on 12 April. Rapid action has been taken in regard to it. The document states:

> Take all appropriate action deemed necessary from your investigation of the above two points.
>
> PHASE II
>
> Review the quality of the original investigation carried out into all matters reported to the police on this subject.

That is relevant to what the honourable member for Liverpool has raised. The document continues:

> Make appropriate recommendations (disciplinary and/or procedural) on the above point.
>
> You are to report on the progress of your investigation to this Command by way of daily status reports . . .

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

Mr GRIFFITHS: I make it clear again that it does not matter which side of the House is affected; if allegations are made, they will be properly investigated and properly evaluated by the New South Wales Police Service.

STATE FORESTS ENVIRONMENTAL ASSESSMENT PROGRAM

Mr COCHRAN: I address my question without notice to the Minister for Land and Water Conservation. What is the current status of the environmental assessment program for New South Wales State Forests? Can the Minister provide the House with details of how the Government has improved, and will further enhance, this program?

Mr SOURIS: I thank the honourable member for Monaro for his question, which was well worth waiting for. The environmental impact statement program of State Forests is without doubt the most comprehensive EIS methodology and program in the world.

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

Mr SOURIS: The current program of 15 environmental impact statements involving an expenditure of $15 million over a five-year period -

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

Mr SOURIS: - started long before the sequence of legislation and decisions that have occurred over the past four to five years, which have an impact on the EIS program. After 10 years the Kempsey-Wauchope EIS has been finally determined by the Minister for Planning. Numerous court decisions have had an impact on the EIS program, particularly the Chaelundi decision. In the past few years legislation introduced included the Timber Industry (Interim Protection) Act, with amendments, including the amendments that will be dealt with in the House in due course; the Endangered Fauna (Interim Protection) Act, again with amendments including, only late last year, a two-year extension of that Act; and other bills have been put before the House by private members.

In addition, there has been the southeast forests agreement between the Commonwealth and the New South Wales governments, the national forest policy statement, the National Resources Audit Council process, and amendments to the National Parks and Wildlife Service Act. The current EIS program has put an end to self-determination of environmental impact statements from State Forests, a greater survey methodology for fauna, a greater legal involvement and a proliferation of the legal process. That has even included third party action and litigation. The Government has been engaged in the development of assessment methodology, particularly by the Department of Planning and the National Parks and Wildlife Service.

The national forest policy has had added to it survey requirements, particularly for old growth forests. The refinement of EIS methodology to account for larger areas than were previously anticipated - or which were within the experience of State Forests - has also been a compounding factor in the evolution of the EIS program. The EIS schedule, which was based on optimistic time targets, was nothing more than indicative. The assessment process is taking longer. All this has led to a better assessment process and better environmental outcomes and it represents a cautious and flexible approach by
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State Forests. Ultimately, it will lead to superior EIS methodology and work and a better quality outcome by world standards, which will ensure that no environmental compromises are made.

Three of the 15 EISs to which I referred a moment ago have already been determined. One of the remaining 12 relating to the Dorrigo area, which was due in October 1992, has been delayed and is now expected in October 1994. That was one of the first EISs to be dealt with before the new requirements of the Timber Industry (Interim Protection) Act and the Endangered Fauna (Interim Protection) Act. Fauna surveys and the methodology relating to fauna surveys were obviously inadequate and legislative changes were required. Extensive criticism of that EIS led to its withdrawal and required new work to be done, hence the expectation that the assessment will commence after October 1994.

One of the remaining EISs, which is currently being exhibited, is awaiting determination. That leaves 10 EISs. Six of those 10 EISs are expected within one to two years. They have been delayed in the short term because of the more extensive survey work to which I have been referring - survey work required in the field and more stringent methodology. The remaining four EISs are not due under the initial schedule; therefore, they are not considered to have been delayed. Today I am announcing a substantial upgrading of the EIS program. I am announcing a five-point program for the enhancement of our EIS process and its methodology. First, State Forests is working with the National Parks and Wildlife Service to refine endangered fauna survey methods and appropriate management prescriptions to ensure that management does not adversely affect the conservation status of this important group of species. Known or expected occurrences of these animals are set aside from logging, or logging practices are altered to limit impact.

Second, a review of fauna surveys will be undertaken by recognised external experts. Third, an interim process will be developed which will enable State Forests to identify areas of old growth forests and to assess the relative conservation, recreation, aesthetic and archaeological values of those areas. Those assessments will be used to avoid scheduling operations in old growth forests which could have high conservation values, pending a comprehensive statewide assessment to meet national forest policy undertakings. A pilot project which is under way, involving State Forests and the National Parks and Wildlife Service, will be funded by the Natural Resources Audit Council. Fourth, an external review of legal aspects of EISs will be conducted. Finally, a specially developed wildlife training program will be implemented for State Forests staff. State Forests and the Board of State Forests are committed to the highest level of expertise in the EIS program. They are determined to remain at the forefront of world practice.

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

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr WHELAN: Does the Premier and Minister for Economic Development endorse the statement of the honourable member for Blue Mountains that Opposition allegations made against him are without foundation?

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

Mr FAHEY: All members of the House heard the honourable member for Blue Mountains state quite clearly on Tuesday in this House his response to allegations, imputations and innuendo by members of the Opposition. I have always found the honourable member for Blue Mountains to be an honest and forthright man. He has worked extraordinarily hard in his electorate to the benefit of the people in that electorate. The competent manner in which the honourable member for Blue Mountains has represented his electorate can be seen in the roads, the sewerage system and in many other areas. I can only ask at this stage: what is the motive of the Opposition in respect of the honourable member for Blue Mountains? Do members of the Opposition want to put him in a hospital bed? Do they want to hound him? Do they want to play the public execution game again?

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

Mr FAHEY: Members of the Opposition saw the police this morning and gave information to them. Worse still, are Opposition members trying to kill the honourable member for Blue Mountains? Is that the tactic they are using?

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

Mr FAHEY: We know that there is not one skerrick of decency in the Leader of the Opposition. The Left knows that, the Right knows that, and the whole world knows that.

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

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr WHELAN: I wish to ask a supplementary question.

Mr SPEAKER: Order! I call the Minister for the Environment to order for the third time.

Mr WHELAN: In view of that answer, does the honourable member for Blue Mountains have the Premier's full and complete confidence?

Mr FAHEY: The answer is yes.

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NEW SOUTH WALES YOUTH WEEK

Mr O'DOHERTY: Will the Minister for Industrial Relations and Employment and Minister for the Status of Women, representing the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier -

Mr SPEAKER: Order! I call the Leader of the Opposition to order for the third time. As I indicated earlier, it is impossible for question time to continue in an orderly fashion unless there is silence. I cannot hear the question the honourable member for Ku-ring-gai is endeavouring to ask. The House will remain silent while the question is asked.

Mr O'DOHERTY: Will the Minister inform the House of activities organised during Youth Week

1994? Will the Minister provide details of further programs for young people in New South Wales?

Mrs CHIKAROVSKI: I thank the honourable member for Ku-ring-gai for his question and his concern for the young people of New South Wales - a concern which is shared by Government members. Given the response of Opposition members, obviously they do not care about our youth. Government members would be aware that this week we are celebrating Youth Week, which has been co-ordinated by the Office of Youth Affairs with the assistance of the Youth Week Committee. The theme of Youth Week 1994 is "Making it Happen" - a theme to which this Government can relate because it believes in assisting the youth of New South Wales to make it happen.

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

Mrs CHIKAROVSKI: Youth Week will provide us with an opportunity to focus on the positive contributions young people make and can make to society. Youth Week also provides young people in New South Wales with an opportunity to express their view and to act on issues that impact on their lives. Funding for Youth Week is allocated to local government on a dollar-for-dollar basis. This year $100,000 was distributed among 75 councils in New South Wales. Clearly, that is money well spent. An assessment of last year's program shows -

Mr SPEAKER: Order! I have already indicated that there is too much audible conversation in the Chamber. I ask honourable members - that includes the Minister for Small Business and Minister for Regional Development - to conduct their conversations outside the Chamber.

Mrs CHIKAROVSKI: I am advised by my colleague the Minister for Education, Training and Youth Affairs in another place that it is estimated that last year 50,000 people participated in events organised during Youth Week. This year we have programs organised across the State through local government. Honourable members will be able to establish, by looking at the program, that those activities are varied and diverse. I congratulate all councils that have been involved in the program. I note that Ashfield Council has decided to become involved in the program. It will hold a drama workshop which will focus on issues of unemployment and racism. Gosford City Council will hold a Central Coast youth rock beachfest with information stalls.

Councils in my own electorate, for example, Willoughby and Ku-ring-gai, have also chosen to take part in what is obviously a useful initiative for young people in this State. In addition to the individual initiatives of councils there have been some umbrella events. One of particular importance, which I believe should be brought to the attention of the House, is the new initiative aimed at addressing the dangers of binge drinking among the young. This initiative, which was launched by my colleague the Minister for Health earlier this week, shows that among young people aged 12 to 16 - which is a frightening age if we think about it - a total of 17 per cent of girls and 22 per cent of boys describe themselves as heavy drinkers.

Another activity organised for Youth Week involves a series of workshops to target the prevention of youth suicide. They are aimed at teachers, school counsellors, youth workers and health workers and are designed to combat the rising number of youth suicides. Figures compiled by the Prince of Wales Hospital in Sydney indicate that 38 per cent of the deaths of young people aged 24 and under were due to suicide. As my colleague the Minister for Education has stated, that is a frightening statistic. During Youth Week a conference for young mothers was held. Again, from the statistics, honourable members would realise the importance of such a conference.

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

Mrs CHIKAROVSKI: Honourable members opposite who have electorates in the western suburbs should be alarmed by the fact that there has been a 41 per cent increase in the number of teenage pregnancies in western Sydney between 1990 and 1991.

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

Mrs CHIKAROVSKI: That is at a time when the national rate of teenage pregnancies has fallen by 4 per cent. The Government intends to encourage these young people and educate them about their rights to education, health, child care, legal rights and with regard to important issues such as their self-esteem and assertiveness. The conference, which was highly successful, gave those young mothers a chance to air their views and to talk about the issues which affect them. It is appropriate to listen to the views of young people rather than dictate to them what they need to do. I make perfectly clear that this Government takes young people very seriously, and that is why it is spending $2.4 billion this financial year on services and policies for young people.

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This commitment will continue. How? It will continue through the Office of Youth Affairs, an office that the Government believes provides an invaluable service to the youth of this State. Recently Ministers have said that the Labor Party has no policies. I do not normally disagree with my ministerial colleagues, but the Opposition does have one clear policy in relation to youth: it will abolish the Office of Youth Affairs. The Leader of the Opposition announced that policy prior to the North Shore by-election; and what great support did it get from the general public? I assure the House that the young people of New South Wales regard Mr Carr as a person with absolutely no vision and no leadership. In fact, when that policy was announced, the Youth Action Policy Association issued a press statement headed "Carr crashes into youth affairs". The statement quoted the chairperson of the association as saying that young people in New South Wales were appalled by Bob Carr's latest attack on disadvantaged young people. The statement continued:

> By committing a future Labor Government to the abolition of the OYA, Carr will deprive young people of a strong and effective voice in government.
>
> In doing this, Carr has not only renounced Labor Party policy but has failed to recognise the real achievements of the OYA.
>
> Carr's lack of vision would see young people lost in a bureaucratic maze.

I suspect that the vision that the Leader of the Opposition has shown in this matter is the same that he has shown in other matters: none. The vision of the Leader of the Opposition, his idea of vision, his idea of what to do for this State, is to abolish, to corrupt, to throw out and to provide no leadership whatsoever. The Government believes that the Opposition has definitely lost the plot in relation to the youth of our State. I suspect that soon the Leader of the Opposition will lose the plot in relation to his leadership as well.

PETITIONS

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**.

Sydney to Canberra CountryLink Service

Petition praying that the Sydney to Canberra CountryLink Coach Service be reinstated, received from **Mr Fahey**.

Sydney to Goulburn Shuttle Train Service

Petition praying that the State Rail Authority not introduce a shuttle train service between Sydney and

Goulburn, received from **Mr Fahey**.

Hunter Valley Coal Rail Industry

Petition praying that the Government and the State Rail Authority not proceed with plans to privatise the Hunter Valley coal rail industry, received from **Mr Bowman**.

East Toukley Traffic Lights

Petition praying that traffic lights be installed at the corner of Evans and Main roads, East Toukley, adjacent to Toukley Public School, received from **Mr Crittenden**.

Anti-Discrimination Act

Petition praying that the Government reconsider amendments to the Anti-Discrimination Act that will affect people with learning disabilities, received from **Mr Smith**.

Cobar Public School

Petition praying that the Cobar Public School abandon multiple composite classes, and review all discipline procedures, received from **Mr Beckroge**.

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**.

Shellharbour Public Hospital Children's Ward

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

Wyong Hospital

Petitions praying that Wyong Hospital be provided with a fully functioning obstetric and childbirthing facility, received from **Mr Bowman** and **Mr Crittenden**.

Warilla Police Station

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

Home and Community Care Program

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

BUSINESS OF THE HOUSE

Unanswered Questions upon Notice

Mr SPEAKER: In accordance with the sessional order I draw the attention of the House to unanswered questions upon notice Nos 543 and 547 standing in the name of the Minister for Land and Water Conservation.

Mr SOURIS: I understand that the answers to questions due yesterday have now been submitted.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Discussion Paper

Mr KERR (Cronulla) [3.13]: On behalf of the Committee on the Independent Commission Against Corruption I bring up and lay upon the table a
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discussion paper on pecuniary interest provisions for members of Parliament and senior executives and on a code of ehtics for members of Parliament.

Ordered to be printed.

PROTECTION OF WHALES

Matter of Public Importance

Mr SPEAKER: Order! Before the Minister commences I indicate that, as notified, the House will adjourn at 3.30 to attend upon the Governor. The debate will be interrupted at that time.

Mr HARTCHER (Gosford - Minister for the Environment) [3.14]: I move:

> That this House notes as a matter of public importance the threatened resumption of whaling by several countries and the need for the Australian Government and other Commonwealth governments to strongly support measures at the June 1994 conference of the International Whaling Commission for the protection of this depleted species.

I bring to the attention of the House an issue that strikes at the heart of almost every Australian and is of particular importance to me. I refer to the protection of whales and the abhorrent activity of whaling. The motion is especially pertinent at the moment, as an international conference is to be held in June in Mexico City to discuss whale hunting and the establishment of whale sanctuaries. Australia must maintain its position at that conference to prohibit any resumption of whaling. We must ensure that as many countries as possible support our position. As Minister for the Environment in New South Wales I intend to have the issue listed for discussion at the Australian and New Zealand Environment Conservation Council - ANZECC - meeting on 29 April. That is a meeting of all State and Federal environment Ministers from Australia and New Zealand.

ANZECC discusses and makes resolutions on important environmental matters, particularly as they relate to Australia and New Zealand. Commercial whaling was considered previously by ANZECC at its meeting in July 1992, when it was resolved to place on record that ANZECC strongly supported the unequivocal position of the Australian and New Zealand governments in opposing the resumption of commercial whaling in any part of the world. That motion was moved at the 1992 conference on the initiative of New South Wales. At this year's ANZECC conference I wish to have discussed the concept that the Federal Government should be taking a proactive role in the provision of whale sanctuaries in southern waters. At that conference I will move that Australia should be the lead nation of the South Pacific in protecting the whale population of the Pacific Ocean and the other oceans of the world.

Before the moratorium was imposed by the International Whaling Commission some years ago previous plunders by humans of the whale species had led to the humpback whale herd around Australia and New Zealand being completely exterminated by 1966. The sei herd around the Indian Ocean off our western waters had been exterminated by 1975. Around Hawaii and the islands of the central Pacific the sperm whale had almost vanished. The southern right whale, whose population numbers no more than 2,000 worldwide, has been systematically slaughtered throughout this century. In 1986 came the moratorium on commercial whaling.

Despite that moratorium a threat continues. That threat is posed by Norway, Japan and uncontrolled sections of the former Soviet Union. Recent evidence has revealed a wholesale commercial slaughter of rare humpback whales by Soviet whalers.

Records now released by the former Soviet Ministry of Fisheries show that one fleet alone slaughtered 1,568 whales, when it was officially reported that only 270 whales had been killed by four fleets. Throughout the years of communist misrule the Soviets had exercised tyranny not only over the human beings they subjugated to their yoke but also the natural species in the oceans. They falsified the records of natural species killed, just as they falsified the records of the human beings they murdered in their camps. Of four Soviet whaling vessels working in the Antarctic in the 1960s, one ship alone killed 717 right whales - although they had been protected since 1935 - 7,207 humpback whales and 1,433 blue whales. That was one ship working alone in the Antarctic Ocean: a staggering record of slaughter. Russian officials have revealed that the former Soviet Government had held whale meat in store since 1977, when commercial whaling was permitted, and have been arguing that this is what they have been releasing.

Can any member of this House honestly believe that whaling meat has been stored in the Soviet Union since 1977 and is now being released? The only reasonable inference people can draw is that whaling has continued surreptitiously and that what is now coming onto the market is protected stock, not product that has been stored away for nearly 20 years. Also, on examination by experts from the International Union for the Conservation of Nature the meat appears to be from protected stock killed in 1991 for domestic consumption but diverted to other more profitable markets, especially the Japanese market, for hard cash. The Secretary of the International Whaling Commission, Dr Ray Gamble, has said:

> The IWC will have to rewrite its catch figures for the past forty years to take into account the Soviet's deception.

For anyone to argue that world whale numbers are returning to original levels is to suggest a total falsehood when it is only now being revealed that systematic plundering has illegally been taking place despite the worldwide moratorium imposed in 1986. Even with the moratorium in place, many of the world's whale species still face extinction. Some species of whales are increasing in number but many species are still within the danger zone. For example, there has been a recent recovery in the number of minke whales, but this has led to pressure from Norway to lift the moratorium and to authorise the slaughter of these magnificent creatures.

If ever people across the world should be called upon to cry out with one voice on an issue of protecting a beautiful natural species, it should be on this issue. It is important that all governments, Australian and South Pacific governments - those affiliated with us through the Commonwealth Parliamentary Association - recognise a fundamental human responsibility and put commercial consideration to one side. It is of paramount importance that the moratorium is kept in place because of the threat of extinction of a number of whale species. It should be acknowledged also that the threat is more serious now as two of the world's largest whaling countries, Norway and Japan, are lobbying for a lifting of the moratorium, the allegation by Norway being that minke whale numbers have increased.

Minke whale numbers may have increased - though that has not been established - but that does not justify their slaughter. Also, the opening up of a season would mean that their numbers would drop quickly to a dangerously low level. However, Japan and Norway not only are openly seeking the support of the IWC but are attempting to gain the support of other member countries - especially the less wealthy countries in the South Pacific - so that they can resume their commercial whaling activities. No commercial benefit could be more important than saving one of the few remaining links with prehistoric life.

If commercial whaling were to resume, there is no doubt that within a short period whale numbers would be doomed. Southern right whale numbers have been gradually increasing since whaling was abandoned in Australian waters under the Commonwealth Whale Protection Act 1980. Southern right whales are now being sighted in areas where they have not been seen since whaling began. If commercial whaling were to be

allowed, even if Australia maintained its strong position, the right whale may cease to exist. The approximate populations of all whales throughout the oceans are extraordinarily low and I shall provide the House with those figures. It is believed that there are now only 2,000 right whales, 4,000 blue whales, 5,000 humpback whales, 20,000 byrde's whales, 70,000 fin whales, 80,000 sei whales, 525,000 sperm whales and 900,000 minke whales.

Even though the Antarctic blue whales have been protected since the 1960s, their numbers have not recovered. This has resulted from the systematic slaughter undertaken despite the moratorium. At the International Whaling Commission Conference held in February this year on Norfolk Island, a committee of 24 members met to discuss the proposal put forward by the Republic of France. France proposed that the IWC ban all whaling below 40 degrees south to provide a safe haven for whales if whaling resumes. The Australian Government stance that whaling not be reintroduced under any circumstances must be encouraged. That Government should enlist the support of South Pacific nations and other kindred nations that share our respect for animal species to ensure that these magnificent species remain unaffected by the desire for naked and unnecessary commercial gain.

The safe haven area proposed by France is used by seven species of great whale, including the endangered blue, the right and the humpback. The statement was signed by 22 member nations and clears the way for a resolution to be put to the June conference in Mexico City. In fact, Japan and Norway signed a statement, along with 22 other members, saying that they had no "irreconcilable objections" to the sanctuary. The change of heart on their part followed the worldwide scandal caused by the revelation of the massive illegal killings under the former discredited Soviet regime.

The importance of the motion is to place on record the abhorrence of this House towards the resumption of whaling and our respect and affection for this beautiful species. Also, it is important to encourage the Australian Government to actively lobby at Mexico city and to take a strong proactive position with our South Pacific colleagues. A number of countries in the South Pacific are not particularly well off. They are being encouraged by Japan, with its enormous commercial wealth and importance, to support Japan's position on whaling, even though those countries do not have a whaling fleet or an interest in whaling. It is believed that Japan has paid the International Whaling Commission membership fees of a number of these countries. Why would Japan have an interest in paying the membership fees of these countries? One can only speculate.

It has been tragic that in recent times the Prime Minister of Norway, Jro Harlem Brundtland, who is a world leader in most environment matters, has chosen to support the resumption of whaling of the minke whale off the northern coast of Norway for partisan political purposes. This motion is to be supported by my colleagues the honourable member for Ballina and the honourable member for Murwillumbah. They have strongly supported and encouraged me. They represent electorates off the eastern coast of Australia, where whales are often sighted, and both have taken a keen interest in the protection of this beautiful species. I thank them for their support and I commend the motion.

Mr MARKHAM (Keira) [3.28]: I support the motion for preservation of whales throughout the world. When one considers that the whale is a warmblooded animal, indeed a mammal, the hunting of these animals - which unfortunately is popular throughout the world - is inhuman. No argument whatsoever by any country will justify the slaughter of these magnificent wild beasts. In the near future a major conference will determine what is to happen to the whales and whether a sanctuary will be declared in the southern oceans. I hope the Government writes to every whaling nation expressing its support for the establishment of a sanctuary.

I should like to read a letter written to the editor of the *Illawarra Mercury* by a young lady, Katherine Vormister, who is the sister of my youngest son's

fiancee. She has written also to every whaling nation in the world so that everyone will know exactly how she feels. This is precisely what every government in this country should do. Every humane government in the world should do the same. There is no reason whatsoever for Japan, Sweden or any other nation to do what they are doing. The whale is one of the last great mammals. Will the extinction of a mammal of that magnitude not be a death knell for humans? I will read the letter to which I referred on to the *Hansard* record:

Sir - This a copy of a letter which has been forwarded to the Consulate-General of each of the member nations of the International Whaling Commission. The IWC is meeting on February 20-24 to decide whether a sanctuary for whales should be created in the Antarctic.

I would like to submit my vote of support for the sanctuary for whales in the Antarctica.

If we allow Japan to start whaling, then we leave the oceans open for the poaching of all whales and commercial whaling will start.

Japan and Norway are prosperous countries and commercial whaling will bring them increased profit. Poorer countries, who would benefit more so from the profits of commercial whaling, are not going to pass up the opportunity to do so and controlling the "harvesting" of whales will become impossible.

Japan estimates that 4,000 minkey whales can be harvested annually.

That is shocking! The letter continues:

How is this going to be controlled? It cannot be controlled. The Japanese will eventually kill more minky whales than what is sustainable and pirates will kill the remaining blue and right whales.

We have discovered that as long as 30 years after whales and as long as five years after the blue whales were declared protected, the Russians were found to be poaching them in the Antarctic waters.

Japan claims that its killing of the whales is "scientific whaling".

Rubbish!

They are killing whales to sell for up to $US350 per kilo on the Tokyo market which means the majority of meat is used in restaurants and sushi bars in the large cities such as Tokyo.

No-one has the right to treat animals cruelly. In Australia, we have laws to control animal cruelty. There is nothing more inhuman than harpooning a whale, twice, and then electrocuting it, to kill it.

I am disgusted that Japan presently has the majority of votes. This is not only an issue of saving the world's whales it an issue of conservation. If we cannot put a stop to whaling in one area of the world's oceans, what chance do we have of conserving our rainforests, the ozone layer, reducing pollution and the other many issues facing the world today.

We need to declare Antarctica a sanctuary for whales now. If this sanctuary is declared, then 90 per cent of the whales will be saved, otherwise, I believe my children will never see a whale in its natural environment.

Please consider my opinion as it is an opinion held by many of my peers.

- KATHERINE VORMISTER,
Figtree.

[*Debate interrupted*.]

GOVERNOR'S SPEECH: PRESENTATION OF ADDRESS IN REPLY

Mr SPEAKER: The House will now proceed to Government House, there to present to His Excellency the Governor the Address in Reply to the Speech which His Excellency was pleased to make to both Houses of Parliament on opening the session.

[*Mr Speaker left the chair at 3.30 p.m. The House resumed at 4.50 p.m.*]

Mr SPEAKER: I have to report that the Address in Reply to His Excellency the Governor's Opening Speech has been presented, and that His Excellency has been pleased to give thereto the following answer:

Government House
Sydney 2000
14 April 1994

Mr Speaker and Honourable Members,

Thank you for your Address. It gives me much pleasure to receive your affirmation of sincere allegiance to Her Most Gracious Majesty The Queen of Australia.

I am also glad to have your assurance that earnest consideration will be given to the measures to be submitted to you and that the necessary provision for the Public Services will be made in due course.

I have every confidence that your earnest labours will conduce to the general welfare and happiness of the people of this State.

P. R. SINCLAIR
Governor

The Honourable the Speaker
and Members of the Legislative Assembly
of New South Wales

PROTECTION OF WHALES

Matter of Public Importance

[*Debate resumed*.]

Mr MARKHAM (Keira) [4.51]: Earlier I mentioned a letter which had been submitted to the editor of the *Illawarra Mercury* on Friday, 18 February 1994, by Katherine Vormister. I hope the sentiment contained in her letter is reflected across this country and across the world. The whale is an important and beautiful animal in the wild. Late last year when a female whale and her calf were off the coast of New South Wales for a number of weeks, thousands and thousands of people flocked to the eastern seaboard to witness that great life experience before their eyes. The media at large covered that event for a period of weeks, and the people of this State knew where the cow and her calf were at any one time. It is beyond my comprehension that any one could argue that those mammals have no feeling. All of the world's whaling nations should take that on board. So far as I am concerned there is no reason - whether financial, or related to the tourist industry or the feeding of people - to slaughter whales. No argument has been advanced to establish that these mammals should be slaughtered. The sooner that slaughter is stopped the better. Some time ago I received a letter from Mr Jeffrey Meikle, as no doubt other members of Parliament did, concerning the sanctuary of the Southern Ocean. Mr Meikle is the animal welfare correspondent for the International

Fund for Animal Welfare, Greenpeace and the World Wide Fund for Nature. He wrote asking members of Parliament to show their support for the banning of whaling throughout the world. I responded to that request by stating:

Dear Mr Meikle

Thank you for your correspondence concerning the Southern Ocean Whale Sanctuary.

I am totally opposed to the harvesting of whales in the oceans of the world and you may rest assured of my continued support for your organisations objectives.

I can only hope that the member countries see logic and support this much needed Sanctuary to save the last of the great whales.

Yours sincerely

Colin Markham, MP
Member for Keira

The Opposition supports the important motion moved by the Minister, even though it relates to a motherhood issue. However, other more important social issues affecting this State could have been dealt with today as matters of public importance.

Mr BECK (Murwillumbah) [4.59]: I fully support the motion moved by the Minister for the Environment, who has said that the protection of whales is important. I am pleased that the motion has received support from both sides of the Parliament. I was pleased to hear the Minister mention the southern right whales, which were referred to also by the honourable member for Keira. Members will recall that last year in the months of June and July we saw on the North Coast of New South Wales -

Mr BECKROGE (Broken Hill - Opposition Whip) [5.1]: I move:

That the honourable member for Murwillumbah, Mr Beck, be not further heard.

The House divided.

Ayes, 45

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

Noes, 49

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

Pair

Mr A. S. Aquilina	Mr Fahey

Resolved in the negative.

Motion, by leave, by Mr Whelan agreed to:

That so much of the standing orders be suspended to allow the member for Murwillumbah to complete his speech.

Mr BECK: It is obvious from the frivolity we have just witnessed that the honourable member for Broken Hill has no whales in his electorate and has no appreciation for whales. He has just had a visit to Government House where he did see some water and that may have brought a little sympathy to those on his side of the House. In the months of June and July last year those magnificent whales, the mother and calf, Glenys and Denis, were off the east coast of the north of New South Wales. They created a vast amount of interest and activity among tourists and locals who spent many hours viewing them. It would be a shame if at any time those whales were to become endangered. I look forward to seeing the whales again in the winter months as they migrate along the North Coast of New South Wales.

I am pleased that the Opposition supports the motion, because it is important that the whale population be allowed to increase. In his address the Minister referred to the population of different species of whales, and I should like to refer to the population of the southern right whale. Back in the 1880s the estimated figure was 100,000 southern whales in our waters, but today the estimate is only about 1,000. That emphasises the importance of support for regulations to prohibit the slaughtering of this magnificent animal.

The whaling industry was a terrible blight on society. A decade ago I represented the area of Byron Bay, where a whaling station had been established. The slaughtering of whales was not a sight that anyone would wish to see, or recall. We should remember the whale in its magnificent glory and hope that its numbers will continue to increase so that our children and our grandchildren will be able to enjoy them. I support the Minister's call for action to lobby the Federal Government to take a proactive stand on this issue and to assist in the preservation of the remaining whales through the establishment of sanctuaries in the southern oceans. The community demands this, and so should the Parliament. Such a valuable asset must not be lost to Australia and the world.

Mr HARRISON (Kiama) [5.12]: I have pleasure in supporting the motion, and I commend the Minister for his initiative in moving it. One need only remember back less than half a century when one of the most intelligent races on earth, the Jews, was in danger of being exterminated. That race produced great thinkers who made a significant contribution to western thinking, such as our Lord Jesus Christ, Karl Marx, Sigmund Freud, Charles Darwin and Albert Einstein. Fortunately, although six million people died at that time, the plan to exterminate all Jews was never fulfilled.

In principle there is little difference between the most intelligent animal on earth, whales, and humanity; yet many species of whales are practically on the verge of extinction. It is rewarding to have the Minister move a motion such as this, because the Government does not have a good record on native species. In the parliamentary dining room one sees on the menu meals prepared from kangaroos and emus. Dingos - Australia's only native dog - are bordering on extinction in New South Wales. They have been hybridised, slaughtered, poisoned with 1080, and so on, to the point that nowhere in the wild in this State would one find a purebred dingo. It is heartening that the Government has recognised that ocean mammals are in danger of extinction.

The first international convention signed an agreement to protect whales on this planet on 24 September 1931. The second international whaling convention signed an agreement on 2 December, and that came into force on 10 November 1948. Its official organ was the International Whaling Commission, and it had government representatives from Argentina, Australia, Brazil, Denmark, France, Great Britain, Ireland, Japan, the Netherlands, South Africa, Sweden, the United States of America and the Union of Soviet Socialist Republics. I understand that an agenda will be set for the conference to be held later this year. I support bans on all fish products that are collected by fishing companies using driftnets. I hope that the use of driftnets is listed for discussion at the conference. Not only are fish species being caught in unprecedented and dangerous numbers, but whales, porpoises, dolphins and other mammals are being killed in such numbers that worldwide authorities are now starting to wonder about the possible extinction of dolphins and porpoises.

Since 1987 the USSR has announced an end to commercial whaling. This was as a result of a youth conference that was held in the Soviet Union at that time. I remember speaking to some of the young delegates who were travelling there from Australia. It was to the forefront of their minds that the Soviet Union and Japan were still hunting whales to extinction; their reasoning being that it was scientific research, that a little tab was taken out of their ear and from that they could tell the age - or some other fallacious reason. It is not unreasonable and not too ideological to say that in a world that is less than perfect, no animals on this planet should be killed or have pain inflicted upon them unless it is a basic human necessity or in self-defence. I commend the Government for raising the question of preserving whales, the most intelligent species of creatures that inhabit our seas. However, let us also give a thought to all intelligent creatures on this earth that are in danger of extinction.

Certain standing and sessional orders suspended to allow the debate on the matter of public importance to be completed prior to the taking of Private Members' Statements.

Mr D. L. PAGE (Ballina) [5.17]: I support the motion moved by the Minister for the Environment, That this House notes as a matter of public importance the threatened resumption of whaling by several countries and the need for the Australian Government and other Commonwealth governments to strongly support measures at the June 1994 conference of the International Whaling Commission for the protection of this depleted species. I

speak with some feeling on this subject because back in 1954 the area I represent in this Parliament, Byron Bay, had the fifth whaling station in Australia. Unfortunately for the whales, that station remained open until 1963, with an annual quota of 120 humpback whales. It is to our shame that in those years so many whales were killed at Byron Bay.

Today I am pleased to report that there has been a 360 degree turnaround in community attitudes with regard to whales. It is very gratifying to see so many people at the top of Cape Byron watching the whales making their annual migration past the cape, often within a kilometre of it. The residents, including myself, enjoy watching these beautiful animals moving through the ocean, often with their calves. It is interesting to note that although between 1954 and 1963 whaling was an important part of the economy of Byron Bay, today whale watching has become an important part of its tourism industry. My constituents abhor and oppose the killing of whales in any part of the world. It is not only inhumane but totally unnecessary, given that substitutes are available for whale by-products. The most important report in this country on whales was "Whales and Whaling" by Sir Sydney Frost, following his independent inquiry conducted in 1978. On page 202 of that report is the following statement:

> We have noted that the whale has been evolving for at least 25 million years - a considerably longer period of time than man. Separated in its marine environment, quite remarkably, it has developed a brain with structures so
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> Page 1223
>
> similar to that of man that a real possibility must be taken to exist that the whale has the potential of high intelligence. The whale's behaviour is also consistent with a highly developed brain, but again we must await further evidence, especially on the meaning of the sounds by which whales communicate. In the meantime the only reasonable course is to make allowance for the fact that we are indeed dealing with special creatures. From a biological point of view, the whale is one of the `two mountain peaks of evolution on planet Earth - on land, . . . human beings and in the sea, cetacea'.

It is incredible that today we are still arguing whether whales ought to be killed. Those words were written so long ago but some nations still have not heard the message. I agree that protection of whales through cessation of whaling is the number one priority, and that the sighting of whales is a fantastic experience and a boost to tourism in the Ballina electorate. But an aspect of whale conservation not yet touched upon is the rescue of stranded whales. We have all seen the scenes of frantic rescuers attempting to keep stranded whales alive and move them back into the ocean. While all these efforts may often seem in vain, who could forget the rescue at Seal Rocks in 1992, when 37 false killer whales were returned to the sea. On that occasion 49 whales were stranded and 37 were rescued. The rescue, which involved up to 800 volunteers, highlighted the community's concern for the preservation of these majestic animals.

The reasons whales strand themselves are not known for sure, but there are three likely causes. First, gently shelving beaches can cause chaos with the whale's sonar system. Second, mounting evidence suggests that many animals can navigate using magnetic lines of force, and many areas where whales have been found stranded have unusual magnetic fields which could upset a whale's sense of direction. Third, some strandings appear to be caused by an individual sick, old or injured whale coming close to the shore and attracting other whales in its pod. There have been at least two large strandings in the last 10 years - at Crowdy Head in 1985 and at Seal Rocks in 1992. There are also about 20 to 30 strandings of single animals each year, but unfortunately most of these whales are dead when found. The point of all this is that although stopping whaling is a top priority, it is unfortunate that because of the depleted numbers of whales - [*Time expired*.]

Mr HARTCHER (Gosford - Minister for the Environment) [5.22], in reply: I thank all members who participated in the debate on this motion: the honourable member for Keira, the honourable member for Kiama, my colleagues the honourable member for Murwillumbah and the honourable member for Ballina. The people of this State are solidly behind the motion - not only the tens of thousands of adults who take an interest in the preservation of whales but also the hundreds of thousands of schoolchildren in our schools who are deeply concerned about the future of this species on this planet. All would strongly support the motion, which calls upon the Australian Government and our kindred nations in the South Pacific to work hard to ensure that at the June conference of the International Whaling Commission resumption of whaling is not allowed and that appropriate sanctuaries are established to protect whales in the southern oceans of the world.

I acknowledge Project Jonah and its splendid volunteers, who work year in and year out in all sorts of conditions to assist whales. Those volunteers are human advocates for whales and they should be strongly supported in every way. People can call 0055 29702 as part of the "Save the Whale" campaign, in which all the people of this State are invited to participate in a great movement to save the whale. I acknowledge the work that Megan Cridland and Linda Jubbs, residents of the Gosford electorate, have done to organise and energise the people of the Central Coast behind the "Save the Whale" campaign. They were both housewives, neither particularly interested in politics. Yet they were so concerned about the plight of whales that they mobilised themselves and spend virtually all their time writing letters, seeing people, making telephone calls and doing everything they possibly can to hit out on this issue and make sure that the June conference of the IWC will look after whales. I acknowledge the support the *Central Coast Sun* has given and continues to give to the "Save the Whale" campaign by encouraging people to take up "Save the Whales" rescue packages and purchase "Whale Rescue 2000" hats.

Throughout the State people are saying, "Save the whale!" When whales were stranded at Seal Rocks, more volunteers turned up than the National Parks and Wildlife Service could handle. The honourable member for Ballina spoke of 800 volunteers, but hundreds more volunteers were turned away and asked to stay away because their presence would have impeded the safety of those creatures. Only 20 years ago when whales were stranded in the same spot, nothing could be done but shoot them to put them out of their misery. When whales are stranded in Japan, people run down to them with knives and cut them up alive. Barbarity exists throughout the world. I am proud of the people of this State, who have advanced so far that when whales become stranded there is a massive and intense community effort to ensure that as many of them as possible can be saved.

I am delighted by the support given to the motion by all sides of the House and by the overall commitment of the people of this State. As the representative of the people of New South Wales, at the ministerial meeting on 29 April I intend to strongly urge all other Ministers to support me to ensure that the Federal Government maintains the resolve it has indicated - and I salute it for that - to vote at the IWC June conference in Mexico City against any resumption of whaling. I urge the Federal Government to take a strong proactive line to get as many of our kindred nations in the South Pacific behind us. We need the votes on this issue. We are not asking for votes for ourselves; we are asking for votes for a magnificent, intelligent and beautiful species which, unfortunately, in the IWC forum has no advocate but us. It falls to us to be the advocates for this species. If we fail them, we are failing not only in our responsibility to the animal world but also in our responsibility to humanity itself.

Motion agreed to.

PRIVATE MEMBERS' STATEMENTS

F3 MOTORWAY LINKS

Mr PRICE (Waratah) [5.29]: I wish to inform members of the connectors between the end of the F3 national highway at Minmi and the Pacific Highway and New England Highway. This matter has been raised in the House previously, and I am advised that the Federal Minister for Transport has allocated about $2.7 million to commence stage one of the Lenaghans Drive upgrade, a parallel carriageway to the existing Lenaghans Drive. That allocation will be followed, after the Federal Budget, by substantial funds to accelerate that carriageway construction and provision of a flyover to link John Renshaw Drive at the intersection with the New England Highway heading towards Hexham. Both those improvements are essential for the safety of through traffic and local traffic. At present Lenaghans Drive is connected to the New England Highway via what was formerly a council road called Weakleys Drive. That road has been rapidly upgraded as a result of

direct Federal funding, but a number of serious problems have emerged in the construction program. Though this matter has been raised with the Newcastle traffic committee, the problems are still to be resolved.

I appeal to the Minister for Transport to intervene with a view to resolving the matter for the safety of travellers. The problem at the moment appears to be that the Weakleys Drive intersection with the New England Highway is such that semitrailers have to stop at a stop sign on the highway boundary and because of the very tight corner are unable to accelerate into the highway heading north towards Maitland without going right across the first lane to the centre lane of the highway.

A number of accidents have occurred there. Fortunately, so far none of them has been terribly serious. However, we are only a hair's breadth off a major fatality. It is a problem that will not go away until the corner of that intersection is reconstructed such that the heavy vehicles, the articulated vehicles, can turn left toward Maitland without having to stop. It may require replacing the stop sign there with a give way sign and perhaps a stop sign in the middle of the highway, preventing traffic coming from Maitland turning into Weakleys Drive heading towards the F3 Freeway. The issue sounds complicated and it is complicated. One of the complicating factors is high speed.

Weakleys Drive was formerly a 60 kilometres per hour normal residential access road. It is now partly 90 kilometres per hour, partly 60 kilometres per hour with a relatively short deceleration distance prior to the highway. The road has been constructed such that the centre medians have a number of gaps to allow local traffic access to properties. The problem is that the gaps in the median, instead of being safe havens for local traffic, have become passing lanes for the through traffic so it is becoming extremely dangerous for local traffic to get in and out of driveways. It is a major hazard because drivers in the through traffic expect that type of construction to involve a passing lane. I appreciate that the wheels do move slowly. In that area we have lost more than 30 people in the past 30 years to road fatalities. Obviously, no government, no person, no instrumentality wants that record to continue. The Government should give a nudge to the department to resolve the problems, particularly when road funding from another government is involved, as it is in this case.

The modifications could be made with the assistance of Federal funding. I urgently appeal to the Minister to consider what I have said today and take the matter up with his area office in Port Macquarie. He could also deal with the matter through the Newcastle office. It is of great concern to me. The residents of Weakleys Drive are alarmed and people further down in Lenaghans Drive where the highway joins the local road network are worried. I appreciate that in five years' time Federal funding will be available to divert the highway from Medlow to Branxton as was originally intended. [*Time expired*.]

Mr PHILLIPS (Miranda - Minister for Health) [5.34]: I thank the honourable member for Waratah for bringing this issue to the attention of Parliament. Of course, road safety is at the forefront of issues being confronted by the Government. Road safety obviously can be substantially improved with a much upgraded highway system. As a member of the Government since 1988 I am very proud of our record in that area. I understand the issues raised by the honourable member for Waratah concerning road safety in the interim until major works go ahead. I am more than happy to inform the Minister of the concerns of the honourable member for Waratah.

GREENTREES KINDERGARTEN

Mr HAZZARD (Wakehurst) [5.35]: I should like to give the House an update on something that I announced to the House on Wednesday, 16 March. At that time, as the local member of Parliament for the seat of Wakehurst, I was very concerned about the planned closure of a private kindergarten which had roughly 100 students aged between two and five years. It was due to close on the following day because of the expiry of its Department of Community Services licence. If it had not lost its licence it would have been closed on the following Monday, 21 March because of the expiry of its commercial lease.

On 16 March I said that the good news was that the Minister for Community Services had indicated only a

few minutes before I made my speech that he would find $67,000 to fit out the premises of Narraweena school, as hard as that would be in the present economic circumstances. That payment was as a result of a lot of hard work, compassion and understanding from the Manly office of the Department of Community Services, Michelle McPherson, and the ministerial offices of the Minister for Community Services and the Minister for

Education, Training and Youth Affairs. I convey the community's thanks and my thanks to the officers who were involved. From the office of the Minister for Education Joan Warner and Lucy Poignand were involved and from the office of the Minister for Community Services Michael Tidball was involved. Those three people showed great skill, compassion, care and a lot of hard yakka to solve this problem. With their assistance we were able to get the local school, Narraweena Public School to provide premises for the kindergarten.

Although the kindergarten did close on Monday 21 - on Tuesday 22 the kindergarten Greentrees was bulldozed - by Monday 28, one week later, a new kindergarten opened 200 metres down the road. It was because of enormous effort by ministerial officers, but thereafter the effort was all made by the community and the contractors, who worked like navvies. I want to record their efforts because they are deserving of that. First, on behalf of the community, I thank Ritchie Stevenson, Director of Schools, and Mr Ken Davies, Principal, Narraweena Public School, who was just fantastic. All of the staff at Narraweena Public School were lugging books and doing all sorts of things making sure space was made available for the kindy. Then there was the help of the parents and citizens of the school. Jenny Scobel, who is a licensed DOCS school care co-ordinator, brought together a wonderful team of people - bricklayers, electricians, fencing contractors, landscapers, painters and Telecom staff. I was there every day for a week.

Every morning when I went there I just could not believe the miracle that was happening before me. I would like to record the names of the people who worked there: Kevin Monk, Kevin Monk Junior, Adam Gage, Jim Saxton, Max Hurd, John Williams, Gail Hurd, Anton Sauka, Oliver Vavra, Joseph Sauka, Jura Fuche, Anna Cimarosti, Karen Maric, Lilian Fierro, Anna Grantham, Kim Strathmore, Debbie Hulme, Sue Stephens, Kate Hannon and Corrinne Rawden. It really does give one great faith in humanity to know how the problem has been overcome to allow 100 deserving little kids to have a great place to go each day. It is fantastic that the community and the workers came together to do the job. It was a real exhibition of the partnership between the private sector and the public sector. The good news now is that hopefully when all the tenders go through the money will come back to the Government and may be further used for other government services. I record my heartfelt thanks. Many of the parents have written to me thanking all the people involved. I put on record in this place that there really is hope and there is humanity out there in our communities.

Mr PHILLIPS (Miranda - Minister for Health) [5.39]: I thank the honourable member for Wakehurst for bringing this matter to the attention of the House. It is good to see a member returning to this House after making representations and finally congratulating the Government and the community on a good result. Perhaps there should be a little more of that going on rather than the negativity that surrounds most parliamentarians. Obviously this House and the Government extend congratulations to the local member, to the staff at Narraweena Public School, the parents and citizens association, and all those who co-operated to resolve that important issue for the children and parents of that area.

LAKE MACQUARIE WASTE TRANSFER FACILITY

Mr FACE (Charlestown) [5.40]: I raise a matter concerning the Lake Macquarie City Council and its intention to create a waste transfer facility in my electorate on the eastern side of Lake Macquarie. The way in which the council has handled the existing Redhead tip and, since the mid 1980s, the resolution of the dumping of garbage on the east side of Lake Macquarie has been nothing short of a fiasco. In 1986 Paterson and Britten were supposed to survey the needs of the city, especially on the east side of Lake Macquarie. We have not progressed since that time. I have complained bitterly about the Redhead dump for 18 years. It will close in July. The council has been reluctant to do anything concerning this facility. Because of the council's bungling, at the eleventh hour we are left with no facility and no transfer facility. It is possible that the waste transfer station will be placed in an unused quarry - a proposal I have opposed from the beginning, and I will continue to

oppose it for various reasons.

This afternoon I asked the Minister for the Environment to monitor what the Lake Macquarie council does in this regard. If the council puts the waste transfer station in the quarry at the top of Oakdale Road in Dudley - where it will be adjacent to a large residential area to be developed by the Department of Housing and to the Awabakal nature reserve - it had better do something smarter than what it has done in the past. There are alternatives. Reg Norris is an officer of the council - I mention him because in briefings with the council he has said that it is my fault that this has happened. I am not a member of Lake Macquarie City Council. I have repeatedly said that the waste transfer station should not be in the quarry, and I will continue to say that. The people I represent do not want it there. It is gross stupidity.

Reg Norris has dragged the chain and we are left with no alternative. He wants to get his way by hook or by crook. I hope that the Lake Macquarie City Council takes it out of his hands and makes it the responsibility of the new environmental services manager, John Parkes. We might then get some sanity into the situation and start all over again. I could write on a bus ticket what Reg Norris has done in the past with respect to resolving this problem. Adjacent land is available from the water corporation. I do not think he ever committed anything to writing; he just made a few phone calls. He gave flimsy answers about why the land could not be used.

I am sure that the water corporation is not that unsympathetic. There are 55 hectares of land there. Surely some portion of it could be appropriated. If

the waste transfer station goes into the quarry, it will be adjacent to the Awabakal field study area - one of the landmark decisions made in the early days of the Wran Government to create an understanding of environmental studies. There is already evidence from the National Parks and Wildlife Service that the existing dump at Redhead has had a detrimental effect on quail and fauna in that area. Glenrock State recreation is nearby.

We will be without a facility after July. There is already illegal dumping. Those places will be awash with rubbish. The Government will have to clean it up virtually daily. Irresponsible people will dump their rubbish in those lovely reserves because of a blunder of the council. I want the Minister for the Environment to know what is going on. I want his attention drawn to what the council is going to foist upon the community, including all the illegal dumping. After July there will be no facility. People will not drive 30 kilometres to Awaba. It is unacceptable to the community that a dump be established in that quarry. The present council is not the only body responsible; there have been a succession of councils responsible. [*Time expired*.]

Mr SHANE REES CRIMINAL CHARGES

Mr COCHRAN (Monaro) [5.45]: I rise on behalf of Mr Shane Rees, a constituent of mine originally from Cooma, and his mother on an issue which has arisen over the past 12 months. I refer to cross-border relations between the Australian Capital Territory and New South Wales. Many problems have been addressed over the past six years by myself, the Australian Capital Territory and New South Wales authorities with great success. We have an amicable arrangement across the border with regard to bushfire control and management, police services, ambulance services, the State Rail Authority and the Roads and Traffic Authority. However, the legal system does not provide for concurrent sentencing; it does not allow prisoners to serve concurrent sentences when offences are committed on both sides of the border almost simultaneously.

Within 24 hours Shane Rees committed offences on both sides of the border. He then had to face two courts. He was not given the opportunity to serve the sentences concurrently. He was substantially disadvantaged. At one stage it looked as though he was going to have to serve the two sentences. We need to address this anomaly. I would like to share with the House the problems that faced my staff in their attempts to resolve this matter, as well as the frustrations faced by Mrs Rees and her son Shane, who was at that stage a guest of Her Majesty in the Goulburn Correctional Centre. On 23 September 1993 I wrote a letter to the

Attorney General, Mr John Hannaford. It stated:

> Shane is presently a prisoner in the Goulburn Correction Centre serving a two year sentence for armed robbery.
>
> I am informed that the ACT Attorney General, Mr Terry Connelly, will be approaching you shortly with the details although I understand Monday 16 December 1993 has been set aside in the ACT Supreme Court as the hearing date.

When the dates set down for hearing are adjourned this young fellow will have his term extended in the prison unless the matter is resolved. The letter continues:

> I am further informed that Shane intends to place a plea of guilty to a further charge of break, enter and armed robbery committed in the ACT 24 hours prior to the offence in Queanbeyan for which he is currently institutionalised.
>
> I firmly believe that Shane has committed these serious crimes as a result of most unfortunate family circumstances and he should be given the opportunity to serve his sentences concurrently and with further counselling will not re-offend.

The circumstances involved in this case were extreme. Shane's mother was suffering as a result of a severe motor vehicle accident. In order to try to raise some funds to alleviate her problems he committed the offences. It was claimed in subsequent court hearings that there was just cause in calling for concurrent sentences. I think this is the first time in my six years as a member of Parliament that I have raised an issue in this House on behalf of a prisoner. I normally do not have a great deal of sympathy for those who commit offences and end up a guest in one of Her Majesty's institutions. However, in this instance the regulations which control both States need to be rationalised in order to provide for a reasonable method by which a concurrent sentence can be served following the conviction of a person for similar offences or concurrent offences across the border. I ask the Attorney General to raise this issue with his colleague in the Australian Capital Territory in an attempt to overcome the problems.

Mr PHILLIPS (Miranda - Minister for Health) [5.49]: This issue highlights one of the significant problems which Australia faces, as populations develop: cross-border issues. A complex issue has arisen with the creation of the Australian Capital Territory, and its self-government, because it is such a small area. The populations of New South Wales and the Australian Capital Territory are increasing. That does not mean there cannot be separate governments; but it means that governments have to become less territorial and smarter in the way in which they overcome inequities between States. We have to become administratively smarter if we are to provide people with the service they deserve. The issue that has been raised is a prime example of an inequality of justice, and I am more than happy to bring it to the attention of the Attorney General.

M5 MOTORWAY EASTERN EXTENSION

Mr THOMPSON (Rockdale) [5.51]: In response to direct requests from more than 1,000 of my constituents in the Turrella-Arncliffe district, I want to alert the House to the disruption and destruction that these suburbs will experience if the M5 east motorway is extended in the manner presently proposed by the Roads and Traffic Authority. I have received well in excess of 1,000 letters on the issue, which I know is just the tip of the iceberg so far as community distress is concerned.

On 16 February last the Minister for Roads announced that the M5 motorway would be extended from Beverly Hills to link with General Holmes Drive near the Cooks River at Kyeemagh. This extension would result in the road going through a tunnel from Bexley North to Turrella.

On emerging at Turrella the road would be elevated on structure to clear the sewer pipeline and the East Hills railway line. It would continue on elevated structure across the Illawarra railway line near Guess Avenue, Arncliffe. The elevated road would be about 15 metres high. With the addition of noise barriers the overall structure would be about 20 metres high. The noise and pollution generated by traffic on such a structure would be horrendous for residents of that part of Turrella and Arncliffe. After crossing the Illawarra railway

line the proposed route would require the demolition of a number of factories and business premises before it crossed the Princes Highway. It would then require the demolition of dozens of houses in the vicinity of West Botany and Flora streets and Valda Avenue, Arncliffe. Under the proposal that part of residential Arncliffe would be cut in half and devastated.

Rockdale Council held a public meeting on 28 March to discuss the matter with local people. The Arncliffe community hall was packed. The RTA proposal was explained, as was an alternative proposal prepared by council. The public meeting expressed unanimous opposition to the RTA preferred option and supported the alternative proposed by council. Yesterday I wrote to the Minister formally advising him of the views of local people. I emphasise that my constituents are not exhibiting the NIMBY syndrome - that is, not in my backyard. Many people would prefer that there was no extension of the M5 at all. However, most people, such as residents generally and Rockdale Council, acknowledge that the road will now definitely be built. Therefore, while opposition to its construction might be a matter of high principle, it will not stop it.

The council and the great mass of local people reluctantly accept the fact that the extension of the M5 east will proceed. They are now banding together as a community in an effort to persuade the RTA and the Minister to change their minds about the route the extension should take. The NIMBY syndrome is not an issue in this matter. We want the road to be built in a more people-friendly way. In brief, the road must be constructed in a tunnel from Bexley North to the Illawarra railway line. This would remove the need for a road on elevated structure, thereby not only safeguarding the precious Wolli Valley but avoiding the disturbance and disruption that the noise and pollution would otherwise generate to this residential area.

Rockdale Council's proposal, supported by the people, would have the road cross the Cooks River to Tempe Reserve, on to Airport Drive and continue on airport land along the edge of the Cooks River to General Holmes Drive. Clearly there would be a need to manage traffic at General Holmes Drive in a manner which would avoid adding to the existing traffic chaos on that thoroughfare. This proposal has been put and supported only because it is now certain that the M5 will be extended. It is an acceptance of that reality, albeit with great reluctance from and stress to some. It is also a plea to the RTA and the Minister to heed our community's call for a fair go. My constituents are worried. The *Sydney Morning Herald* of 12 April carried an article headed, "Residents Fear Cheap Road will Split Community", which stated:

> The residents are furious at what they see as the Roads and Traffic Authority (RTA) pushing the cheapest option to connect the M5 to the city centre despite the route splitting the community in half . . .
>
> A spokesman for a newly formed residents' action group, Mr John Tesoriero, said the new route would split the community and leave many older residents hemmed in on all sides by major arterial roads.
>
> "There are two main concerns: people are going to lose their homes and the people who are left behind will be forced to live in impossible conditions," Mr Tesoriero said . . .
>
> Mr Tesoriero, who has lived in the area for 38 years, said the residents accepted the need for the tollway extension but wanted the Government to consider all the options.
>
> "There are at least three different options available where people's lives aren't affected, but the Government is simply taking the cheapest option," he said.

I also quote briefly from the local regional newspaper, the *St George and Sutherland Shire Leader* of 10 March:

> Flora Street resident, John Konakas, said the extended tunnel option was the best alternative because it would affect fewer properties.
>
> "The consultants have chosen the Flora/Valda Street route because it is cheaper," Mr Konakas said.
>
> "What is more important - money or lives?"

On behalf of my constituents I implore the Minister to ensure that the RTA gives full consideration to these human factors.

Mr PHILLIPS (Miranda - Minister for Health) [5.56]: As a southerner myself - although a bit further south - I am aware of the issues and needs concerning the M5 Motorway. It has been a battle for well over a decade. It is long overdue. I was pleased that the honourable member for Rockdale did not suggest that we should not go ahead with the road. It is probably one of the most needed roads for the south of Sydney to substantially improve the quality of life of residents in his electorate and other nearby electorates. The existing small roads try to cater for significant traffic volumes, truck traffic in particular. I understand his concern about the available options and the impact the freeway may have on his residents. I will make sure the Minister is aware of his concerns and the concerns of his constituents to ensure that the new expressway has minimal negative impact on his constituents and maximises the benefits to all in the south.

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DAYLIGHT SAVING

Mr GLACHAN (Albury) [5.58]: I want to say a few words about the decision of the Victorian Premier, Mr Kennett, to extend daylight saving. I am particularly concerned because that decision will cause a great deal of chaos for the people of Albury-Wodonga. Those two cities are on either side of the border but are considered to be one city. The three-week extension of daylight saving will make it difficult for the residents of those cities. I am particularly annoyed that Mr Kennett decided to do this without consulting anyone at all. Many people in Wodonga are also upset about the decision.

I recall that some years ago, in relation to daylight saving, the two States were out of step, and that caused a great deal of inconvenience to people in that area. Many of us worked very hard to correct that situation. The then State member for Benambra, the Hon. Lou Lieberman, who is now the Federal member for Indi, other parliamentary representatives of the area and I, worked hard lobbying everyone we could in an attempt to bring the two States back into line. We were successful largely because of the efforts of Mr Lieberman, who approached the Prime Minister of the day and used his influence in every way he possibly could. The then Premier of Victoria, Mr John Cain, would not listen. Later, when he was replaced by Mrs Joan Kirner, common sense prevailed and she brought Victoria back to where it should have been and should always be - in line with New South Wales.

I do not believe that New South Wales should extend daylight saving for three weeks. Many people in the State would be badly affected by such an extension. Some people cannot understand that daylight saving upsets many country people, and the proposed three-week extension makes them hopping mad. There is no reason for New South Wales to consider extending daylight saving but every reason for Victoria not to go ahead with the planned extension and to keep the two States in line. Because of the great concern that has been expressed in Albury-Wodonga I will meet on Friday with representatives of local government - the Albury City Council and the Hume Shire Council - and my counterpart across in Wodonga, the member for Benambra, Mr Tony Plowman in the Victorian Parliament, will meet with the Wodonga City Council and rural councils in Victoria. We will discuss establishing some sort of time exclusion zone. From the outset I state that I have doubts about this.

The question we have to ask is: if the cities of Albury and Wodonga have a different time from everywhere else, once again where do we draw the line? What about the inconvenience caused to people when one side decides to accept the time of the other side? There are enormous problems and I have doubts about whether the problem can be solved locally. If it is decided to establish a time exclusion zone, the matter will be fairly and squarely in the hands of local government because local government will have to make the decision. I call on the Premier, Government members and anyone else who can influence Mr Kennett to urge him to think again and not extend daylight saving for three weeks as proposed. When the extension was first proposed it was simply for the Moomba Festival, and that is not a good enough reason. Now it is proposed for a motor car race,

and I consider that to be not a good enough reason either. Whatever the result, I will continue to work as long and as hard as I must to bring about uniformity between New South Wales and Victoria. The lack of uniformity causes enormous inconvenience. We must remember that many people do not want the extension; daylight saving causes them enormous inconvenience.

PRECINCT SERVICES PTY LIMITED

Mr KNIGHT (Campbelltown) [6.3]: I raise the plight of four of my constituents who have been cheated out of their wages by Ray Johns, the principal of a firm known as Precinct Services Pty Limited. The four are Ron Catlin, David Hann, Steve Mennie and Gary Singleton. All were employed for various periods by Precinct, a firm which operates a security business in the Campbelltown area. All were paid well under their legally binding award entitlements. It is now more than a year since the first three of these young men came to see me about their underpayments, which total thousands of dollars. At that stage they had already lodged complaints with the Liverpool office of the New South Wales Department of Industrial Relations. They came to see me because they were concerned that the department was very slow in dealing with their cases.

I should state at the outset that I am a strong supporter of the trade union movement and believe it is in the interests of all employees to join the relevant trade union so that they are not at the mercy - or the apparent lack of mercy - of unscrupulous employers such as Ray Johns. However, I recognise that some of the most vulnerable employees in our community work for employers who quite illegally, but nonetheless quite effectively, intimidate them into not joining a union under pain of dismissal. Such employees - the four young men I have referred to fall into the category - are especially in need of the protection of the Government through its Department of Industrial Relations. Unfortunately, all four men have been lamentably failed by the Department of Industrial Relations. Whether this is because of lack of genuine concern, bureaucratic inefficiency, Government policy or a lack of staff only the Minister can tell us.

Since she is responsible for her department's actions and sets the tone for the department's operations, she should answer for its failures. My hunch is that the protection of workers is such a low priority for the Fahey Government that it has simply provided too few resources for the Department of Industrial Relations to do its job properly. The position regarding the four young men I have mentioned is clear. First, the department has been dealing with the cases of three of them for well over

a year, and in the case of the fourth, for almost a year. Second, the relevant officers of the department accept that each has been substantially and illegally underpaid. Third, Ray Johns of Precinct has refused the department's requests to make up the underpayments. Fourth, legal action on behalf of these young men has still not begun.

I am extremely concerned that by the time the department finally commences legal action the company may either cease to exist or just be a worthless shell. What is to stop Ray Johns gutting the company and simply moving his customers to a new organisation under his control which has no legal liability to his former employees? Will the Fahey Government itself reimburse Ron Catlin, David Hann, Steve Mennie and Gary Singleton the money which they should have received long ago? Morally it should, but frankly I believe it is unlikely to do so. So at present the situation is that four young men are seriously out of pocket and the employer who has exploited them not only continues to operate but poses as a respectable citizen on the executive of the Campbelltown Chamber of Commerce and continues to have many reputable clients within the Campbelltown area. Yet the Government is unconscionably slow in doing anything to ensure justice is done for the four young men involved. I urge the Minister to involve herself directly to ensure that legal proceedings against Precinct are commenced immediately. I know that she is aware of these matters because I spoke to her staff and stated that I would raise the matter in the Parliament today. I urge the Minister to accept her responsibility in the matter, use her good offices and ensure that legal action commences forthwith.

Mr PHILLIPS (Miranda - Minister for Health) [6.7]: It is interesting that whenever the honourable member for Campbelltown speaks he just cannot avoid taking a cheap shot. For example, today he could not

help saying that this Government is not concerned about the safety of workers. Anyone who has seen the record of this Government in relation to fixing the problems of industrial relations and workers' safety knows that there have been great advances under this Government. The honourable member has raised the matter with the Minister, and the Minister apologises for not being in the House. The Minister and the department are doing a number of things in recognising some of the problems.

Opposition members, especially the honourable member for Campbelltown, believe that the answer to every problem is that something must be underfunded so we should throw more money at it. They do not consider making the system more efficient and finding better ways of doing things. That is exactly what the department is doing. It is investigating new procedures which place greater emphasis on the parties resolving their disputes. The procedures, which will be trialed in the near future, will involve computerisation and a range of industrial inspectors to address complaints. The time taken to deal with the complaints obviously would be a result of the difficulty or complexity of the matters involved. I thank the honourable member for Campbelltown for raising the particular issues of the case. I am pleased that he has brought it to the attention of the Minister. She is as concerned as anyone else to ensure the safety of workers, and she will take the necessary action to expedite the cases.

OILSEEDS MARKETING BOARD

Mr CRUICKSHANK (Murrumbidgee) [6.9]: I raise a matter concerning the New South Wales Grain Corporation and its management of a debt which was entrusted to it by the New South Wales Oilseeds Marketing Board. In 1989 or late 1988 the board became financially insolvent and went belly up. Between the ANZ Bank and the other creditors it was left owing $12.77 million. It had debtors and stocks of $7.46 million, which left a final amount of $4.7 million which had to be paid back to the creditors. A poll was held and it was decided that levies would be raised. To that amount of $4.7 million must be added interest, which amounts to $1.3 million. The original fee for the receiver, Mr Miller, was $750,000. The amount that went to the board was between $700,000 and $800,000. I and most growers believe that that is exorbitant for a board that is supposed to be acting on behalf of the growers.

Between 1989 and 1993 the board collected $8.125 million to pay an original debt of $4,700,000. It appears that the board has collected between $300,000 and $400,000 more than necessary to pay the bill. The board did not even know that it was overcollecting until someone brought the matter to its attention. It then sent out a hasty letter, in March this year, stating that authorised buyers should discontinue collections and that authorised buyers were required to return to the growers and suppliers all and any levies which had been collected but not delivered to the New South Wales Grains Board to date. That letter informed buyers to stop collections because too much had been collected.

Why is the manager of the board, who has had a lot of experience, and is paid between $140,000 and $180,000 a year - which is not a bad wage - not able to organise things a little better? He has overcollected from growers. That is not the worst case scenario. It is alleged by growers that the board does not want to repay the additional $300,000 to $400,000 that it has collected because it does not know from whom it has collected that amount. That is a little rich! I do not give a darn how difficult it is, but the board should undertake to pay that money back to the growers. It would be remiss of the board not to do so. That is not the end of the story so far as GrainCorp is concerned; a few other hashes have to be sorted out by the board, such as the marketing of malting barley and the impact that has had on the price of feed barley.

I want this House and the Minister to take note of this matter. I will be sending the Minister a letter in this regard. The money that the board has collected which is in excess of what it was supposed to collect, should not be retained by it. It should not

be forgotten that the original board had a few million dollars worth of debt wiped off in its favour by the New South Wales Government. It is time it started to balance its books a lot better than it has to date. The board is acting in its own interests and not in the interests of growers. I hope the Minister for Agriculture and Fisheries

and Minister for Mines will take note of what has been said tonight and will bring to the attention of the board the fact that this money should be repaid to oilseed growers and not retained as any sort of trust fund. The board receives enough from grain levies from growers and this amount of money should not be retained by it.

SENIORS CARD BENEFITS

Mr J. H. MURRAY (Drummoyne) [6.14]: I wish to draw to the attention of the House an anomaly relating to the use of the Seniors Card which has been drawn to my attention by Mrs Barbara Armano, a constituent of mine. Honourable members would be aware that the Seniors Card is currently issued to people over the age of 60 who are not in full-time employment. A special provision exists for issuing the Seniors Card to people who are completely incapacitated, such as patients in nursing homes who are bedridden, to enable a spouse or close relative to obtain a letter of authority to purchase goods on a patient's behalf by using the Seniors Card.

In Mrs Armano's case her husband, who has been issued with a Seniors Card, is forced, because of a heart condition, to rely upon his wife to undertake most of his business affairs as well as shopping for his clothes and other effects. If Mr Armano sometimes accompanies his wife on business trips he is able to use his Seniors Card for transport concessions, while Mrs Armano, who is not yet 60, has to pay the full fare. In addition, she cannot use her husband's card to purchase items for him although he is entitled to the concessions which go with the Seniors Card. Mrs Armano said to me that she believes both State and Federal governments should have some consistency when dealing with concessions for seniors. Under Commonwealth law, if her husband was a recipient of a Department of Social Security pension, she would automatically be entitled to a pension regardless of age. Unfortunately, under State legislation Mrs Armano is not entitled to a Seniors Card similar to the one held by her husband.

Honourable members would be aware that this is the Year of the Family. When an anomaly such as this is exposed I believe the Minister should look favourably at extending the provisions of the Seniors Card to cover dependent spouses over the age of 50 if the eligible spouse has already reached the age of 60 and is in possession of a Seniors Card. If this proposal were implemented the current anomaly between State and Federal government benefits would be erased. Mrs Armano told me that she and her husband have always enjoyed and shared everything together. But when they go together nowadays there seems to be an imbalance, which is resented by them both. I ask the Minister to investigate this anomaly as I believe many other couples in New South Wales are experiencing the same difficulty that Mr and Mrs Armano are facing.

PARLIAMENT HOUSE SWITCHBOARD SERVICES

Mr TINK (Eastwood) [6.17]: I wish to raise a matter which I am sure affects all members. It certainly affected me at about 8.50 this morning. I was travelling along the Western Distributor expecting to arrive at Parliament House at 9 a.m. At one stage all traffic on the Western Distributor was held up because two lanes on the harbour bridge were closed. I realised that there was no way that I would arrive at Parliament House by 9 a.m. I had the Data Protection Bill listed for debate at about 9.2 a.m. - a bill which has some relevance at the moment because of the privacy issue which has been featured in the media recently. I did not have with me my papers or my list of telephone numbers, but because I had a mobile phone in the car I rang the Parliament House number to try to get a message to the Government Whip, the honourable member for Cronulla, and or the leader of the House that I was running late.

I received a recorded message that the switchboard at Parliament House did not commence operating until 9 a.m., which is exactly the same time this House commences business. That is ridiculous. A member of Parliament who is experiencing problems, as I did in this case, must be able to communicate with Parliament House. All sorts of people in the community would need to ring members of Parliament before 9 a.m. to leave messages concerning the business of this House. When the Parliament commences business at 9 a.m. the switchboard, for practical reasons, should commence operating at 8.30 a.m. As it turned out, I was lucky this

morning because the Deputy Leader of the Opposition experienced the same problem that I had. Our problems were solved because of the timely and effective intervention of the honourable member for Cronulla.

If we are about effective communication in this place we should have telephone lines open so people can make contact with staff in Parliament House. In my case a piece of legislation could have been struck off the book if I had not made contact with someone in Parliament House. Members of the public also need to get in touch with their representatives before parliamentary business commences. I do not think it is too much to ask for the telephone lines to be opened half an hour before the legislature convenes in the morning. In practical terms it is a matter of some importance about which something should be done forthwith.

Mr PHILLIPS (Miranda - Minister for Health) [6.20]: I am sure the Presiding Officers will take into account this important issue. It does seem strange that the switchboard opens at the same time as the Parliament. Probably that happens because the Parliament has changed its sitting timetable without the necessary review following that change. The

honourable member for Eastwood raises a question as to the role of the services in this Parliament. Services have to be customer focused, and the customers of this Parliament are the parliamentarians. The role of the back-up services is to support the Parliament and the work done here. I am sure the Presiding Officers will take that into account and ensure that consideration is given to opening the switchboard earlier on that day which the Parliament sits earlier.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Rixon) left the chair at 6.21 p.m. The House resumed at 7.30 p.m.*]

TIMBER INDUSTRY (INTERIM PROTECTION) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [7.30]: I move:

That this bill be now read a second time.

The purpose of the bill is to include the Eden native forest management area in the Timber Industry (Interim Protection) Act and to extend the Act, which currently expires on 31 December, for an additional year. The inclusion of the Eden management area in the legislation will impose a moratorium over identified and prescribed forest areas of high conservation values, pending environmental impact statement termination; require completion of an environmental impact statement by a nominated date; and permit logging operations to continue over the remainder of the area while the environmental impact statement is completed to maintain present levels of sawlog supply to the dependent timber industry. Throughout this process the requirements of the Endangered Fauna (Interim Protection) Act will remain intact, necessitating the issue of fauna licences for all areas proposed for timber production.

The legislative action will bring the Eden native forest management area into line with most of the remaining native forest management areas in New South Wales and will provide interim protection for the dependent sawmilling industry and its employees whilst the environmental impact assessment process is completed. I make it clear that this amendment does not constitute a blanket approval to conduct timber harvesting operations without an environmental impact statement. The amendment will allow logging to continue subject to licensing by the National Parks and Wildlife Service in a gross area of approximately 40,000 hectares out of a total 240,000 hectares in the management area.

The areas where logging will proceed have been restricted to those identified in consultation with the National Parks and Wildlife Service as the least sensitive areas. The environmental impact statement will cover forestry operations for a three-year period during which logging operations will be restricted to a least sensitive area regime. Following determination of this environmental impact statement a further environmental impact statement will be prepared to cover logging operations in areas outside the least sensitive area. Naturally, logging is to be excluded from all areas identified to become conservation reserves under the Commonwealth-State agreement on the southeast forests - an area of 50,000 hectares; nominated national estate areas; wilderness areas; undisturbed forest, being areas where no logging or road construction has occurred previously; and areas designated by the National Parks and Wildlife Service to protect the habitats of schedule 12 fauna such as the long-footed potoroo, the long-nosed potoroo, koala, southern brown bandicoot, and powerful, sooty and masked owls.

It is relevant to note that there has been a recent amendment by the Parliament of part 5 of the Environmental Planning and Assessment Act with the effect that the Minister for Planning is now the determining authority for all future forestry environmental impact statements. No longer will the Forestry Commission have the capacity to determine its own environmental impact statements. Based on experience to date, this will mean that the Minister for Planning will need up to six months to undertake adequate public exhibition and consultation and to determine the environmental impact statement. This additional time requirement was obviously not known at the time of the drafting of the Timber Industry (Interim Protection) Act, and it provides further justification for both including Eden in the Act and extending the Act for a further period.

It should be noted that the Timber Industry (Interim Protection) Act is not getting preferential treatment in terms of the legislative action proposed and it is relevant to point out that the Endangered Fauna (Interim Protection) Act has been amended by the Parliament on two occasions. On the most recent occasion that this occurred the Act was extended for a further two-year period. That legislative action was supported by the Opposition. The Government is committed to ensure that the environmental values of the southeast region are not placed at risk whilst log supplies are maintained to industry. Present fauna licensing provisions under the Endangered Fauna (Interim Protection) Act and the National Parks and Wildlife Act will not be altered.

In addition, the National Parks and Wildlife Service and other relevant government agencies will be closely involved with the preparation of a current environmental impact statement for the identified least sensitive area in the southeast. The six-month period taken to determine environmental impact statements also has implications for those environmental impact statements scheduled for completion late this year under schedule 4 of the Timber Industry (Interim Protection) Act. The proposed extension to the legislation to 31 December 1995 will provide security of supply in those areas, subject to normal licensing requirements, if the determinations are not completed by the expiry date of the present Act.

It is important to note that the inclusion of the Eden native forest management area in the Timber Industry (Interim Protection) Act will not make additional sawlogs available immediately. The normal process of forest planning and licensing approvals, including endangered fauna licensing, will have to be met before further log supplies can be obtained. The rate of sawlog production achievable by including the Eden management area under the legislation will not be sufficient to catch up on the accumulative deficit for the current supply year. To a large extent, this is because the process of identifying non-controversial areas for inclusion under the exemption provisions of the Timber Industry (Interim Protection) Act has meant that the majority of these areas will yield only low volumes of sawlogs and it will therefore be logistically, operationally and economically difficult to increase sawlog production substantially over short periods of time.

The inclusion of the Eden management area under the Timber Industry (Interim Protection) Act will, however, allow for confidence in scheduling, planning and licensing to ensure that sawlog commitments in 1995 can be supplied as per current contractual arrangements. This should provide the dependent industry with a much needed confidence boost. The preparation of the schedules to accompany the legislative amendment

have been prepared jointly by the National Parks and Wildlife Service and New South Wales State Forests and should therefore be supported by the Parliament. I am pleased to note the two agencies working together in a constructive manner to identify the least sensitive areas associated with the preparation of the current environmental impact statement.

Some have asked why the southeast forests were not included under the provisions of the Timber Industry (Interim Protection) Act at the time the legislation was drafted. Perhaps with hindsight we can say that the area should have been included, if for no other reason than to achieve consistency across the State. However, there are several reasons that this did not occur at the time. The Commonwealth-State agreement on the southeast forests had just been drafted by Prime Minister Hawke and Premier Greiner and was at that time perceived as the final solution to disputes over land management regimes in the region. The legislation formally required the completion of environmental impact statements for forest management areas and, unlike many other areas in New South Wales, the number of studies carried out on the region was significant. In fact, five previous environmental impact statements had been completed within the area between 1981 and 1991 and a further environmental impact statement was in progress at the time of drafting the Timber Industry (Interim Protection) Act. The comprehensive Commonwealth-State joint scientific committee study had just been completed.

The most recent of the Eden environmental impact statements was determined in 1992 and, together with earlier environmental impact statements, was designed to provide sufficient timber to the dependent industry for 1993 and this year - that is, to meet the annual sawlog allocation to mills of 60,000 cubic metres. A significant part of the forest covered by the most recent environmental impact statement has not been available to the timber industry because of problems in obtaining the requisite fauna licences from the National Parks and Wildlife Service. These difficulties, which relate to particular species of endangered fauna, have prevented access to at least 25,000 cubic metres of sawlogs, creating the current supply difficulties confronting the sawmilling industry.

The current supply shortfall of up to 30 per cent of present sawlog supply levels will continue for the first three quarters of 1994 unless some action is taken. If the Government does not move to include the Eden native forest management area under the Timber Industry (Interim Protection) Amendment Bill it will be necessary to discontinue log supply to Boral's Eden mill no later than the end of June. While the mill may be able to access limited log supplies from some other source, in all likelihood it would close with the loss of 28 direct jobs.

The general multiplier effect for jobs in the industry is two, so the overall impact would be about 56. The situation would progressively worsen towards the end of the year so that by the end of October available sawlogs would be insufficient to sustain either Tablelands Sawmills at Bombala - 28 employees directly, about 58 with the multiplier effect and Cooma - 13 employees directly, 26 with the multiplier effect. Coastline Timbers at Moruya - 12 employees - would also become doubtful. With the decline in available logging areas, pulpwood supplies - which mainly rely on head and butt salvage from sawlog operations - would also be affected with real constraints applying from the end of October.

Employment in the contracting industry - 140 direct employees, well over 200 with the multiplier effect - would begin to be affected by the end of September with a real impact by the end of October. The impact on Harris Daishowa - 125 employees - is hard to predict as they may find some alternatives to wood from New South Wales State Forests on private property and across the border in Victorian State forests. The impact of mill closures in Eden and Bombala would be substantial. The majority of sawmill employees possess few other marketable skills and opportunities for employment in those centres are few.

It is senseless to allow this to happen when an extension of the Timber Industry (Interim Protection) Act can safeguard both employment and environmental concerns while further environmental studies are undertaken. Although the National Parks and Wildlife Service and State Forests have been working together in an attempt to resolve endangered fauna and licensing issues the problems are complex and not capable of resolution in the short term. These endangered fauna issues relate to species such as the koala, the long-footed potoroo, various owl species, smoky mouse and several other species. It is not only employment which suffers.

Forest Products Association, a body which has been established for 88 years and retains expert staff and consultants with forestry, ecological, economic and industrial relations experience, has identified and valued currently unavailable resource in the southeast at around $91 million.

This inevitably has a flow-on effect in terms of stalled investment in value-added processing. For example, Boral has recently advised the Federal Government that it is willing to invest $2 million in a kiln drying facility at Eden, together with a further investment of $200,000 in environmental plant upgrade. Such an investment would encourage the relocation of additional value-added plants such as furniture manufacturing, as has been mooted in Coffs Harbour. I am sure we all agree that the best possible use should be made of our existing timber resource. Unfortunately, the present climate of uncertainty surrounding supply discourages investment in those very processes which would see our fine resource put to its best use. Financial institutions are simply not willing to lend funds for investment in an industry which is plagued by uncertainty.

When it first became apparent that a supply shortage was imminent I consulted with the Minister for the Environment and a working party consisting of the National Parks and Wildlife Service, State Forests and the timber industry was established to work through and attempt to seek solutions to current log supply problems. The working group sought to identify all available timber resources that could be licensed to prevent industry having to further contract its activities and to progress issues that relate to endangered species difficulties. While this working group identified and progressed some issues, it concluded that it was not possible to ensure, with any reasonable certainty, the required log supplies and that as a consequence of this situation the Eden mill is likely to face severe log supply problems from the end of April.

The working group agreed that the only way to provide an equitable and adequate level of sawlog during the remainder of 1994 would be through legislative amendments to the Timber Industry (Interim Protection) Act. As I have indicated since 1981 five environmental impact statements have been prepared and approved within the Eden native forest management area. It was initially proposed that a further EIS be prepared in 1993 to cover approximately seven years of operations and significant work was done to this end. However, given problems associated with endangered fauna, old growth survey requirements of the national forest policy statement and fauna field survey methodology concerns, and following consultation with the National Parks and Wildlife Service, the Department of Planning and other relevant agencies, it has been decided to modify the EIS to cover a shorter period of time and an agreed proportion of the management area.

This more "minimalist" approach will ensure that issues can be resolved between agencies and the threat of successful third party prevention will be minimised. Areas of forest which have been assessed, in consultation with the National Parks and Wildlife Service, as the least environmentally sensitive, are the subject of this EIS. A very sophisticated modelling exercise, based upon the comprehensive geographic information systems database held by State Forests and the National Parks and Wildlife Service has been the basis of determining the least sensitive area which forms the basis of the modified EIS. The passing of the Timber Industry (Interim Protection) Act by the Parliament resulted in the largest environmental impact statement program ever undertaken in Australia's forests. State Forests has been working on about 16 EISs since the Act was passed in 1992.

To date three EISs have been successfully completed and determined by the Minister for Planning. Another two are currently being reviewed and amended following the identification of inadequacies by the Department of Planning and a further four will be completed and placed on exhibition in the current year. Of the remainder, most of the necessary field survey work has been completed and progress on preparing drafts is well advanced. While all acknowledge that the EIS process is an ambitious one and has broken new ground in terms of forest survey and assessment in Australia - if not internationally - and has received considerable praise from many quarters, it has not been without its difficulties and detractors. Following very extensive consultation and external auditing of draft environmental impact statements, State Forests has now embarked on a course of action to ensure that fauna survey and old growth survey aspects of EISs to be exhibited in 1994 and onwards are beyond reproach.

Extensive reviews of draft documents by leading scientific agencies outside New South Wales and legal reviews of documents to ensure that statutory requirements are fully met should overcome difficulties experienced to date. State Forests has also significantly increased its own in-house strategic and expert resources to strengthen its ability to meet the complex requirements of environmental impact assessment. Two of the first batch of EISs prepared by State Forests were considered to be inadequate by the Department of Planning. These EISs related to Mount Royal and Dorrigo management areas. The Department of Planning identified a number of alleged inadequacies in the Mount Royal document, prepared in March 1993. All these inadequacies have now been carefully reviewed by State Forests in association with the EIS consultants who undertook the work.

A draft report addressing these inadequacies is now to hand and is being finally reviewed by the head office of State Forests. Following external audit it is expected that this report will be available for submission to the Department of Planning within one or two months. The initial Dorrigo EIS was the first commenced by State Forests under the Timber Industry (Interim Protection) Act. The Endangered Fauna (Interim Protection) Act was not in existence when the exercise was first commenced and a full fauna survey was not undertaken as part of the process - rather, State Forests relied on the

considerable body of information from a large number of previous surveys that existed in the area. The EIS was exhibited in December 1992 and submitted to the Director of Planning for determination.

The fauna component of the Dorrigo EIS was extensively criticised by the National Parks and Wildlife Service, principally because it did not address endangered fauna issues which were a consequence of the new endangered fauna legislation. For this reason, and in consultation with other authorities, State Forests withdrew the EIS from the approval process and is now preparing a revised document to cover a less environmentally sensitive part of the Dorrigo management area. This new Dorrigo EIS will be sufficient to maintain timber supplies to the industry for a three-year period during which time a further EIS will be prepared to cover the remaining part of the management area. Clearly the environmental assessment program covering the publicly owned productive native forests of New South Wales is an ambitious, forward looking and complex undertaking. It has been, to a large extent, an evolutionary process for all involved - State Forests as the proponent, various other government agencies having input into the process, and the Department of Planning as the determining authority.

Whilst successes have been evidenced, some failures have also occurred. These failures have - to a significant degree - been a consequence of the emerging nature of issues such as endangered fauna survey, old growth and regional assessment requirements together with a better understanding of the regulatory responsibilities of a range of government agencies that have responsibilities such as soil conservation, water quality and environmental management. Other complications, such as the overlap and hierarchy of Commonwealth and State legislation, the interaction between the endangered fauna and environmental planning and assessment legislation, the regional assessment and audit responsibilities of the Natural Resources Audit Council and, more recently, the amendments to part 5 of the Environmental Planning and Assessment Act, are further factors which have resulted in slower progress having been made on preparation of some environmental impact statements under the Timber Industry (Interim Protection) Act than was initially contemplated.

The guiding principle now is to ensure that all environmental impact statements prepared meet the requirements of relevant agencies, have been subject to external review, stand a good prospect of satisfactory determination by the Minister for Planning and are robust enough to withstand the prospect of litigation by third parties. State Forests now has a far better appreciation of the processes required to prepare successful EISs and has reviewed and strengthened the resources within the organisation to ensure that successful outcomes are achieved. This has not been achieved without considerable expense, and the initial budgets prepared at the time that the Timber Industry (Interim Protection) Act was passed by the Parliament have been reviewed.

Costs will exceed initial estimates to a considerable degree in several cases and it is expected that most EISs will now cost in the region of $1 million. Nonetheless, the process is contributing to the development of a

more comprehensive database on our natural resources. It is by no means the final answer, but it does assist in obtaining the data necessary to plan for the development of a balanced future. There are some who will look at this bill and compare it with another proposal recently sponsored by the honourable member for Bligh, supported by the Opposition, which dealt specifically with southeast forests.

They will say that the bill, which proposed placing about 90,000 hectares under a moratorium subject to further evaluation, was opposed by the Government. Yet the current bill proposes to place approximately 200,000 hectares under a moratorium until the three-year EIS is completed and determined, and the Government supports it. There is a difference, and that difference lies in the level of planning and forethought that has gone into this proposal and in the expertise of the government agencies involved in preparing the strategy. This proposal was developed out of consultation with the relevant government agencies and the timber industry and through the application of a robust, scientific methodology.

Balance is the key word, and that is what we are hoping to achieve through the proposed amendment. I would urge all members to consider the proposal on its merits and lend support to this strategy which affords protection to all life forms - the human life form in terms of employment, which will generate income to provide food and shelter and protection also to our endangered native flora and fauna. This is a proposal that warrants bipartisan support. The Government would like to take this opportunity to show the people of New South Wales that they can have confidence in the parliamentary process to provide balanced governance, not merely sectional representation. I commend the bill.

Debate adjourned on motion by Mr Martin.

STATE EMERGENCY AND RESCUE MANAGEMENT (AMENDMENT) BILL

BUSH FIRES (AMENDMENT) BILL

Bills introduced and read a first time.

Second Reading

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [7.54]: I move:

> That these bills be now read a second time.

This legislation represents the first stage of a comprehensive package of reform which the Government has embarked upon following this January's bushfire crisis. The State Emergency and Rescue Management (Amendment) Bill introduces employment protection for volunteer members of

emergency services organisations. Honourable members will recall that in January of this year thousands of volunteer firefighters battled some of the worst blazes in this State's history. During those devastating bushfires there were disturbing reports that volunteer bush fire fighters had been threatened with dismissal where they had been absent from work while carrying out emergency operations.

These amendments will provide a means to protect the livelihoods of those selfless heroes who risk their own safety to protect the community. The employment protection provisions are modelled on the Jury Act, which protects the employment of persons whilst on jury duty. Of course, there are substantial differences between jury service and emergency operations. The juror receives a summons to attend court well in advance of the appointed date. The very nature of an emergency means that the emergency services volunteer will have little, if any, notice that his or her services are required. The employment protection provisions have been drafted with these differences in mind.

The amendments contain penalties for any employer who flouts the legislation. Therefore, there is a need to provide an exact means of knowing when the obligations imposed by the provisions apply. The provisions will operate during emergencies where the Premier makes an order to that effect. In deciding whether an employment protection order is needed in an emergency, the Premier will have regard to the possible duration of the emergency. The provisions will be activated in the case of protracted emergencies. It is envisaged that this would occur in emergencies similar to the January bushfires, the Nyngan floods and the Newcastle earthquake, where a "campaign" situation develops, extending over a period of time.

The provisions will protect volunteer members of emergency services organisations as defined in the State Emergency and Rescue Management Act, that is, members of the bush fire brigades, the State Emergency Service, Volunteer Rescue Association, Royal Volunteer Coastal Patrol, and Australian Volunteer Coast Guard and Volunteer Fire Brigade officers. The provisions are not limited to bushfire emergencies. They can be activated in respect of all types of emergencies - flood, storms, earthquakes, accident and bushfires. The employment protection provisions will only be activated in real emergencies - they will not apply to training exercises, hazard reduction activities by bush fire brigades or to "lesser" incidents such as small grass fires.

Once the provisions have been activated employers may not dismiss or disadvantage an employee for being absent due to his taking part in emergency operations as a member of an emergency services organisation. Taking part in an operation will not be limited just to actual firefighting, sandbagging or similar "combat" activities but will also cover volunteers when they are travelling to or from an emergency as required, deployed for emergency work or taking appropriate rest breaks. The legislation has teeth. Employers who choose to disregard it are liable to a maximum penalty of $3,000.

In addition, the court can direct an employer to reinstate a dismissed employee and reimburse any salary or wages lost because of the victimisation. The cognate bill, the Bush Fires (Amendment) Bill, introduces two changes to that legislation. The first amendment increases the penalty for offences against the Bush Fires Act involving setting fire to another person's land or property or allowing fire to escape from property so as to cause damage to another person's land or property. At present, these offences carry a maximum penalty of 12 months' imprisonment or 50 penalty units, equivalent to $5,000.

The Government considers that these penalties do not adequately reflect the seriousness of these offences and their enormous cost to the community, a cost not limited to the resources to fight the fires, but a cost that includes the risk posed to both firefighters and the wider community, disruption to the community and damage to property and the environment. The amendment increases these penalties to 1,000 penalty units, that is, $100,000 or five years' imprisonment or both. These are substantial increases in penalty and the Government makes no apology for that.

The other amendment increases the limitation period for laying an information for any offence against the Bush Fires Act. The amendment will extend the period from six months to two years. The six months' period is considered too short. These offences can be difficult to detect. It is not uncommon for offenders to light many fires over a long period of time. The bushfire period is seasonal, and so offences may be committed in blocks six months or more apart. The current limitation period can prevent persons being charged with large numbers of offences they have committed. Arsonists should not be allowed to escape prosecution because of a technicality. This amendment will increase the likelihood of these people answering for their crimes. Unlike the Opposition, which offers only talk, the Government is taking positive action to protect the rights of emergency service volunteers and the wider community. It is imperative that these provisions are in place before the bushfire season, and I call on all members to support them. I commend the bills.

Debate adjourned on motion by Mr Anderson.

POLICE SERVICE (COMPLAINTS) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [8.1]: I move:

> That this bill be now read a second time.

The bill deals with the accountability of police, and more particularly the public perception of how effectively the conduct of police officers can be scrutinised by the Ombudsman in his role as external

watchdog. While it is an important bill, it is not groundbreaking. In fact, it does not alter the substance of the present provisions relating to police complaints in any way. The significance of the bill lies in the fact that it clarifies the intended operation of the existing police complaints scheme, and it does this in order to make absolutely crystal clear just how answerable for their conduct police officers are expected to be if they wish to serve in the New South Wales Police Service.

Honourable members will recall that in May last year the Parliament passed the Police Service (Complaints, Discipline and Appeals) Amendment Act. Honourable members will remember that the Act also dealt with police accountability and the police complaints system. It was, however, a more proactive bill than that currently before the House. The 1993 bill implemented many recommendations of the joint parliamentary Committee on the Office of the Ombudsman. As a result the Ombudsman was in a better position than ever before to oversight the investigation of complaints against police. One of the other reforms brought about by the 1993 Act was to draft the Act in such a manner that the parameters of the complaint procedures in part 8A of the Police Service Act could be ascertained from the Act itself.

Honourable members will recall that under earlier legislation a complicated and convoluted path had to be followed through the Police Regulation (Allegations of Misconduct) Act and the Ombudsman's Act in order to ascertain which complaints were caught in the police complaints net and which were not. In contrast, section 121 provided a much simpler method of determining what matters could be investigated under the provisions of part 8A of the Act. It provided a succinct self-contained guide to the type of conduct that might be the subject of complaint, and it did so using a term that was familiar because it was already in use in schedule 1 to the Ombudsman's Act.

Section 121 states that all complaints concerning any alleged action or inaction of a police officer when acting as a constable fall within the police complaints system. Requiring a complaint to relate to the action of a person "when acting as a constable" means that conduct has no connection with the fact that a person who is a police officer can no longer be subject to investigation under the police complaints system. Consequently police officers are able to consider their private lives as personal matters and not subject to the uncompromising scrutiny attached to their professional conduct as police officers. Use of the term "when acting as a constable" was never intended to oust the jurisdiction of the Ombudsman to investigate matters in which it is alleged that police officers have acted outside the proper execution of their duties; nor was it intended to prevent scrutiny of officers alleged to have acted criminally by, for example, assaulting a member of the public. However, from two recent reports to Parliament by the Ombudsman honourable members will be aware that attempts have been made to limit the meaning of the words of section 121 in a way that this Parliament would never have intended.

It was never in the contemplation of the Government nor, I would venture to suggest, any individual member of this Parliament that the police complaints legislation should be limited to situations in which a police officer was attempting to properly execute a legitimate function of a constable of police. The very idea is absurd and makes a nonsense of many of the other provisions of part 8A of the Police Service Act. Nevertheless, that is an interpretation that has been placed on the words of section 121 in some quarters. The Government is satisfied that the words of section 121 are effective and achieve what they were intended to achieve. The Government rejects the argument that there is any legitimate alternative interpretation that can be placed on section 121. It is supported in that view by the opinion of the two most senior Crown law officers:

the Solicitor General and the Crown Advocate.

In the final analysis the correct legal interpretation of section 121 is not the most important issue here. What is the most pressing issue is maintaining public confidence in the accountability of the Police Service. The Government is concerned that without some intervention there will continue to be debate surrounding the scope of the police complaints system. Public debate on any issue is generally healthy and in the public interest. In this case, however, such debate can only be counterproductive and have a detrimental effect on the level of public confidence in the accountability of the Police Service. It is quite clearly not in the public interest for any perception to develop that the Ombudsman is in some way shackled in his ability to oversight the conduct of members of the Police Service. For the community to have any doubt in this area is simply not acceptable.

It is this concern that discernible damage may be done to public confidence in the accountability of police through the complaints system that has prompted the Government to bring forward this bill. The bill restates section 121 without using the words "when acting as a constable". However, the original intention of the section remains unchanged. A redrafted section 121 gives a succinct statement of what matters may be made the subject of a complaint under the Police Service Act. It also lays to rest once and for all any notion that a complaint cannot be made if: it concerns the conduct of an off duty officer but is nonetheless something done in furtherance of a responsibility as a sworn police officer; it alleges that an officer has done something illegal; or it involves conduct that is not a legitimate or intended function of a police officer.

Added to section 121 is a new section 141A. This new section takes up the concept previously encapsulated in the words "when acting as a constable". It does this by providing that the Ombudsman is not to permit a complaint to be investigated if the fact that a person is a police officer is not a relevant consideration. In other words section 141A preserves the position that complaints relating to the private behaviour of police officers are to have no place in the formal police complaints system. As I

have already indicated, the wording of section 121 was borrowed from an existing provision in the Ombudsman's Act. It is therefore to be expected that the difficulty of interpretation and application that has occurred under the Police Service Act will sooner or later occur also in relation to the phrase "when acting as a constable" in the context of the Ombudsman's Act. For that reason, and to ensure that the provisions of the Ombudsman's Act and the Police Service Act are properly aligned, two changes have been made to the Ombudsman's Act.

The overall result is to give the Ombudsman power under his own Act to investigate complaints that relate to matters of police administration but to exclude investigation of operational matters relating to crime and peacekeeping activities. This power is then complemented by specific jurisdiction under the Police Service Act to deal with the operational type of complaints that are excluded from review under the Ombudsman's Act. The Ombudsman called for an urgent amendment to section 121 of the Police Service Act, and this bill addresses that call. More importantly, however, the bill ensures that the community is left in no doubt that police officers are accountable for all behaviour connected to their work. The bill sends a vital message to the whole community - police, lawyers and citizens alike - that there are no loopholes that can be exploited to exclude the jurisdiction of the Ombudsman to scrutinise the standard of conduct of police officers under part 8A of the Police Service Act. I commend the bill.

Debate adjourned on motion by Mr Anderson.

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Bill introduced and read a first time.

Second Reading

Mr PHILLIPS (Miranda - Minister for Health) [8.10]: I move:

That this bill be now read a second time.

The purpose of the bill is to make certain minor but important amendments to New South Wales health legislation. The bill contains five schedules for the following purposes: schedule 1 to the bill contains amendments to the Public Health Act 1991 to modify the circumstances in which HIV or AIDS information may be disclosed and provides for an authorised medical practitioner to take into account certain matters in the administration of these orders. Schedule 2 to the bill contains amendments to the Public Health Act 1991 relating to the reporting of cervical cytology test results, whether positive or negative, to the Director-General of the New South Wales Department of Health, but only on the consent of the patient.

Schedule 3 to the bill contains amendments to the Area Health Services Act 1986, the Public Hospitals Act 1929, the Ambulance Services Act 1990, and a consequential amendment to the Industrial Relations Act to enable the Health Administration Corporation to enter into enterprise agreements. Schedule 4 contains amendments to the Medical Practice Act 1992, the Dentists Act 1989, and the Dental Technicians Registration Act 1975 to enable the establishment of standards for infection control. The schedule also includes amendments to the Physiotherapists Registration Act 1945, the Optical Dispensers Act 1963 and the Dentists Act 1989 to modify the circumstances for the making of regulations under these Acts.

Schedule 5 contains amendments to the Psychologists Act 1989, the Podiatrists Act 1989 and the Physiotherapists Registration Act 1945 to rectify certain deficiencies in the disciplinary processes of the respective registration boards, and in respect of psychology, to remove a grandfather clause in the Psychologists Act. The amendments to the Public Health Act, as set out in schedule 1 of the bill regarding public health orders and the disclosure of HIV-AIDS information arise from recommendations of the Anti-Discrimination Board Report on HIV and AIDS-related discrimination which was released in April 1993. This report made 74 formal recommendations to address concerns about issues arising out of the HIV and AIDS epidemic across all government agencies.

The general issue of law reform in this area was also the subject of a report by the legal working party of the intergovernmental committee on AIDS, which was presented to all governments in November 1992. Two key issues identified by these reports were concerns about the lack of confidentiality for HIV and AIDS-related patient information, as well as the limited protection from the wide powers of public health orders issued under the Public Health Act. In relation to HIV-AIDS confidentiality, particular concern was expressed that the existing wording of section 17(3)(d) of the Public Health Act is unclear and may be open to broad interpretation and potential misuse.

Section 17 of the Public Health Act creates a specific offence for unauthorised disclosure of information in relation to persons with HIV or AIDS, except where the information is disclosed in certain restricted circumstances. One of these circumstances currently outlined in section 17(3)(d) is where the information is acquired in the course of providing a service and is disclosed as a normal duty as a consequence of providing the service in the course of which the information was obtained. The findings of the Anti-Discrimination Board report reinforce the serious concerns expressed by the New South Wales Department of Health that the current provision does not sufficiently reflect what should be the central factor requiring disclosure, which is the protection of public health.

The current use of the uncertain and wide term "normal duty" creates a potential for misuse, with the apparent danger that a chain of disclosure could be created, with each person in the chain being able to claim a need to know which is not connected with public health or the needs of the HIV-positive

individual involved. At the same time there has also been concern from the Department of Health that those provisions which allow for disclosure on public health grounds are not sufficient. The amendment to section 17(3) of the Public Health Act and the Public Health Regulation is to address these serious concerns.

The amendment to the Public Health Act will clarify the current exemption under section 17(3)(d) by providing that a person who in the course of providing a service acquires information that another person is HIV-positive, may only disclose the information to a person who is involved in the provision of care, treatment or counselling to the other person if the information is required in connection with providing such care, treatment or counselling. This provision recognises that HIV status will be directly relevant to a wide range of health conditions, so that information will need to be available in order to ensure that appropriate care, treatment or counselling is provided. It is essential that any variation of the existing disclosure provision does not impact negatively on the public health and is balanced by expanding the ability of individuals to report HIV or AIDS exposure, or risk of such exposure, to the Director-General of the New South Wales Department of Health.

To this end, the amendment to section 17 of the Act will be accompanied by an amendment to the Public Health Regulation. Several provisions exist under the current regulation, enabling the Department of Health to properly safeguard and protect public health. Of most importance is clause 7(2), which sanctions the disclosure of information about a person who has been, or is required to be, or is to be tested for HIV or AIDS or is infected with HIV or AIDS, to the Director-General of the Department of Health. Before disclosure is allowed, however, the person must have reasonable grounds to believe that the person in question is behaving in a way that risks the health of the public.

The concern is that this wording is not adequate in many circumstances where exposure occurs as it requires a very high test to be met before the person can inform the Department of Health that a risk of exposure has occurred. Three examples of circumstances which might cause problems under section 17(3)(d) of the Public Health Act and clause 7(2) of the Public Health Regulations illustrate this point. Example 1: a medical practitioner, after ordering a blood test, becomes aware that a patient is HIV-positive. The doctor is also aware that the person has recently been involved in a workplace accident with the risk that other workers were exposed to his blood. The person subsequently leaves this employment and his whereabouts are unknown.

Under the current regulation, the medical practitioner could not advise the Director-General of the Department of Health of the person's identity without breaching section 17 of the Public Health Act. Clause 7 of the Public Health Regulation 1991, which allows the Director-General of the New South Wales Department of Health to be informed where there are reasonable grounds to believe "A person is behaving in such a way that the health of the public is at risk", is of no assistance.

The emphasis of this provision is on present rather than past behaviour and demands knowledge of the person's risk behaviour. The person in question may not even be aware of his or her HIV status and may not be willingly or knowingly placing the health of the public at risk or even placing the public at risk at all. In the second case a counsellor is treating a HIV-positive patient who is in a long-term relationship. The patient has a history of intravenous drug use for legitimate medical purposes. The patient assures a counsellor that there is no longer any sexual contact with his or her long-term partner and that care is being taken with the use of disposable needles. The patient is also vehemently opposed to any family member being informed of the HIV status and threatens suicide if disclosure occurs.

Other issues arising and knowledge gained by the counsellor in the course of further sessions lead him to doubt the veracity of the patient's assurances. Again the provisions of clause 7(2) of the regulation cannot be relied on because there is no evidence to indicate "a reasonable ground for belief" that the patient is acting in a sufficiently dangerous way. In another case a doctor is aware that a patient who is HIV-positive has advised his second wife of his HIV status but is refusing to give consent to this information being disclosed to his first wife. The man has been HIV-positive for a number of years, including a period of his relationship with his first wife. It is therefore very likely that his first wife has been exposed to HIV infection.

Once again, the doctor is prevented from informing the first wife of her risk of exposure as the man is currently not behaving in a way which places the public at risk. In each of these cases, there must be an option to notify the Department of Health to ensure public health is protected, though this may involve the limited release of confidential information. In view of these concerns the ground for disclosing information under clause 7(2) is to be expanded so that information about a person with HIV or AIDS may be disclosed to the

director-general in circumstances where a person has reasonable grounds to believe failure to provide the information could place the health of the public at risk.

This will mean that disclosure is based on an overall assessment of public risk, not on the behaviour of individuals with HIV-AIDS, which is only one of a number of risk factors. The Anti-Discrimination Board report also expressed specific concerns that the public health orders do not have sufficient restrictions attached to them to ensure that they are not misused or used to selectively target and harass individual persons where the aim is not HIV prevention but punitive action. Public health orders provide an important, though rarely utilised, mechanism for the Department of Health to act to protect the public from the risk of exposure to certain infectious diseases by placing restrictions on an affected individual's behaviour.

Section 23 of the Public Health Act provides for an authorised medical practitioner to make a written public health order in respect of a person if satisfied on reasonable grounds that the person is suffering from HIV, AIDS, leprosy or tuberculosis and is behaving in a way that is endangering, or is likely to endanger, the health of the public because the person is suffering from that medical condition. The Public Health Act contains two key provisions which ensure that public health orders are not misused, namely, that the orders must be continued by a court within a specific period of time, and can only be made by authorisation of the chief health officer of the Department of Health or a medical practitioner authorised by the Director-General of the Department of Health.

Further protection against potential misuse of these orders is contained in the Department of Health policy "Guidelines for the management of people with HIV-AIDS who knowingly place others at risk of infection". This policy is in line with the national HIV-AIDS strategy and emphasises the importance of encouraging appropriate behaviour through education and counselling with community groups being involved in support and guidance. The guidelines establish a series of steps which must be taken to encourage co-operation and appropriate behaviour change. Only when all avenues have been exhausted are options for restricting the person's living conditions and, as a last resort, detention, considered.

However, to remove any doubt regarding the manner in which the public health order provisions under the Public Health Act are administered, the amendment to the Public Health Act will require an authorised medical practitioner, when making a public health order, to take into account Department of Health guidelines and the principle that the order should only impose a requirement restricting the liberty of a person if this is the only way to ensure that the health of the public is not endangered. These reforms to the Public Health Act are balanced to ensure both a more effective mechanism to protect HIV and AIDS patients against inappropriate disclosure of personal information while enabling the free flow of information to address real public risk situations.

The amendments to the Public Health Act contained in schedule 2 to the bill relate to the establishment of a cervical cytology registry in accordance with the 1992 Commonwealth-State agreement for implementation of the organised approach for prevention and management of cervical cancer. In June 1992, the Commonwealth signed agreements with all States and Territories to implement the organised approach to preventing cancer of the cervix. Under the terms of the signed Commonwealth-State agreement, a cervical cancer register for monitoring cervical cancer screening programs is required to be established in New South Wales. The register is to be associated with the central cancer registry operated by the New South Wales State Cancer Council.

A vital component of cervical cytology is the detection of positive cervical cancer results. However, as cervical cytology also involves an assessment of the quality of individual tests and the overall effectiveness of the process in detecting a range of cell abnormalities in addition to cancer, a registry requires access to general cervical smear data as well as information on diagnostic tests and or treatment. In order, therefore, to establish a cervical cytology register it is necessary to provide for the notification by laboratories of all cervical cytology test results, whether positive, negative or doubtful. While cervical cancer is currently notifiable to the Director-General of the New South Wales Department of Health under section 16(1) of the Public Health Act,

this notification is only required in the case of a positive test result.

The amendments to section 16 of the Public Health Act include a requirement that if a cervical cytology test or another prescribed test is requested, the test results will be required to be reported to the Director-General regardless of the result of the test. A function of the register is to monitor individual women and to intervene if regular cervical smears fail to continue, or women are lost to the follow-up of screen detected abnormalities. The register also requires access to individual named data. To ensure privacy issues are adequately addressed, participation in a cervical cytology register must be voluntary. To this end, section 16 of the Act is to be amended to provide that a test report must not disclose the identity of the patient unless the patient has consented to the disclosure of that information.

The amendment also provides that requests for a cervical cytology test must be in the approved test form, which requires the person requesting the test to certify that he or she has explained to the patient the reason for the patient's name being disclosed in the test report and to indicate that the patient has consented to the disclosure of that information. The current form for notifications by laboratories under section 16(1) of the Public Health Act are approved by the Minister or the Director-General of the New South Wales Department of Health.

The pathology test request form in respect of cervical cancer will provide women with the opportunity to make a choice as to whether they wish to be identified on the register. The cervical cytology proposals have been developed in accordance with recommendations of the report of the steering group on quality assurance in screening for the prevention of cancer of the cervix, established by the Commonwealth Department of Health, Housing, Local Government and Community Services. Extensive consultation has also taken place with the New South Wales community, including the cervical cancer task force which involves representation from general practitioners, specialist clinicians, pathology laboratories, family planning associations, the New South Wales Department of Health and the University of Sydney's Department of Public Health.

The establishment of a cervical cytology register is an important step in the fight against cervical cancer and reflects the Government's ongoing commitment to achieving better health outcomes for the women of New South Wales. The New South Wales health system is committed to pursuing enterprise bargaining with all areas of its work force at the earliest possible time. Amendments contained in schedule 3 will remove a legal obstacle to establishing enterprise agreements under the Industrial Relations Act 1991 with employees of area health services, public hospitals and the ambulance service. The Area Health Services Act 1986, the Public Hospitals Act 1929 and the Ambulance Services Act 1990 do not contain the power to enable the Health Administration Corporation to enter into enterprise agreements with area health service, public hospital or ambulance service employees under the Industrial Relations Act.

Area health services, public hospitals and the ambulance service are similarly devoid of appropriate powers to enter into such agreement. Despite the current legal impediments, the New South Wales health system has embraced the concept of enterprise bargaining with its attendant benefits through the use of existing powers to make agreements. Such agreements have some different legal characteristics to enterprise agreements under the Industrial Relations Act, but have been a valuable tool in progressing enterprise bargaining in the health system. The amendments contained in schedule 3 will enable the Health Administration Corporation to enter into industrial agreements concerning conditions of employment and will enable enterprise agreements by area health services, public hospitals and the ambulance service to be entered into and registered under the Industrial Relations Act.

A consequential amendment to section 118 of the Industrial Relations Act will clarify that the provisions of an enterprise agreement prevail over provisions of a determination or agreement under health legislation relating to employees of area health services and public hospitals. The amendment contained in schedule 4 relates to standards of infection control in the practice of medicine, dentistry and dental prosthetics. It is necessary to ensure that appropriate standards for infection control are maintained by all health practitioners.

Recent tragic events involving the HIV infection of patients during minor surgical procedures have raised concerns for the potential for such infections to be transmitted during other medical, surgical and dental procedures. In December 1993 I announced a number of key initiatives aimed at ensuring that the community can have confidence that all appropriate steps are being taken to ensure safety against HIV infection during operations.

These measures include a full review of infection control procedures in doctors' surgeries and hospitals, and a proposal to amend legislation to place stricter controls on compliance with appropriate guidelines on infection control. Following the release of the patient-to-patient HIV transmission findings, the Commonwealth Minister for Health established a ministerial review group to review existing State and Federal infection control guidelines. The aim is to have uniform national guidelines, and New South Wales is working closely with the Federal Government on this initiative. The New South Wales Department of Health has issued infection control policies and procedures that are stringent and thorough.

Staff employed in public and private hospitals, and nursing homes are required to adhere to such policies and procedures under statutory provisions regulating those institutions. In addition, a regulation-making power under the Nurses Act 1991 enables infection control standards to be established for all nurses, including those who may operate independently, such as midwives. However, there is currently no statutory provision that allows for the enforcement of such standards of infection control for medical practitioners, dentists or dental prosthetists who work in private practice. Infection control standards for other health practitioners who carry out procedures involving skin penetration, including acupuncturists, tattooists, beauty therapists and ear piercers are controlled by means of a regulation under the Public Health Act 1991.

This provision does not cover medical practitioners and dentists. Additionally, some procedures carried out by medical practitioners, dentists and dental prosthetists do not involve penetration of the skin, but still require infection control measures. In the interests of public health, it is necessary to amend the Medical Practice Act, the Dentists Act and the Dental Technicians Registration Act to provide the Governor with a statutory power to make regulations concerning the standards of infection control to be followed by medical practitioners, dentists and dental prosthetists. These amendments will enhance significantly the protection of patients against HIV infection and other blood-borne diseases.

There will be detailed consultation with relevant health professions and other organisations during the development of the regulation for each profession that will specify the required infection control standards. Schedule 4 provides also for amendments to the Dentists Act, Optical Dispensers Act and Physiotherapists Registration Act in relation to the making of regulations. Section 33(1) of the Physiotherapists Registration Act 1945, section 35(1) of the Optical Dispensers Act 1963 and section 67(1) of the Dentists Act 1989 require in similar terms that regulations may be made by the Governor on the recommendation of the board. As a result of this provision the Minister, within whose portfolio the Act falls, may effectively be prevented from recommending to the Governor that a regulation be made.

Such a provision is unnecessary and may be detrimental to the community's interest in circumstances where a regulation should be made on public health or safety grounds or in the interests of customers whether or not a particular professional board supports it. These provisions are also

inconsistent with the majority of other health professional registration acts. The amendment will not prevent the boards from making either direct recommendations to the Minister or prevent the Minister from consulting the boards for their opinions and advice as to the form and content of a particular regulation. Indeed, the wording of the proposed amendment is such that before a regulation is made, the relevant board must be given an opportunity to comment on it.

Schedule 5 relates to amendments to the Physiotherapists Registration Act, Psychologists Act and Podiatrists Act in relation to disciplinary procedures. The majority of health professional registration Acts provide for the operation of professional standards committees comprising two registered practitioners and a lay person as a mechanism for dealing with complaints against a practitioner. Professional standards committees

perform two functions. In recently updated health professional registration Acts, such as the Medical Practice Act 1992, the Nurses Act 1991 and the Chiropractors and Osteopaths Act 1991, the professional standards committees operate as a determinative body in respect of less serious issues and complaints of unprofessional conduct.

These Acts also enable the professional standards committee to make a range of determinations if it finds that the subject-matter of a complaint made against a practitioner to be proved. These provisions include the power to caution or reprimand; order that the person seek medical, psychiatric, drug or alcohol treatment or counselling; impose conditions on practice; and or impose a fine. More serious complaints that may result in a practitioner be deregistered are dealt with by the relevant tribunal.

In relation to the remaining health professional registration boards including the Physiotherapists Registration Board, professional standards committees are established to inquire into disciplinary matters and to make recommendations to the board which the board may then act upon. The professional standards committee process has been gradually introduced over the years to promote a clear process whereby important matters relating to professional standards and registration are dealt with promptly and efficiently. However, unlike legislation relating to other health professionals the wording of the Physiotherapists Act is flawed and prevents the board from taking disciplinary action as a result of a professional standards committee recommendation.

Given this limitation, the disciplinary process has become a pointless exercise, as a professional standards committee may only make recommendations and report to the Physiotherapists Registration Board. The board must then sit as an open court to formally inquire into the matter. This results in a duplication of effort and significantly increased costs to the board and individuals, including the payment of up to 12 board members for the duration of a hearing and legal costs. The board has indicated that it has several disciplinary matters to resolve in the near future but that these cumbersome provisions prevent it from effectively carrying out those duties. The amendment to the Physiotherapists Registration Act is to enable the board to act upon a recommendation of a professional standards committee thereby removing the need for two disciplinary inquiries. This reflects other health professional registration Acts which use the same model provision and what is believed to be the original intent of the proposal.

Schedule 5 to the bill also contains further amendments to disciplinary processes under the Physiotherapists Registration Act, the Psychologists Act and the Podiatrists Act to bring them into line with other health professional registration Acts. The Psychologists Registration Board and the Podiatrists Registration Board currently have no power when conducting a disciplinary inquiry to require a person to attend, or to order that documents be made available. Recently updated legislation for health professionals such as medical practitioners, nurses, chiropractors and osteopaths provides professional standards committees and tribunals with the power to summons witnesses and obtain documents for the purpose of a disciplinary inquiry. Other Acts, including the Physiotherapists Registration Act, provide for these matters via regulation-making powers. However, recently concerns have been raised as to the legality of placing these sorts of coercive powers in regulations.

The omission of these necessary powers in the case of psychologists and podiatrists significantly diminishes the authority of the boards and is preventing the effective investigation of complaints. In the interests of efficiency and effectiveness the Psychologists Act and the Podiatrists Act are to be amended to provide the respective boards with the power to summons witnesses and subpoena documents in line with other health professional registration Acts. Schedule 5 also inserts a similar provision in the Physiotherapists Registration Act by way of a new section 28A. Although there are already similar substantive provisions in the regulations made under the Physiotherapists Registration Act, they are being moved into the Act in line with current drafting practices and for the sake of consistency with the amendments made to the Podiatrists Act and Psychologists Act which I have just detailed.

The board, persons involved in an inquiry, and the community will derive considerable benefits from the improved effectiveness and efficiency of the disciplinary process, thereby ensuring the maintenance of appropriate standards of practice. Clearly, without such revision the disciplinary processes under these Acts

will be seriously compromised. Schedule 5 to the bill is also to remove section 6(2) of the Psychologists Act, a grandfather clause which allows persons who were practising as psychologists prior to the commencement of the Act time to apply to the board and become registered. The intention of grandfather clauses in new registration Acts is generally to allow practitioners who have recency of practice experience but may not meet current formal qualification requirements time to apply for registration and for boards to process the large initial number of applications for registration.

In the case of psychology these provisions of the Act commenced on 1 August 1990. This has enabled ample time for practitioners to become aware of the operation of the Act and to apply for registration. The wording of the provision states that a person is entitled to be registered if "the person applies for registration within 2 years after the commencement of this subsection or such longer period as the board may allow in any particular case". This effectively creates an indefinite opening for applications under this provision. This provision has served its purpose and has now created difficulties for the Psychologists Registration Board particularly in relation to some applicants who have applied for registration within the two-year period, been refused registration, applied again after that finite period and appealed to the District Court when their applications were once again refused.

The board is concerned about the possibility of constant reapplications and the prospect of having to reconsider such applications from persons seeking registration. The bill removes this provision thereby providing a definite cut-off period for grandfather applications in line with similar provisions in the Dental Technicians Registration Act 1975 and the Chiropractors Act 1978. This amendment will only commence on proclamation, thus allowing persons who apply to register a reasonable period of time of the cessation of the present provision. Both the community at large and particular groups will derive considerable benefits from this important reform. I commend the bill to the House.

Debate adjourned on motion by Dr Refshauge.

MENTAL HEALTH (AMENDMENT) BILL

Suspension of Standing Orders

Motion, by leave, by Mr Phillips agreed to:

That so much of the standing orders be suspended as would preclude the Mental Health (Amendment) Bill, notice of which was given this day for tomorrow, being brought in and proceeded with up to and including the Minister's second reading speech.

Bill introduced and read a first time.

Second Reading

Mr PHILLIPS (Miranda - Minister for Health) [8.48]: I move:

That this bill be now read a second time.

The purpose of the bill is to implement a number of recommendations contained in the 1992 report of the Mental Health Act Implementation Monitoring Committee in order to simplify the operation of mental health legislation and consequently to improve the administration of mental health services in New South Wales. The bill amends the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990. Before outlining the main purposes of the bill I wish to inform honourable members of the process undertaken by the Mental Health Act Implementation Monitoring Committee which has led to the development of the bill currently before the House. The Mental Health Act 1990 provides the legislative framework for the operation of

mental health services in New South Wales. The 1990 Act replaced the outdated Mental Health Act 1958 and the partially proclaimed Mental Health Act 1993. When the Act was commenced in 1990 the then Minister for Health, the Hon. Peter Collins, M.P., established the Mental Health Act Implementation Monitoring Committee to monitor the impact of the new legislation over the first two years of its operation. The formal terms of reference of the committee were as follows:

1. To monitor the implementation and operation of the Mental Health Act 1990;

2. To advise on processes and strategies that will assist and ease the implementation process;

3. To advise and recommend action for overcoming any difficulties or problems associated with the implementation of the new Act.

The committee was chaired by Ms Anne Deveson until February 1992. From February 1992 until the committee completed its report in August 1992, the committee was chaired by Professor Ian Webster. The committee comprised 21 members representing a wide range of interests affected by the legislation, including service providers, mental health advocacy groups, and community representatives. Public consultations were held throughout the State and the committee received 124 written submissions from government agencies, service providers, community groups and individuals.

The committee's task was complex and demanding, particularly in view of the major changes to the operation of mental health services incorporated in the 1990 legislation and the need to take account of the wide range of community interests relating to the operation of mental health legislation. The committee is to be commended for its thorough, compassionate and dedicated work. Honourable members will be aware that I tabled the report of the committee in Parliament on 24 November 1992. The report's general conclusions were that the 1990 Act is effective and humane in its attempt to balance the provision of involuntary treatment for those people whose state of mind requires intervention, and the need to protect the civil liberties of all persons in the community. As honourable members would be aware, the main features of the Mental Health Act 1990 include:

•establishing definitions of the terms "mental illness", "mentally ill person" and "mentally disordered person" for the purpose of determining involuntary admission to hospital;

•providing for detailed regulation of admission to and care in hospitals, with emphasis on the rights of voluntary patients, termed "informal" patients in the Act, and involuntary patients and processes to review patients;

•emphasising that treatment should be provided effectively but in the least restrictive environment and with a view to acknowledging the rights, dignity and self-respect of persons subject to the Act;

•allowing involuntary treatment outside the hospital environment under community treatment orders and community counselling orders;

•providing for the care, treatment and control of forensic patients;

•regulating psychosurgery and electro-convulsive therapy;

•monitoring private hospitals which provide psychiatric treatment, termed "authorised hospitals" in the Act;

•delineating the functions and responsibilities of official visitors to psychiatric hospitals;

•establishing the Mental Health Review Tribunal, to provide an independent review process for patients under the Act;

•establishing the Psychosurgery Review Board, to approve and review psychosurgery.

The majority of the report's recommendations proposed either no legislative change or minor changes to clarify the meaning of the 1990 Act, to simplify the operation of this legislation and to give legal sanction to routine administrative practices in the delivery of mental health services. The bill before the House contains amendments to implement those of the committee's recommendations which would require relatively simple adjustment of the Act and be consistent with the Act's philosophy relating to the care, treatment and protection of rights of people subject to the Act. I now wish to outline for honourable members details of the main provisions of the bill. The object of the bill is to implement recommendations of the Mental Health Act Implementation Monitoring Committee with respect to the following matters:

- the detention of patients in hospital;
- the transfer of persons between prisons and hospitals;
- the operation of community counselling and community treatment orders;
- the procedures for obtaining approval for the treatment of patients by electro-convulsive therapy and other prescribed treatments;
- hospital administration and management; and
- orders made by magistrates in criminal proceedings.

The amendments to the Mental Health Act are contained in schedule 1 to the bill. Schedule 2 contains an amendment to the Mental Health (Criminal Procedure) Act. The first set of amendments I wish to outline relate to involuntary admission and detention in hospital under the Mental Health Act. Items (1) and (2) of schedule 1 amend section 18 of the Act to provide a clear method to change the status of a patient in hospital from informal to involuntary. Currently, the same procedure must be applied in both this process and in situations where a person is brought into a hospital from the community, despite the fact that the patient already in hospital will have been under constant medical supervision and review.

Under the proposed amendment to section 18, there will be no need to formally write a certificate to detain and admit a person who is already an informal patient in the hospital. All current safeguards relating to the examination of patients admitted to hospital involuntarily, by whatever means provided under the Act, will be retained. Specifically, item (2) provides that the mechanism to change a patient's status does not alter the review procedures following detention, including patient protection mechanisms under part 2 of chapter 4 of the Act. Item (3) amends section 21, as part of a proposal to empower the Director-General of the Department of Health to accredit specific persons to write a certificate under section 21 of the Act for the purpose of taking a person to a hospital and detaining the person for assessment. Items (4), (5), (14) and (15) also relate to this proposal.

The committee found that, in many cases, particularly in rural communities, local general practitioners may be unable to provide this service. Accreditation of experienced persons to write schedules under section 21 would address such difficulties and would acknowledge that, in some circumstances, other mental health professionals are well equipped to perform this scheduling function. It is envisaged that appropriate persons would include some members of mental health crisis teams, who most often deal with urgent situations where persons may need to be scheduled for their own protection. I wish to stress that such accreditation would occur on a case-by-case basis and that those accredited would be regularly reviewed and or reapply for accreditation within a specific time frame. The New South Wales Department of Health will develop, in consultation with relevant interest groups, specific guidelines and processes to establish and monitor such accreditation.

Items (4) and (5) are required as a consequence of the proposal to empower the director-general to accredit specific persons to write a schedule under section 21. Item (4) will allow accredited persons to seek the assistance of police, where necessary, to bring a person to hospital for assessment. The circumstances under which accredited persons may seek such assistance from police and the procedures to be followed by accredited

persons to request police assistance will be identical to those which currently apply to medical practitioners under the Act. Item 6 of schedule 1 substitutes a period of 12 hours instead of four hours, under section 29(1) of the Act, as the maximum time that can elapse before a person presented for detention in a hospital is examined by a medical practitioner.

It should be emphasised that the proposed amendment seeks to address certain practical difficulties imposed by the current four-hour limit. It would not establish 12 hours as the average time before patients are examined but would set that time as a maximum limit, ensuring persons detained in a hospital are not required to be released without proper assessment of their need for care due to the temporary unavailability of a medical superintendent. Item (6) also clarifies the intention of section 29 so that a medical practitioner who certifies that a person should be admitted to hospital under section 21 may not provide any of the independent examinations necessary at the hospital to detain that person. This includes a medical superintendent of a hospital who acts under the proposed section 18A to change the status of an informal patient to an involuntary patient.

Item (7) amends the requirements under section 30 to provide that information on patients' rights is to be given to a person as soon as practicable after that person is taken to a hospital; and, if the medical superintendent considers that the person was not able to understand the explanation given at that time, another explanation must be given not later than 24 hours before a magistrate's inquiry. Items (9), (12) and (13) clarify procedures under sections 35(1), 38 and 40(1) of the Act where one medical practitioner finds a person to be a mentally ill person and another medical practitioner finds that person to be a mentally disordered person. Item (14) relates to items (3), (4) and (5) which I mentioned above. Specifically, item (14) empowers the Director-General of the Department of Health to accredit specific persons to write a certificate under section 21 of the Act for the purpose of taking a person to hospital and detaining the person for assessment. Item (15) is a consequential amendment.

The second set of amendments in schedule 1 of the bill relates to the transfer of persons between prisons and hospitals. Items (16), (17) and (18) provide that prisoners are subject to the same definition of a mentally ill person as the general community for the purposes of involuntary hospitalisation and treatment under the Act. The third set of amendments deals with the operation of community counselling orders and community treatment orders. Item (19) corrects an oversight in the Act by clarifying that the appointment of directors and deputy directors of health care agencies are not required to be gazetted.

Items (20), (21), (23) and (24) will improve the effectiveness of community counselling orders and community treatment orders under section 124(1)(c) and section 135(1)(c) by providing that such orders can be made or can continue when the person who is the subject of the order is in hospital. Item (22) will permit the Mental Health Review Tribunal to initiate community treatment orders at its reviews of temporary patients. Item (25) revises procedures under section 142 so that when a patient in breach of a community treatment order is taken to a hospital the medical superintendent must review the patient prior to the administration of medication.

I now turn to amendments which relate to procedures for obtaining approval for the treatment of patients by electro-convulsive therapy and other prescribed treatments. Item (26) of schedule 1 allows the Mental Health Review Tribunal to review the capacity of informal patients to give informed consent to electro-convulsive therapy where a patient's capacity to consent is in doubt. Items (27) to (33) streamline procedures under sections 188 to 194 for authorising electro-convulsive therapy for involuntary patients by removing the current requirement that the medical superintendent certify the patient's capacity to consent.

The Mental Health Review Tribunal's current responsibility to determine the patient's capacity to consent is to remain unchanged. In particular, item (32) provides that in the course of an inquiry by the Mental Health Review Tribunal about the proposed administration to a patient of electro-convulsive therapy the tribunal must consider the views of the patient about the proposed treatment in addition to the views of the relevant medical practitioners and any other information placed before the tribunal. Item (33) ensures that a decision by the

Mental Health Review Tribunal to authorise electro-convulsive therapy, as a result of an inquiry under section 194, is based exclusively on the evidence presented to the tribunal during the inquiry.

The next set of amendments deals with hospital administration and management. Item (35) allows the Director-General of the Department of Health a discretion in relation to the arrangements which the director-general requires to be made by an authorised hospital under section 219 for the provision of medical services to patients in that hospital. Items (37) and (38) clarify the administrative responsibilities of the administrator and medical superintendent of an authorised hospital under section 231 and section 293.

Other amendments in schedule 1 are as follows: Item (40) allows a forensic patient suffering from a developmental disability to be deemed capable of instructing a solicitor under section 288 of the Act for proceedings before the Mental Health Review Tribunal. Item (41) ensures that persons detained pursuant to section 14(b)(iii) and 14(b)(iv) of the Mental Health (Criminal Procedure) Act 1990 are afforded the full protection of the Mental Health Act 1990 by including such persons in the definition of forensic patient in the Mental Health Act. Item (42) of schedule 1 redrafts schedule 2 of the Mental Health Act in order to assist practitioners using the schedule and to clarify that the assistance of police should be sought only where necessary. Circumstances where this may arise include where the behaviour of the person being scheduled is dangerous or erratic or threatening the safety of care-givers such that the only safe manner of taking the person to hospital is with the assistance of the police.

In addition to these amendments arising from recommendations made by the Mental Health Act implementation monitoring committee, schedule 1 contains three additional minor amendments to the Mental Health Act 1990 which were not considered by the committee but which have been brought to attention during the New South Wales health department's consideration of the proposed amendments to the Act. First, item (34) of schedule 1 removes the discretion of the Director-General of the Department of Health to appoint a medical superintendent to a hospital under section 209 of the Act and makes such an appointment mandatory.

In addition, item (36) allows the licensee of an authorised hospital the discretion to appoint a deputy medical superintendent under section 222 of the Act and introduces a provision to require that any such appointment is subject to the approval of the Director-General of the Department of Health. Items (34) and (36) are required to correct anomalies under the

current Act in provisions dealing with the appointment of medical superintendents and deputy medical superintendents. The third minor amendment is item (39) of schedule 1 which clarifies that official visitors are protected from liability for any actions taken in good faith for the purpose of performing the functions of official visitors under the Act. This amendment was requested by the annual seminar of official visitors. It will be equivalent to the protection from liability already provided under the Act to members of the Psychosurgery Review Board and the Mental Health Review Tribunal.

The final important set of amendments relate to orders made by magistrates in criminal proceedings. Schedule 2 of the bill amends the Mental Health (Criminal Procedure) Act 1990 to improve procedures under section 33 for the transfer of mentally ill persons between a local court and hospital. Specifically, this amendment empowers a magistrate to make further orders as to the disposition of a person who is not detained in hospital following assessment and provides for a form to record such further orders. In addition, as part of these improved procedures item (11) of schedule 1 introduces a new section 37A of the Mental Health Act to clarify that police are to collect the person from hospital and return the person to court, if required by the magistrate, on non-admission by the hospital. Items (8) and (10) are consequential amendments.

I also wish to inform honourable members about the establishment of a further review process relating to several recommendations for legislative change made by the Mental Health Act implementation monitoring committee, which are not included in the bill. The committee's report made several recommendations for legislative change which relate to ongoing debates about the most appropriate levels of care and control within the mental health system. In several cases, the committee did not agree on the extent of difficulties under the current Act or the best way to address such difficulties. The committee has also suggested several amendments

which would impinge on patients' rights and civil liberties in significant ways.

These issues include the possible expansion of the definition of mental illness contained in the Mental Health Act 1990; a proposal to allow further detention of a mentally disordered person where the person is considered likely to commit suicide; a proposal to require that an informal patient give 24 hours' notice of intention to leave hospital; the extension of the duration of community treatment orders from three to six months; and the proposed variation of requirements for approval of applications for emergency electro-convulsive therapy treatment.

I am pleased to advise that I have requested the New South Wales health department to prepare a discussion paper for wide consultation with relevant government authorities and community groups which will deal with a number of the committee's recommendations for further legislative change, including the proposals which I have just mentioned. The discussion paper will seek to identify additional information and promote community debate prior to further Government consideration of these issues. It is anticipated that the discussion paper will be released in May 1994. I have agreed to establish an ongoing committee to monitor the utilisation and effectiveness of the Mental Health Act which will be required to report to me on its activities and any recommendations it may wish to make for further improvements to the Mental Health Act. In particular, the committee will review the replies received in response to the release of the discussion paper.

The two-phase legislative process, comprising the consideration of the legislative amendments contained in the bill and the release of the discussion paper on additional legislative issues, will allow the Government to implement many worthwhile legislative initiatives without delay, while seeking to resolve more complex matters which continue to generate widely divergent views. Finally, I wish to emphasise that the bill and the decision to release a discussion paper on several other legislative issues are evidence of the Government's strong commitment to improve the legal framework for people affected by mental illness and to improve mental health services in New South Wales. Improving services for people with mental illness and addressing previous neglect has been a priority of this Government since assuming office.

Since 1988, over $86 million in capital has been spent on upgrading facilities in hospitals and in establishing new hospitals and community services. Recurrent spending on mental health in this State currently stands at over $289 million, an increase of 62 per cent since the 1988-89 financial year. In view of this commitment to improving mental health services in New South Wales, the Government welcomed the report of the national inquiry into the human rights of people with mental illness, which was released late last year. The report was particularly helpful in raising community awareness of the difficulties faced by this most disadvantaged group of people and in doing so has provided valuable assistance in advancing the reform program already under way in New South Wales.

I am currently co-ordinating a detailed whole of Government response to the report of the national inquiry into the human rights of people with a mental illness. As part of our action plan I have already announced my commitment to further increase funding for mental health services. The additional funding will be directed to programs for Aboriginal people, those living in hostels and boarding houses, the elderly, young people and those living in isolated communities. This bill is an important strategy in the Government's ongoing process of reform to improve mental health legislation in this State and to improve mental health services. I commend the bill.

Debate adjourned on motion by Dr Refshauge.

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HONOURABLE MEMBER FOR ST MARYS

Personal Explanation

Mr A. S. Aquilina: I wish to make a personal explanation in relation to comments made by the Premier

in question time on Tuesday and by the Minister for Police and Minister for Emergency Services today, relating to the affairs of the Henry Lawson Club Limited, Werrington; and in relation to remarks in the decision of magistrate P. G. Harvey on 17 March 1994. As a result of advice given to me by my solicitors, I inform the House that action will be taken to have Mr Harvey's decision quashed on the basis of a denial to me of natural justice. I was not given any opportunity to reply to the allegations of the court before the adverse finding was made by Mr Harvey. Indeed, I was not even made aware of the hearing taking place on 17 March 1994, nor was I invited to this hearing so as to reply to allegations made against me.

I have instructed my solicitors to take action also against certain directors of the Henry Lawson Club, whom it appears made adverse statements to the detriment of my good name. I categorically deny that during my serving as an executive officer or director of the club I was guilty of any wrongdoing. Furthermore, I wish it to be noted that during my involvement as an officer of the Henry Lawson Club I oversaw and instigated improvement of the club's financial position to the point that by the end of the financial year on 30 June 1993 the club realised a net profit of $78,343.

LEGAL AID COMMISSION (AMENDMENT) BILL

Bill received and read a first time.

Second Reading

Mr HARTCHER (Gosford - Minister for the Environment) [9.16]: I move:

That this bill be now read a second time.

The Legal Aid Commission (Amendment) Bill will ensure a modern, effective and efficient management structure for the Legal Aid Commission of New South Wales. The existing 10-member commission will be replaced by a more streamlined board of management, with focus on strategic planning, financial management and policy development. The respective roles of the new board of management and the managing director of the commission will be rationalised. The bill arises out of a review of the operations and structure of the Legal Aid Commission of New South Wales conducted by Mr Ken Robson, a former Auditor-General, and Mr Steve O'Connor, Solicitor for Public Prosecutions.

In October 1992 Messrs Robson and O'Connor produced an interim report which identified the need to make urgent legislative amendment to section 18 of the Legal Aid Commission Act. The interim report suggested that the legislative requirement contained in that section that the director of the Legal Aid Commission must be a solicitor, should be removed, and that the only essential requirement for the position should be a proven history in management and finance. It also suggested that the title of director be changed to managing director. Amendments to give effect to these recommendations were embodied in the Legal Aid Commission (Amendment) Act 1992. The position of managing director was permanently filled last year, with the appointment of Mr Colin Neave, former Secretary of the Victorian Justice Department.

Messrs O'Connor and Robson delivered their final report on 27 November 1992. The report made 55 recommendations relating to the structure, management and finances of the Legal Aid Commission, the position of public defenders, and the provision of legal aid in committals. The majority of the recommendations call for administrative implementation, and action has already been taken to advance implementation of these proposals where appropriate. Two further areas requiring legislative action arise from the Robson-O'Connor report. They relate to the structure of the commission, which is the subject of the current bill, and recommendations concerning the accountability and management of public defenders.

As honourable members are no doubt aware, the issue of public defenders has been referred for examination to the Public Accounts Committee. The PAC report is expected shortly, and I will give consideration to introducing further legislative proposals in relation to public defenders in the light of that

report. The Legal Aid Commission Act 1979 created the Legal Aid Commission of New South Wales as a statutory corporation. The Act provides for the Legal Aid Commission to be constituted by 10 commissioners, made up as follows: a chairman appointed by the Minister, the managing director of the commission, a person appointed to represent the Minister, two persons nominated by the Commonwealth Attorney-General, a person nominated by the Bar Association, a person nominated by the Law Society, a person nominated by the Labor Council, a representative of consumer and community welfare interests, and a representative of bodies that provide community legal services.

The Robson-O'Connor report is critical of the existing constitution of the commission, as set out in the Act, and of the overall management structure of the Legal Aid Commission generally. It suggests that a 10-member commission is too cumbersome to operate effectively as the key strategic management group for the Legal Aid Commission. The Robson-O'Connor report proposed the creation of a five-member board of management, composed as follows: a chairperson, being a person who has appropriate business, management and financial expertise; a nominee of the Commonwealth; a nominee of the Law Society; a nominee of the New South Wales Attorney General; and the managing director. I strongly endorse the need for a more dynamic structure, with greater emphasis on financial and managerial responsibilities.

On one view the Legal Aid Commission can be seen as comparable to a large commercial provider of legal services, such as a large law firm, with similar needs to ensure the effective and efficient provision of services, and proper cost and budgetary control. However, it is not appropriate for the management of the commission to be structured purely on a commercial model. A primary task of the commission remains to determine priorities for the provision of legal aid, that is, how the limited funds available for legal aid should be allocated so as to maximise community benefit. It is important that the membership of the board of management is sufficiently diverse to maintain community confidence in the performance by the commission of this role.

Schedule 1 to the bill sets out the amendments to be made to the Legal Aid Commission Act 1979. The composition of the new board of management, as set out in proposed new section 14, reflects the need for a more broadly based board of management. Pursuant to proposed new section 14, the board of management is to be composed of the managing director of the Legal Aid Commission; a part-time chairman appointed by the Attorney General, being a person who has appropriate business, management and financial expertise; and five part-time members appointed by the Attorney General. Of the part-time members, one is to be a solicitor appointed after consultation with the Law Society, one is to be a barrister appointed after consultation with the Bar Association, two are to be nominated by the Federal Attorney-General, and one is to be a community representative, appointed after consultation with the Federal Attorney-General.

The proposed composition of the board was settled following widespread consultation in relation to the recommendations contained in the Robson-O'Connor report, and further detailed consultation with the Federal Minister for Justice and the legal profession. It will be noted that the new section 14 defines membership qualifications by reference to relevant experience, rather than providing, as in the present Act, for members to be nominated as representatives of particular interest groups. The Robson-O'Connor report stressed the need for the board of management to concentrate on key strategic decisions and issues of policy, and to provide management and financial expertise and direction. Part of the difficulty with the existing legislative framework is that the responsibilities and role of the commissioners, as the key management group, are not separated from the general functions and powers of the commission in the day-to-day provision of legal aid services.

To provide for all the commission's functions under the current Act to simply pass to the new board of management would be to fail to address the shortcomings identified within the existing structure. This bill seeks to more closely define the executive role of the board of management and to clarify the respective roles of the board and the managing director in the overall management of the commission. Proposed new section 15 sets out the functions of the board. These are: to determine the policies and long-term strategies of the commission; in particular, to determine general priorities and to set guidelines relating to eligibility for legal aid; to oversee the management of the commission to ensure that it is effective, efficient and economical; to make

determinations in relation to grants of legal aid in cases which, in the board's opinion, are of particular importance, for example because of the potential cost of the grant; and to provide advice to the Attorney General on matters relating to legal aid, either of the board's own volition or at the request of the Attorney General.

One of the fundamental features of the Legal Aid Commission is its independence of Executive Government in the determination of applications for legal aid. It should be stressed that it will remain the role of the independent board of management to determine the priorities and guidelines for eligibility for legal aid. The board of management will also have the power to make determinations as to the grant of legal aid in respect of individual cases that it considers to be of particular significance. It is also appropriate that the board should retain a general advising power on matters pertaining to legal aid. Obviously, in respect of routine issues, it might be more appropriate for advice to be sought from the managing director or Legal Aid Commission staff, and it is not intended to preclude this.

The new schedule 2 to be inserted by the bill into the Legal Aid Commission Act contains provisions relating to the conditions of appointment of board members, and the procedures of the board. The functions of the board of management will stress its key executive role. The day-to-day functions and powers under the existing Act in relation to the administration of grants of aid will remain responsibilities of the Legal Aid Commission itself. In view of the fact that the commission is now to be a memberless body, provision is made under new section 17 to enable the managing director to act in the name of the commission in the performance of the commission's functions under the Act. Similar provision has been made in other recent legislation, for example the Protection of the Environment Administration Act 1991, which provides for the establishment of the Environment Protection Authority.

Clause 17(2) of the bill makes it clear that in exercising the functions of the commission the managing director must at all times act in accordance with the policies and guidelines of the board, and is subject to any directions of the board. The Act currently provides for a right of appeal to an independent legal aid review committee from decisions made by the managing director, or other Legal Aid Commission staff, in respect of determinations made relating to the provision of legal aid. The bill will amend the Legal Aid Commission Act in order to ensure that a right of review will also arise in respect of decisions made by the managing director acting in the name of the commission. However, as is the case with determinations made by

the commission under the existing legislative framework, determinations of individual applications made by the board of management itself will remain final.

In view of the proposed new management structure, there is the need for a number of consequential amendments of a machinery nature to particular sections of the Act. For example, it has been necessary to review section 69 of the Act, relating to the commission's powers of delegation, in line with the proposed general power for the managing director to act in the name of the commission. Accordingly, it is no longer necessary to provide for a power of delegation of the commission's functions to the managing director. Where appropriate, the Legal Aid Commission Act has been amended to transfer existing responsibilities of the commission to the board of management. For example, section 53 of the Act is amended to provide that it is the board rather than the commission that is responsible for the establishment of legal aid review committees. This is appropriate, as decisions of the commission itself are now to be subject to appeal to a review committee.

Finally, I should note that the transitional provisions of the bill will, upon commencement of the new provisions relating to the board of management, terminate the appointment of the existing members of the Legal Aid Commission. On behalf of the Government I would like to express my gratitude for the enormous amount of time and effort contributed by the existing members of the commission, in particular the existing chairman, Mr Brian Rayment of Queen's Counsel. As honourable members will no doubt be aware, the Legal Aid Commission was established pursuant to an agreement in relation to the provision of legal aid between the Commonwealth and this State. Clause 9 of the agreement requires the State to consult with the Commonwealth before introducing any amendments to the Legal Aid Commission Act into Parliament. The Attorney General has consulted with the relevant Commonwealth Minister, the Hon. Duncan Kerr, M.P., who has given his endorsement to the proposals reflected in the bill. The Legal Aid Commission (Amendment) Bill 1994 will

modernise and enhance the management structure of the Legal Aid Commission. It will pave the way for the more efficient and effective use of the resources available for legal aid. It is an important bill and I commend it to the House.

Debate adjourned on motion by Mr Sullivan.

WORKERS COMPENSATION LEGISLATION (FURTHER AMENDMENT) BILL

Second Reading

Debate resumed from 27 October.

Mr NEILLY (Cessnock) [9.30]: I support the Workers Compensation Legislation (Further Amendment) Bill. I believe that the Minister for Industrial Relations and Employment and Minister for the Status of Women is committed to reforming workers' compensation legislation. The Minister is sympathetic to correcting flaws in workers' compensation legislation in New South Wales and is committed to treating people with respect when they approach her and the WorkCover Authority. This bill will amend sections 38 and 38A of the Act, which deal with compensating partially incapacitated workers if they are not suitably employed.

In the past I have found that some companies do not employ incapacitated workers to perform light duties. The legislation does not force an employer to recognise that some incapacitated individuals can be employed for a limited period and thus achieve a worthwhile standard of living. The proposed amendments to sections 38 and 38A will correct anomalies which were not recognised in the 1987 legislation. At one stage my electoral office was located in a building owned by Coal Mines Insurance. Coal Mines Insurance, which operates under the auspices of the Joint Coal Board, is a specialised insurer. Many individuals who visited the Coal Mines Insurance office to see the medical officer ultimately would come to my office because they had not received appropriate treatment.

I recall a case in about 1985-86 concerning a person who could not obtain suitable employment because he had only one leg as a result of a coalmining accident. He had been sent to work at the coal face. As I suggested earlier, some industries cannot suitably employ incapacitated people. The man with one leg who was sent to work at the coal face did not last even half a day. The company decided to employ him in the workshop. However, because of steel chargings on the floor and because he had on a false leg he was more times on the floor than he was upright. The company decided to make it easier for him by making him a bathhouse attendant. It was not long before he lost his false leg, which was held on by suction, because of steam in the bathhouse.

That man was not able to be employed in an industry in which he was qualified. People would be kidding themselves if they believed that an underground coalminer was not a specialised position. We have to take into consideration the capacity of individuals to work and to fulfil a worthwhile function. Incapacitated people should be adequately compensated, even if they work in a temporary capacity. The proposed amendments to sections 38 and 38A are worth while. Paragraph (h) of the explanatory note to the bill states:

> to amend the Motor Vehicles (Third Party Insurance) Act 1942 with respect to work-related motor vehicle accidents affected by the decision in Nikolovsky v GIO and Anor.

This amendment will assist people who have had motor vehicle accidents on their way to work. Since the 1984 court determination legislation has been in place the GIO and the employer jointly and severally are liable in relation to any action taken against them. With the privatisation of the GIO additional court expenses could be incurred for those people involved in motor vehicle accidents on their way to work. I commend the Government for introducing this piece of legislation to assist workers.

Other aims of this legislation are: to increase compensation payable for severe facial or bodily disfigurement; to close the category of specialised workers' compensation insurers; and to provide for statute law revision. People who suffer severe facial or bodily disfigurement may not be able to obtain worthwhile employment. The disfigurement that they have suffered might significantly impact on their earning capacity. Imagine a beautician with a facial injury. It would not be conducive for an employer to employ someone with an injury like that. A beautician with such an injury would not want to be employed. I am sexist enough to say that in some occupations certain requirements have to be met. The earning capacity of an individual with bodily injuries or facial disfigurement could be harmed if his or her requirements are not covered sufficiently in present legislation.

The existing legislation does not provide adequately for the needs of particular industries, particularly the aluminium industry. I welcome any extension of the legislation. It is my understanding that the Minister is considering claims by persons who suffer inhalation problems associated with the operations of pot lines. Other individuals in specialised employment are making claims also. The Minister should give consideration to the measures being advocated in respect of the needs of workers' compensation legislation.

Mr WHELAN (Ashfield) [9.41]: The Opposition supports the legislative proposal. It is understood that the Minister has a series of amendments to move during Committee stage. Those amendments have been sensibly negotiated and the Opposition will support all of them.

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.41], in reply: I thank the Opposition for supporting the bill. This bill has had a long gestation period. It was introduced to the Legislative Council in 1992. The legislation has been the subject of much negotiation with both the Labor Council of New South Wales and the Law Society. As was pointed out by the honourable member for Cessnock, the negotiations have resulted in benefits for workers. That is appropriate, given that the Government is concerned about workers and is committed to ensuring the success of the WorkCover scheme. The legislation will be reviewed constantly.

I assure the honourable member for Cessnock that I shall take his concerns on board. However, I take this opportunity to correct one comment he made. He referred to requirements in the schedule relating to motor vehicle provisions and the GIO. I point out that should the foreshadowed amendments be agreed to that schedule will be deleted from the bill, simply because that matter has already been dealt with under the Motor Vehicles (Third Party Insurance) Amendment Act 1993. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clause 1

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.43]: I move amendment No. 1 as circulated:

No 1 Page 2, clause 1, line 4. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

This amendment is proposed merely to update a reference in the provisions of the bill to the title of the amending Act.

Amendment agreed to.

Clause as amended agreed to.

Clause 5

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.44]: This clause relates to the item of the bill involving amendments to the Motor Vehicles (Third Party Insurance) Act 1942. It is proposed to rectify a technical anomaly that arose from a September 1992 decision of the Court of Appeal. As I have already indicated, the provision has now been enacted in other special legislation, namely, the Motor Vehicles (Third Party Insurance) Amendment Act 1993. This item of the current bill has consequently become unnecessary. The Government will vote against the clause.

Clause negatived.

Schedule 1

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.46]: I move amendment No. 3 as circulated:

No. 3 Pages 3-15, Schedule 1. Omit Schedule 1, insert instead:

SCHEDULE 1 - AMENDMENTS
TO WORKERS COMPENSATION ACT
RELATING TO BENEFITS FOR
PARTIALLY INCAPACITATED WORKERS

(Sec. 3)

(1) Sections 38, 38A:

Omit the sections, insert instead:

Partially incapacitated workers not suitably employed - special initial payments while seeking employment

38.(1) **Entitlement.** If:

(a) a worker is partially incapacitated for work as a result of an injury; and

(b) the worker is not suitably employed during any period of that partial incapacity for work,

the worker is to be compensated in accordance with this section during each such period as if the worker's incapacity for work were total.

(2) **Maximum period of entitlement.** The maximum total period for which the worker may be so compensated is 104 weeks.

(3) **Rate of compensation.** When a worker is so compensated, the compensation is payable at the relevant rate prescribed by this Act for the period of incapacity concerned. However, after the first 26 weeks of incapacity and until the worker has been compensated under this section for a total of 52 weeks, the rate is the greater of the following rates:

(a) 80% of the worker's current weekly wage rate (that is, 80% of the rate prescribed by this Act for the first 26 weeks of incapacity);

(b) the statutory indexed rate (that is, the rate prescribed by this Act for a period of incapacity after the first 26 weeks).

(4) **Worker to seek suitable employment.** Compensation is not payable to a worker in accordance with this section during any period unless the worker is seeking suitable employment during that period (as determined in accordance with section 38A).

Section 38 - determination of whether worker seeking suitable employment

38A.(1) **Application.** This section provides for the determination of whether a worker is seeking suitable employment for the purposes of section 38.

(2) **General requirements.** The worker is not to be regarded as seeking suitable employment unless:

(a) the worker is ready, willing and able to accept an offer of suitable employment from the employer; and

(b) the worker has supplied the employer (or the insurer who is liable to indemnify the employer) with a medical certificate in accordance with the regulations with respect to the worker's partial incapacity for work; and

(c) the worker has requested the employer (or such an insurer) to provide suitable employment or it is apparent from the circumstances that the worker is ready, willing and able to accept an offer of suitable employment from the employer; and

(d) the worker is taking reasonable steps to obtain suitable employment from some other person.

Taking reasonable steps to obtain suitable employment includes seeking or receiving rehabilitation training that is reasonably necessary to improve the worker's employment prospects.

(3) **Notice of requirement relating to obtaining suitable employment from other person.** The requirement under subsection (2)(d) does not apply unless the worker has been notified of the requirement in accordance with this subsection.

Such a notice:

(a) must be given in writing by the insurer or self-insurer concerned; and

(b) must state that the worker is required to take reasonable steps to obtain suitable employment from some other person in order to remain entitled to compensation under section 38; and

(c) may set out particular reasonable steps that can be taken by the worker in order to satisfy that general requirement; and

(d) is subject to, and must comply with, any regulations and (subject to the regulations) any claims procedures notified by the Authority to insurers and self-insurers; and

(e) does not constitute an admission of liability by an employer or insurer under this Act or independently of this Act.

The requirement under subsection (2)(d) does not apply, and a notice is not to be given under this subsection, while action is being taken by or on behalf of the employer to arrange or explore the possibility of suitable employment with the employer.

(4) **Notice not applicable when proceedings pending etc.** If proceedings relating to the payment of compensation under section 38 are before the Compensation Court or the insurer or self-insurer has denied liability to pay any such compensation:

(a) a notice is not to be given under subsection (3), and the requirement under subsection (2)(d) applies without any such notice being given; and

(b) particular steps to satisfy that requirement that are set out in a notice previously given do not restrict the determination of the matter by the Compensation Court or a conciliation officer.

(5) **Workers treated as not seeking suitable employment.** A worker is not to be regarded as seeking suitable employment if the worker has unreasonably refused an offer from any person of suitable employment or necessary rehabilitation training (unless the worker later demonstrates genuine efforts to seek suitable employment). A worker is also not to be regarded as seeking suitable employment if the worker:

(a) unreasonably refuses to have an assessment made of the worker's employment prospects; or

(b) unreasonably refuses to co-operate in procedures connected with the provision or arrangement of suitable employment or rehabilitation training under the employer's workplace rehabilitation program.

(6) **Court orders.** An order of the Compensation Court relating to the weekly payment of compensation:

(a) may be subject to conditions relating to the worker taking reasonable steps to obtain suitable employment during any weekly payments under section 38; and

(b) may include directions relating to the adjustment of the amount of weekly payments under section 38 for any future period of payments under section 40 when the worker obtains employment or when the period for payments under section 38 comes to an end.

(7) **Definitions.** In this section:

"employer" of a worker who is partially incapacitated for work means the employer liable to pay compensation to the worker in respect of the incapacity or, if there are 2 or more such employers, the employer so liable who last employed the worker;

"refusal" of an offer or to do a thing includes a failure to accept the offer or to do the thing;

"rehabilitation training" means training of a vocationally useful kind, and includes vocational re-education, work-trials, occupational rehabilitation services or treatment provided by way of rehabilitation;

"suitable employment" means suitable employment within the meaning of section 43A.

Explanatory note

The amendment improves and simplifies the benefit provisions for partially incapacitated workers who are not provided with suitable employment by their employer and who are therefore compensated at the higher total incapacity rate during an initial period of job-seeking and rehabilitation training.

The existing provisions are complex. They apply for a maximum period of 52 weeks, a higher rate of compensation being payable during certain phases such as a preliminary 4 weeks employment-seeking period and a post-training employment seeking period. Under the proposed provisions:

(a) The maximum total period is extended to 104 weeks. Subject to that maximum, the totally incapacitated rate applies to any broken periods of unemployment. Accordingly, a partially incapacitated worker who finds employment retains any unused entitlement under section 38.

(b) The totally incapacitated rate applies to the whole of the relevant period (with one exception) and does not differ according to kinds of activity undertaken by the injured worker. The relevant totally incapacitated rate is the current weekly wage rate of the worker during the first 26 weeks of incapacity and the statutory rate after that first 26 weeks, the exception being the maintenance of a minimum rate of 80% of the current weekly wage rate until the worker has been compensated under section 38 for a total of 52 weeks.

(c) The requirement for the worker to be seeking suitable employment is simplified. Generally speaking, the injured worker

should be actively seeking re-employment in a suitable position with his or her employer and undergoing any rehabilitation training provided or arranged by his or her employer. An actual request for a suitable position is not required if the worker's willingness to work is apparent from the circumstances (for example, if a partially incapacitated worker who continues working is dismissed without being guilty of misconduct).

(d) At present, if suitable employment or training with a view to such employment is not made available, the worker is required to seek employment from some other person in order to continue receiving the special higher rate of compensation payments. That requirement will no longer apply unless the worker is duly given notice of the requirement by the relevant insurer (notice is not required if court proceedings are pending). Instead of merely stating that the worker is required to take reasonable steps to obtain suitable employment, such a notice may set out, in addition, particular steps that can be taken by the worker to satisfy that general requirement. However, such particular steps must be reasonable in the circumstances and do not affect any subsequent proceedings before the Compensation Court or a conciliation officer.

(2) Section 39 (**Incapacity treated as total - "odd-lot" rule**):

Omit section 39 (3), insert instead:

(3) The Compensation Court may, in determining whether a worker has taken all reasonable steps to obtain employment for the purposes of this section, have regard to circumstances of the kind referred to in section 38A (5).

Explanatory note

The amendment is consequential on the substitution of sections 38 and 38A and brings the terminology of section 39(3) (which follows the existing sections) into line with the related terminology in the proposed substituted sections.

(3) Sections 40, 40A:

Omit section 40, insert instead:

Weekly payment during partial incapacity - general

40.(1) **Entitlement.** The weekly payment of compensation to an injured worker in respect of any period of partial incapacity for work is to be an amount not exceeding the reduction in the worker's weekly earnings, but is to bear such relation to the amount of that reduction as may appear proper in the circumstances of the case.

(2) **Calculation of reduction in earnings of worker - general.** The reduction in the worker's weekly earnings is the difference between:

(a) the weekly amount which the worker would probably have been earning as a worker but for the injury and had the worker continued to be employed in the same or some comparable employment (but not exceeding $1,000); and

(b) the average weekly amount that the worker is earning, or would be able to earn in some suitable employment, from time to time after the injury (but not exceeding $1,000).

(3) **Ability to earn in suitable employment.** The determination of the amount that an injured worker would be able to earn in some suitable employment is subject to the following:

(a) the determination is to be based on the worker's ability to earn in the general labour market reasonably accessible to the worker;

(b) the determination is to be made having regard to suitable employment for the worker within the meaning of section 43A.

(4) **Rehabilitation - unemployed (or not fully employed) workers.** An injured worker who duly undertakes rehabilitation

training under section 38 is not to be disadvantaged under this section by any increase in the amount that the worker would be able to earn merely because of that training, unless the worker unreasonably refuses an offer of suitable employment for which the worker has been trained. The Compensation Court may determine any dispute about the operation of this subsection and (subject to any order of the Court) a conciliation officer dealing with the dispute may give a direction or make a recommendation about that matter. The regulations under section 100C may require insurers and self-insurers to refer such disputes to conciliation officers for conciliation.

(5) **Maximum rate of compensation.** The weekly payment of compensation to an injured worker in respect of any period of partial incapacity for work is not to exceed the weekly payment that would be payable to the worker if it were a period of total incapacity for work.

(6) **Adjustment of compensation - indexation.** If it appears proper in the circumstances of the case, the weekly payment of compensation to an injured worker in respect of any period of partial incapacity for work may (subject to subsection (5)) be adjusted to take account of any adjustment because of the operation of Division 6 in the weekly payment that would be payable to the worker if it were a period of total incapacity for work.

(7) **Adjustment of maximum amounts - application.** If an amount mentioned in subsection (2):

(a) is adjusted by the operation of Division 6; or

(b) is adjusted by an amendment of this section,

the weekly payment of compensation applicable to a worker injured before the date on which the adjustment takes effect is, for any period of partial incapacity for work occurring on and after that date, to be determined by reference to that amount as so adjusted. Such an adjustment does not apply to the extent that the liability to make weekly payments of compensation in respect of any such period of incapacity has been commuted under section 51.

(8) **Exemption.** This section does not apply to any period of partial incapacity for work during which the worker is compensated under this Act as if the worker's incapacity for work were total.

Assessment of incapacitated worker's ability to earn

40A.(1) An injured worker who is partially incapacitated for work may be required by the employer to undergo an assessment of the worker's ability to earn in some suitable employment.

(2) An injured worker is not required to undergo such an assessment unless the worker has been informed about the possible entitlements of the worker under section 38 and the requirements for the worker to obtain those entitlements. The giving of that information does not constitute an admission of liability by an employer or insurer under this Act or independently of this Act.

(3) The Authority may, by notice to insurers and self-insurers, require any such information to be given in the form approved by the Authority.

(4) Any such assessment is at the cost of the person who requires it.

(5) If an injured worker fails, without reasonable excuse, to undergo any such assessment, the right to weekly compensation for partial incapacity for work is suspended while the failure continues.

Explanatory note

Section 40 of the Act presently provides for "make-up" weekly compensation payments for injured workers who are only partially incapacitated and who are not entitled to the higher rate under section 38 during job-seeking and rehabilitation training. The "make-up" payment is, generally speaking, the difference between the worker's pre-injury earnings and the amount the worker is

earning or would be able to earn in some suitable employment after the injury. However, the Act presently provides that where the injured worker is unemployed (or not fully employed) the "make-up" payment is the usually lesser rate of the difference between the current weekly wage rate for the pre-injury employment and that rate for some suitable post-injury employment; the current weekly wage rate is determined by reference to the lesser award or standard rates of pay and not average actual earnings. If there are a number of positions that would provide suitable post-injury employment, the average rate for those positions may be used. Subject to the requirement for the lesser "make-up" payments for unemployed (or not fully employed) workers, section 43 provides the general rules for determining pre-injury and post-injury earnings.

Under the proposed provisions:

(a) The requirement for the usually lesser rate of "make-up" payments for unemployed (or not fully employed) workers is to be removed. The ordinary rules for determining pre-injury and post-injury earnings will not be qualified by that requirement. This will bring the level of weekly "make-up" payments of compensation for unemployed (or not fully employed) workers closer to the actual loss of earnings suffered by them because of the injury (subject to the normal statutory limits on the amount of weekly compensation that are applicable to injured workers who are in paid employment). Accordingly, the distinction between unemployed workers and fully employed workers with respect to the amount of compensation payable will be eliminated.

(b) Because of the different circumstances of each case, the determination of actual market earnings for potential employment by unemployed workers in accordance with the ordinary rules may be difficult. In order to assist in the determination of those earnings section 43 will provide that, if there is an ordinary rate of pay for that potential employment under an award or other common industrial provision, that rate may be used together with any overtime or other payments (by way of standard industry or other practice) that the worker could realistically expect to earn in the circumstances. The approach is consistent with the general principle of comparing like with like in the determination of pre-injury and post-injury earnings. However, the Compensation Court will retain the discretion to determine the appropriate amount of "make-up" payments having regard to the difference between pre-injury and post-injury earnings.

(c) The effect of rehabilitation training under section 38 on "make-up" payments under section 40 for unemployed (or not fully employed) workers is to be clarified. Suitable employment for a worker includes suitable employment for which the worker has received rehabilitation training under section 38. The amendments will ensure that an injured worker is not disadvantaged by any increase in the amount that the worker is able to earn because of that training. Accordingly, the amount of "make-up" payments will not be reduced merely because of any such increase in the worker's notional earning capacity, unless it is established that the worker has refused an offer of suitable employment for which the worker has been specifically retrained under section 38. Such a reduction might otherwise operate as a disincentive for injured unemployed workers to improve their employment prospects by undertaking rehabilitation training while in receipt of the totally incapacitated rate. The amendments also make special provision to deal with disputes on the matter, including the referral of those disputes to conciliation officers.

(d) Injured workers are to be given a proper opportunity to determine whether they are eligible for the higher rate under section 38 for job-seeking and rehabilitation training before they are assessed for "make-up" payments under section 40.

(e) The power to make regulations setting out guidelines for any such assessment (at present contained in section 40(8)) is to be removed.

Generally, the other changes that have been made are not intended to alter the existing law - they reflect the interpretation that has been placed on the existing provisions of the Act or they are consequential changes. Those other changes include the following:

(a) The use of the expression "the reduction in the worker's weekly earnings" to recast section 40 in plainer language.

(b) An express statement that the determination of post-injury earnings is to be based on the worker's ability to earn in the general labour market reasonably accessible to the worker.

(c) An express statement that the general rules in section 43 for determining post-injury earnings apply to the determination of a worker's ability to earn in suitable employment.

(4) Section 43 (**Computation of average weekly earnings**):

After section 43 (1), insert:

(1A) Any relevant rules provided by this section are also to be observed in determining the average weekly amount that a worker would be able to earn in suitable employment for the purposes of section 40. If there is an ordinary weekly rate of pay generally applicable to employment of that kind under industrial law, the average weekly amount is to be determined by reference to that rate of pay together with any other likely weekly payments which it would be proper to include in the circumstances of the case (such as overtime or other amounts payable under common industry or other practice).

Explanatory note

The amendment is consequential on the amendment made to section 40 and is explained in the note to that amendment.

(5) Section 43A:

After section 43, insert:

Suitable employment

43A.(1) For the purposes of sections 38, 38A and 40:

"suitable employment", in relation to a worker, means employment in work for which the worker is suited, having regard to the following:

(a) the nature of the worker's incapacity and pre-injury employment;

(b) the worker's age, education, skills and work experience;

(c) the worker's place of residence;

(d) the details given in the medical certificate supplied by the worker;

(e) the provisions of the employer's workplace rehabilitation program and any rehabilitation assessment of, or rehabilitation plan for, the worker;

(f) any suitable employment for which the worker has received rehabilitation training;

(g) the length of time the worker has been seeking suitable employment;

(h) any other relevant circumstances.

(2) In the case of employment provided by the worker's employer, suitable employment includes:

(a) employment in respect of which:

(i) the number of hours each day or week that the worker performs work; or

(ii) the range of duties the worker performs,

is suitably increased in stages (in accordance with a rehabilitation plan or otherwise); and

(b) if the employer does not provide employment involving the performance of work duties - suitable training of a vocationally useful kind provided:

(i) by the employer at the workplace or elsewhere; or

(ii) by any other person or body under arrangements made with the employer,

but only if the employer pays an appropriate wage or salary to the worker in respect of the time the worker attends the training concerned.

(3) However, in any such case, suitable employment does not include:

(a) employment that is merely of a token nature and does not involve useful work having regard to the employer's trade or business; or

(b) employment that is demeaning in nature, having regard to subsection (1)(a) and (b) and to the worker's other employment prospects.

(4) A worker is to be regarded as suitably employed if:

(a) the worker's employer provides the worker with, or the worker obtains, suitable employment; or

(b) the worker has been reinstated to the worker's former employment under Part 7 of Chapter 3 of the Industrial Relations Act 1991.

Explanatory note

The amendment re-locates, with minor modifications, the provisions of existing section 38A relating to the definition of "suitable employment". The definition is relevant to the partial incapacity provisions of both sections 38 and 40. The power to make regulations concerning suitable employment (at present contained in section 38(14)) has been removed.

(6) Section 54 (**Notice required before termination or reduction of payment of weekly compensation**):

(a) In section 54(4)(b), after "in such form", insert "(or contain such information)".

(b) After section 54(5), insert:

(6) This section does not apply to a reduction in weekly compensation as a result only of the application of different rates of compensation after the expiration of earlier periods of incapacity for which higher rates were payable (whether under section 38 or otherwise).

(7) The notice referred to in this section is to include information about the possible entitlements of the injured worker under section 38 and the requirements for the worker to obtain those entitlements if:

(a) the notice relates to a reduction in the amount of the worker's weekly compensation as a result of the application of section 40; and

(b) the injured worker is not in receipt of earnings; and

(c) the information has not been supplied to the worker under section 40A.

The giving of that information does not constitute an admission of liability by an employer or insurer under this Act or independently of this Act.

Explanatory note

The amendment makes a consequential amendment to the provision relating to the giving of notice to an injured worker of a reduction in weekly compensation. The amendment makes it clear that a notice is not required for a change in the rate of weekly compensation arising from different rates for different periods of incapacity (i.e. when a worker receiving the job-seeking rate of payments obtains work or a period during which a particular rate is payable comes to an end). In addition, a reduction arising from a change to weekly payments under section 40 for an unemployed worker is not to be made unless information about the worker's entitlements under section 38 is included in the notice.

(7) Schedule 6 (**Savings, transitional and other provisions**):

After clause 5 of Part 4, insert:

Continued operation of 1987 version of s. 38 (1)-(5) for injuries before 30 June 1989 and incapacity before 1993 amending Act

5A.(1) In this clause:

"the 1989 amending Act" means the Workers Compensation (Benefits) Amendment Act 1989;

"the 1994 amending Act" means the Workers Compensation Legislation (Amendment) Act 1994.

(2) This clause applies to a period of incapacity for work (whether occurring before or after 4.00 p.m. on 30 June 1989), if the incapacity results from an injury received before that time.

(3) However, this clause does not apply to:

(a) a period of incapacity for work to which clause 5 applies (that is, incapacity from an injury received before the commencement of this Act); or

(b) a period of incapacity for work occurring after the commencement of the amendments to section 38 of this Act by the 1994 amending Act (except in respect of the continued application under this clause of the maximum total period for which a worker may be compensated in accordance with section 38).

(4) For the purpose of determining the weekly payment of compensation in respect of a period of incapacity for work to which this clause applies:

(a) section 38 (1)-(7) of this Act (as in force immediately before the commencement of Schedule 2(2) to the 1989 amending Act) continues to apply; and

(b) for the purposes of paragraph (a), section 38 (as so in force) applies as if:

(i) the word "immediately" in section 38(2)(a) and (c) were omitted; and

(ii) the words "wholly or mainly because of the injury" in section 38(4) were omitted; and

(iii) section 38(4)(b)-(d) were omitted; and

(iv) the words in section 38(7)(b) after "separate periods" were omitted.

(5) If a period of incapacity for work results both from an injury received before 4.00 p.m. on 30 June 1989 and an injury received at or after that time, the incapacity is, for the purpose of determining the amount of the weekly payment of compensation (if any)

payable under section 38 of this Act, to be treated as having resulted from the injury received at or after that time.

(6) The Workers Compensation (Savings and Transitional) Regulation 1989 is repealed.

Operation of 1994 amending Act (ss. 38, 38A, 40, 40A, 43, 43A) - injuries before 1994 amending Act

5B.(1) In this clause, **"the 1994 amending Act"** means the Workers Compensation Legislation (Amendment) Act 1994.

(2) The amendments made by the 1994 amending Act to sections 38, 38A, 40, 40A, 43 and 43A of this Act apply to any period of incapacity for work occurring after (but not before) the commencement of those amendments (whether the incapacity results from an injury received before or after that commencement), except as provided by this clause.

(3) In the case of a period of incapacity for work resulting from an injury received before the commencement of those amendments:

(a) when determining the different rates of compensation payable under section 38 of this Act (as amended by the 1994 amending Act) on the expiration of particular periods of incapacity, any period of incapacity occurring before the commencement of those amendments is not to be disregarded and, accordingly, is to be taken into account in determining the rate of compensation payable for the balance of any such period of incapacity occurring after that commencement; and

(b) the maximum total period for which a worker may be compensated in accordance with section 38 of this Act is to be 52 weeks instead of 104 weeks but only if the injury was received before 1 February 1992; and

(c) if the rate of compensation for a period of incapacity to which section 38 applies would be higher if the 1994 amending Act had not been enacted, the rate is to be determined as if the amending Act had not been enacted.

(4) Sections 38, 38A, 40 and 43 of this Act (as in force immediately before the commencement of the amendments to those sections by the 1994 amending Act) continue to apply to periods of incapacity for work occurring before the commencement of those amendments if the incapacity results from an injury received at or after 4.00 p.m. on 30 June 1989, except as provided by this clause.

(5) Section 38 of this Act continues to apply, as referred to in subclause (4), as if section 38(7A) and (7B) were omitted.

(6) If a period of incapacity for work results both from an injury received before a relevant date and an injury received on or after that date, the incapacity is, for the purpose of determining the amount of the weekly payment of compensation (if any) payable under section 38 or 40 of this Act, to be treated as having resulted from the injury received on or after that date. The relevant date for the purposes of subclause (3)(b) is 1 February 1992 and for any other purpose is the date of commencement of the amendment concerned.

(7) This clause does not apply to a period of incapacity to which clause 5 or 5A applies.

Operation of regulation relating to form of medical certificates under s. 38

5C. Clause 10(2) of the Workers Compensation (General) Regulation 1987 (as inserted by the Regulation published in the Gazette of 1 May 1992) extends to medical certificates supplied by a worker before 1 May 1992.

Explanatory note

Proposed clause 5A transfers to the Act the provisions of the Workers Compensation (Savings and Transitional) Regulation 1989 so that related provisions are located in the same place.

Proposed clause 5B provides that the changes made to weekly compensation for partial incapacity apply to future periods of incapacity, irrespective of the date of injury. However, if the injury was received before the commencement of the proposed amendments, the extension of the maximum period of section 38 special total incapacity payments is not extended from 52 weeks to 104 weeks but any unexpected reduction in the rate of compensation is not to have effect.

Proposed clause 5C extends the operation of a regulation made on 1 May 1992 relating to the form of medical certificates under section 38 about a worker's fitness for work to medical certificates given before that date. The regulation preserved the effectiveness of a certificate even though it was not given strictly in accordance with the prescribed form.

These proposed amendments will make further significant improvements to the provisions on job seeking, retraining and make-up benefits for partially incapacitated workers who are unemployed. Following detailed consultations on these matters the Labor Council of New South Wales has expressed its support for the proposed legislation. Under the existing provisions of the Act, weekly make-up entitlements of unemployed, partially unfit workers, involve a comparison of award-level earning ability before and after the injury. The version of the bill passed in another place in the 1992 budget session would improve that arrangement by providing that, for the first 104 weeks, the make-up entitlement of those payments would take account of actual, rather than award-level, loss of earnings. The existing bill also states that after that period the entitlement would revert to the award-earnings basis.

The Government now proposes to amend the bill so that the make-up entitlements of unemployed claimants would throughout the period of incapacity - subject to the normal statutory limits - continue to cover the worker's actual loss of earnings due to the injury. This proposed change will eliminate the distinction - as regards the basis of determining make-up entitlements - between the employed and unemployed categories of partially incapacitated workers. Partially unfit workers who do return to paid employment already receive make-up payments covering their actual reduction in earnings. Applying the same method to unemployed claimants will, in addition to removing existing anomalies, remove a significant area of potential disputes.

It has long been the experience of compensation schemes worldwide that assessment of the earning potential of partially unfit workers who are out of work is a problem area. The proposed amendments address this in the New South Wales scheme by providing a non-mandatory method to assist the calculation of the post-injury earning ability of that category of claimants. It does this by linking the matter with the established general rules for ascertaining "average weekly earnings" under the Act. Honourable members should take particular note that these provisions will not limit the discretion of the Compensation Court to determine the benefit payable in disputed cases. The proposed amendments will also delete from the bill provisions referring to the making of regulations or guidelines regarding determinations in this regard.

Another proposed improvement concerns the effect on make-up entitlements under section 40 of retraining that the injured worker has received. Such retraining may increase the worker's ability to earn. But injured workers who are retrained can, of course, still experience genuine difficulty in finding work. It would be detrimental to rehabilitation incentives if the make-up entitlement of a retrained but unemployed worker were reduced merely because of his or her higher earning potential following retraining. The proposed revisions of the bill will clarify that the section 40 entitlement is not to be reduced in those circumstances. Such a reduction will be allowed only when the retrained worker unreasonably refuses a specific offer of employment in the kind of work for which he or she has been retrained.

The proposed new provisions on job seeking and retraining benefits under section 38 of the Act are substantially the same as those in the version of the bill previously passed in another place, and the overall purpose regarding those provisions remains as indicated there. In particular, it is intended that the various obligations placed by section 38 on workers, employers and insurers should not be applied in an overtechnical way that detracts from the aim of productive steps towards rehabilitation. The proposed amendment now under consideration does, however, improve those provisions in several respects. Under existing section 38, ongoing job-seeking efforts by the worker are one of the conditions of entitlement. There is no specific provision for this requirement to be communicated to the worker.

The bill as passed in the other place will improve this arrangement by providing that that condition of entitlement would apply only if, and after, the worker has been specifically notified by the insurer. It is reasonable that a similar job-seeking requirement flow through to situations where a worker is claiming these

benefits during a period when court proceedings are pending. The court can then examine the worker's job-seeking efforts when the case is heard. The current version of the bill allows for this by stating that a notice from the insurer - reminding the worker of that requirement - could continue to apply while proceedings are pending. This arrangement is now to be improved by providing that when section 38 benefits are claimed in relation to a period after the start of proceedings the general job-seeking requirement will apply without any notice from the insurer.

Since workers in those circumstances will have their own legal advisers, they will not need the insurer to tell them what the Act says. A further improvement included in this proposed amendment is to clarify that the Compensation Court is able to make orders that can cope with changing circumstances connected with partial incapacity entitlements. In particular when the court makes an award for continuing job-seeking benefits, it will have the flexibility to include directions for the future adjustment of payments at the end of the 104 week entitlement period under section 38 of the Act. At that point the worker's entitlements would normally switch to section 40 make-up benefits.

Similarly, the court is to have flexibility to cover the situation where a job-seeking worker might obtain a job in the future and become entitled to make-up payments supplementing the wage. These refinements

aim to avoid unnecessary litigation and associated costs that would be involved if reviews later had to be sought in the court, merely to adjust weekly compensation awards that have been overtaken by events. In conclusion, this proposed amendment - substituting the schedule to the bill relating to partial incapacity benefits - represents a very significant improvement in entitlements for injured workers. I commend the amendment.

Amendment agreed to.

Schedule as amended agreed to.

Schedules 2 to 6

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.51], by leave: I move the following amendments in globo:

No. 4 Page 17, Schedule 2(4), line 25. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

No. 5 Page 21, Schedule 2(19), lines 20-24. Omit "(Further Amendment) Act 1992" wherever occurring, insert instead "(Amendment) Act 1994".

No. 6 Page 31, Schedule 5(5)(c), lines 6 and 7. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

No. 7 Page 36, Schedule 5(15), line 27. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

No. 8 Page 37, Schedule 5(17), lines 23 and 24. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

No. 9 Page 38, Schedule 6(1)(b), line 6. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

No. 10 Page 38, Schedule 6(4)(a), line 34. Omit "(Further Amendment) Act 1992", insert instead "(Amendment) Act 1994".

These amendments will update the name of the legislation.

Amendments agreed to.

Schedules as amended agreed to.

Schedule 7

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [9.52]: The Government proposes to delete from the bill this schedule, which relates to the amendment to the Motor Vehicles (Third Party Insurance) Act which, as I mentioned earlier, has become unnecessary here because it has been enacted separately. Therefore the Government will vote against the clause.

Schedule negatived.

Long Title

Amendment by Mrs Chikarovski agreed to:

Long Title. Omit "and the Motor Vehicles (Third Party Insurance) Act 1942".

Long title as amended agreed to.

Bill reported from Committee with amendments, including an amendment in the title, and passed through remaining stages.

Message

Message sent to the Legislative Council seeking its concurrence with the Assembly's amendments.

GAMING AND BETTING (RACE-MEETINGS) AMENDMENT BILL

Second Reading

Debate resumed from 17 March.

Mr FACE (Charlestown) [9.55]: I lead for the Opposition, which will not be opposing the bill. The Government is proposing to increase Sunday racing from four meetings per year to six meetings per year, to operate from July 1994. I realise the urgency to have the bill before the Parliament this week for that purpose. In 1991 the Government introduced the Gaming and Betting (Amendment) Bill, designed to raise money towards the Sydney Olympic 2000 bid - those eight meetings being over two years. This was completed by 31 December 1993. The Opposition on that occasion supported the legislation as it permitted only a specific number of races, unlike other States in Australia where racing could take place every Sunday.

The Opposition realises that the present bill will amend the Gaming and Betting Act 1912 to provide for the continuation of racing on a limited number of Sundays each year until 2001. Sunday race-meetings proved extremely popular with the punting public, in the sense that $8 million was raised towards the cost of Sydney's Olympic bid. I still have some reservations as to whether it was entirely new money. The industry is concerned that some of that money was attracted from other areas of gambling. I believe that some future analysis will prove whether that contention is right or wrong. It would be premature to say that Sunday race-meetings have taken money from other sports gambling avenues, but that is something that people within the industry continue to say has happened.

The present proposal will provide for the conduct of race-meetings on six Sundays each financial year, commencing 1 July and ceasing 30 June 2001. In other words, this legislation has a sunset clause. That is reasonable in the sense that by the year 2001 it may well be that more or less Sunday racing will be considered. Following the worldwide trend, Sunday is becoming a day of racing owing to families tending to adopt it as a day out. It may be necessary to look at other, more flexible race dates rather than simply having more dates. If each code of the racing industry is to remain healthy the industry needs to be constantly monitoring what can

be done to attract people back to the racecourse. One way of doing that is through family orientated activities associated with racing. This has been evidenced in the popularity of picnic races over a period of time. Thousands of people attend picnic races, whereas hundreds attend local race clubs.

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It is envisaged that, as occurred with the Sydney 2000 Olympic bid Sunday race-meetings, the Australian Jockey Club and the Sydney Turf Club will share the Sunday race dates, with each club conducting three race-meetings per year. The other New South Wales race clubs also will be able to apply to conduct meetings on selected Sundays in conjunction with the metropolitan race clubs. In that regard consideration should be given to allocating those Sunday meetings to clubs that are likely to conduct good meetings rather than allocating those meetings to clubs that think Sunday racing is a good idea. No doubt the department will consider that matter in the future. I understand the Government intends that the revenue from these race-meetings will be used for specific purposes, such as the bushfire relief, the staging of the Sydney 2000 Paralympic Games, the further development of elite sport in the lead-up to the Sydney 2000 Olympic Games and the promotion of the Sydney autumn racing carnival.

The carnival has been extremely successful. Money spent by the department promoting the carnival has been well invested. Compared with what happens in spring in Melbourne, it is only right that those involved should boast of its success. Based on revenue raised from the Sydney Olympic Bid Sunday race-meetings, the Government expects that Sunday race-meetings will raise additional revenue of approximately $6 million per annum. It is expected that most Sunday race-meetings will be conducted on days when meetings are held in other States and the Australian Capital Territory because that will contribute more to the success of the race-meeting. That is a major consideration to be taken into account. Race-meetings held on the same days as meetings in other States have proved considerably successful.

The Labor Party supported the introduction of the 1991 legislation. The Opposition said some time ago that when it is in office Sunday race-meetings will continue and funds raised will be for various purposes. The Government has the privilege of choosing what to do, but nothing in the bill compels a government of a different persuasion to use the money raised for various other purposes. One purpose that the Opposition considered was large capital costs associated with regional sporting facilities. While the bill provides for Sunday race-meetings, having spoken to the Minister's advisers tonight and having liaised with the Chief Secretary, clear criteria need to be established about what clubs can and cannot do in respect of Sunday picnic races or sports days.

It was recently brought to my attention that a club at Stroud or Dungog in the Hunter Valley holds a registered picnic race-meeting and that another club holds an unregistered picnic race day. Those administering the law seem to have different opinions about the types of races that can be held. I think it would be in the best interests of those involved in the industry if the Minister were to liaise with the Chief Secretary - who will be introducing amendments relating to calcuttas and sweepstakes later this evening - in order to establish clearly what clubs can and cannot do. The definition would then have consequences in the area of policing. It is most unusual for an inspector of one area to consider a calcutta and a sweepstake to be illegal when an inspector of another area has no problem with them. People have accepted that within the confines of the law they can do just about anything they want to do, with the exception of illegal bookmaking. It has never been my intention nor that of the police to stop worthwhile sporting bodies receiving the funds that they derive from such race-meetings. It is unfortunate that the situation has been allowed to develop to the state that it has.

Mr Fraser: How did it occur?

Mr FACE: If the honourable member for Coffs Harbour wants to buy into this I will tell him a few home truths. With due respect, he was acting responsibly in trying to do something for his community, but others were not. I believe that the Chief Secretary at the time knew what was going on. All I am saying is that we need clear guidelines, because these race-meetings have been popular for many years. No member of Parliament or Minister of any political persuasion will condone illegal bookmaking. As a responsible member

of this House I am trying to get these matters on to the proper plane. The honourable member for Maitland also is trying to find ways for people to conduct these race-meetings within the law. I have confidence in the officers of the Department of Sport, Recreation and Racing as well as the Chief Secretary's staff with whom I have raised this issue as to what can and cannot be done. With the passing of legislation it is then a simple matter of the honourable member for Coffs Harbour seeking to do what I and other responsible people are doing.

Mr Fraser: Do you support picnic racing?

Mr FACE: It is wrong of the honourable member for Coffs Harbour to say that I do not.

Mr Fraser: I am not. I am asking you.

Mr FACE: The honourable member for Coffs Harbour saw this occurring on the North Coast the other day. I am not opposed to picnic racing but it must be done within the confines of the law.

Mr Fraser: Only in my electorate.

Mr FACE: The honourable member for Coffs Harbour seems to be suffering under the misapprehension that he is being picked on. Clubs on the North Coast were holding these meetings, contrary to what the honourable member for Coffs Harbour says. Other clubs were telling me and others, "If this is going to be allowed to go on, let us get in on the act". The honourable member cannot have it both ways. Someone on the coast said to me, "It went on for 60 years". Well, 60 years ago the State did not have the race control mechanisms it now has. People cannot be allowed to do as they like and break the law. We must be responsible for and establish how these events can be held. Picnic races, whether they be for charity or sporting bodies, provide much money for worthwhile causes.

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The reality is that some were doing the wrong thing, and that was to the detriment of those who were doing the right thing. To suggest I called the police and urged them to go to Coffs Harbour or Woolgoolga is a figment of the imagination of the honourable member for Coffs Harbour. Unfortunately, inadvertently, a policeman was caught in the process in his attempts to assist the community. For the information of the honourable member for Coffs Harbour, I was not the complainant. When the police asked me whether I wanted action taken against that policeman, I said I did not. If I had proceeded with the matter after the chief superintendent spoke with me, the policeman could have been in difficult circumstances.

Mr Fraser: So you admit you were involved in it? You were in it up to your ears.

Mr FACE: I was not involved in it at all. Someone sent the police superintendent from north region to ask me whether I was the complainant. The honourable member for Coffs Harbour would be wise to get the facts right. I have spoken several times to the people involved with the picnic races; they are responsible people whether they are from Yamba, Lawrence, Glenreagh or Woolgoolga.

Mr Fraser: You would not see John Woodward when he came to your office in Charlestown.

Mr FACE: I had never heard of John Woodward until I went to Coffs Harbour the other day. Minister, if you want me to go on, I will tell the whole story. If he keeps on interjecting, I will tell the whole story.

Mr DEPUTY-SPEAKER: Order! The honourable member for Coffs Harbour will cease interjecting and the honourable member for Charlestown will address his remarks to the Chair.

Mr FACE: The honourable member for Coffs Harbour should get the chip off his shoulder and realise that no one has been picking on him or his friends up there. Illegal bookmaking was occurring. That is not

allowed by the law. No government, whether the present one or one that I will be part of, will allow it to continue. Let us stop the stupidity. I have tried to find out what can be done to assist those people. If the honourable member is responsible - and I am sure he is - he will do exactly as I have done: find out what these people can do and how they can do it within the law. To make a statement - and I am not suggesting you did, but one of your colleagues did -

Mr DEPUTY-SPEAKER: Order! I ask the honourable member for Charlestown to address his remarks to the Chair.

Mr FACE: The honourable member has not said that these picnic races should be illegal, to my knowledge. However, others have done so. The illegality cannot be justified. I ask the Minister to find the answer to this problem. I have discussed it with the officers who are here tonight. Another bill to be dealt with by the House this evening relates to art unions, sweepstakes and calcuttas. I have asked the Minister to clear this matter up tonight, to find out whether these people can apply. I have pointed out the anomaly and advised that the people at Coffs Harbour have wrongly been prevented from conducting these meetings, and the same has happened to people in the Hunter Valley. I am not suggesting that there has been any conspiracy on the part of police, but there appear to be different interpretations of what happened. That is why I asked that the issue be cleared up. The Opposition supports the bill. Sunday racing in the future will be of benefit to the State. In the long term there will continue to be demands for it.

Mr PETCH (Gladesville) [10.12]: The bill attempts to bring New South Wales into line with other parts of Australia in regard to Sunday racing. I speak from experience. Over the past two years I have had the opportunity to attend some of the Sunday meetings. My observation has been that they have provided a great opportunity for families. I have attended Australian Jockey Club meetings where they provide entertainment for children. Racing is not restricted to gamblers. Other people enjoy race-meetings. I would not class myself as a gambler but I enjoy watching the horses race and the other entertainment provided on the racecourse. In the past two years $8 million was raised from the Sunday race-meetings conducted by the AJC and the Sydney Turf Club. That money made a major contribution to financing the Olympic bid.

The bill provides for a continuation of Sunday racing over the next seven years so that additional government revenue can be directed to special purposes, including bushfire relief. I understand that the revenue from the first of these Sunday race-meetings will go towards bushfire relief. There is no more needy cause than that. The proposed New South Wales Institute of Sport, the staging of the Year 2000 Paralympics and the promotion of the Sydney autumn racing carnival will benefit from the finances derived from these race-meetings. The proposal revolves around the conduct of a limited number of Sunday galloping meetings by the Australian Jockey Club and the Sydney Turf Club. Other clubs connected with the three codes of racing will be eligible to apply to conduct meetings in conjunction with the metropolitan clubs. I should emphasise that the proposal is not a complete relaxation of the current restrictions on Sunday meetings, as a maximum of only six Sunday dates can be allocated in each year, on the express approval of the Minister for Sport, Recreation and Racing.

Sunday racing is not new to New South Wales. Legislation was enacted previously to enable the staging of eight Sunday meetings during the two-year period that commenced on 1 January 1992, to raise funds for Sydney's Olympic bid. The meetings were most successful and were well received throughout the community. A continuation of Sunday racing on a limited basis should again attract widespread community support. It might be noted also that Sunday racing is already legal in other States and

Territories, and no doubt future Sunday meetings in New South Wales will again be co-ordinated with interstate fixtures in order to maximise revenue. Based on the funds raised by the Olympic bid Sunday meetings it is anticipated that additional revenue of the order of $6 million will be generated each year from future Sunday meetings. As the honourable member for Charlestown rightly pointed out, the sporting community will derive a lot of benefit from that $6 million every year.

There will be an excess of approximately $5 million after the initial proceeds are allocated towards

bushfire relief. That $5 million will go a long way towards building the sporting complexes in the community that every honourable member seeks from the Minister. The Government must have the money to provide those facilities. Sunday racing will give families an opportunity to enjoy themselves in the atmosphere of racing. Many people in New South Wales get pleasure simply from attending race-meetings. They enjoy the company of the racing fraternity and, at the same time, importantly, they will contribute towards the provision of better sporting facilities for the children and athletes of New South Wales.

Mr NEILLY (Cessnock) [10.17]: I also support the bill and in doing so would point out that the amendments to the Gaming and Betting Act by the incorporation of section 53AA in 1991 provided funds for a specific purpose, and that was the successful bid mounted by New South Wales to stage the Olympic Games in the year 2000. In debate on that legislation I suggested that Sunday racing as proposed in the bill would continue after the time specified in the sunset clause. The present bill is really an extension of the provisions of section 53AA. I foreshadow that the sunset date of the year 2001 provided for in the bill will be extended.

I do not necessarily believe that the specific purpose for which provision is made will be the be-all and end-all for Sunday racing. The beneficiaries as proposed by this extension legislation are appropriate. I perceive that in the future Australia will follow what is happening in Europe, where there has been a move for some time to have Sunday racing. Conventionally in Australia on Saturdays people attend football games and other sporting activities. I am sure that eventually we will follow the trend in Europe. That may not curry favour with the religious organisations and others, but I feel that it is a fait accompli.

This is probably more of an aside, but one thing that has disturbed me about Sunday racing has been the fact that Totalizator Agency Board agencies are not compelled to open; they are voluntary endeavours. I have said in this place on occasions in the past that the way the Totalizator Agency Board is operated in this State does not optimise its prospective advantage, so far as the racing industry is concerned. By extending TAB activities within registered clubs and hotels in New South Wales, the Totalizator Agency Board has an opportunity to maximise the returns from Sunday racing, and more particularly from racing in general.

I believe we curry favour with the incumbent Totalizator Agency Board operators in New South Wales and do not look to the long term and attempt to encourage the Totalizator Agency Board to become more profitable, so that it, in turn, can generate greater funds for the Government and also for the racing industry. The fact that it is not compulsory for TAB operators to open for Sunday racing indicates that New South Wales is not optimising its opportunities to derive benefit from them. On the occasion of the last Sunday race-meeting held in this State, neither of the two TAB agencies in the Cessnock area was open. The agency at Weston, which is the next nearest TAB agency, did not open. The only agency open was one within a registered club, the Cessnock Rugby League Supporters Club, and punters who did not go to the club had to travel to Kurri Kurri to place a bet.

New South Wales does not exploit the opportunities available in the State to earn a quid from the racing industry. I do not like the component within new section 53AA of the bill which states that the Minister will determine the dates and places where race-meetings are to be held. I believe it is more pertinent for the Totalizator Agency Board to make that decision and to make a recommendation to the Minister for the Minister to approve. I do not like the idea of the Minister being able to say, "We have a marginal seat at Maitland. Maitland will race trotters on that day". The dates have to be put together appropriately so that the Government makes the quid that the legislation envisages.

Sunday racing has not been the boon it was portrayed to be. I recall the problem the Newcastle Jockey Club had when a Sunday race-meeting was held before the Cameron Handicap in Newcastle - I think it was the Cameron Handicap, but the honourable member for Charlestown may recall. The race fell to pieces because the horses were lining up in Sydney on the Sunday. The Government might have made gains from Sunday racing for the Year 2000 Olympic Games, but it cruelled the Cameron Handicap in Newcastle. When the Government allocates dates some soul-searching has to be done, and it must be done appropriately. I have read a report by the Australian Jockey Club on TAB distribution in this State. If the Minister has not read it, he should be made aware of a reference in that report to Sunday racing. It is brief and it states:

On a related matter, the Industry was proud to assist the Sydney 2000 Olympic bid by conducting Sunday race meetings. However, due to existing financial arrangements all of these meetings have been conducted at a loss to both the AJC and STC, further reducing their profitability. These financial arrangements will, therefore, need to be reviewed for future Sunday meetings. If Sunday racing is to be successful in the future, consideration will need to be given to substituting the Sunday meetings for selected mid-week fixtures, and to ensuring that the racecourses used on successive Saturdays and Sundays should be geographically as apart as possible.

Consideration of the blood-horse racing industry in this State in conjunction with the capacity and profitability of the clubs conducting the race-meetings
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must go hand in glove with the proposed legislation. The race-meetings are intended to fulfil a specific fundraising purpose, but the clubs should not be the milching cows to accomplish it. The impact of Sunday race-meetings on the industry and the people associated with the industry should be taken into account. I refer specifically to trainers, jockeys, bookmakers and all those who play a part in the conduct of race-meetings. The objective of the legislation as framed is good, but consideration should also be given to the players in the game.

If Sunday race-meetings are conducted well and the TAB accomplishes its objectives and fulfils the aims of the bill everyone will come out a winner. If the statements of the Australian Jockey Club and the comments and assertions of the Newcastle Jockey Club are correct, and if Sunday race-meetings are appropriately packaged everyone can be a winner. I hope the Minister will take into account the needs of the other organisations.

Mr FRASER (Coffs Harbour) [10.26]: I support the Gaming and Betting (Race-Meetings) Amendment Bill. As has been the convention in recent times, Sydney's successful 2000 Olympic bid carries with it responsibility for the conduct of the Year 2000 Paralympic Games. Obviously, many benefits will accrue to the people of New South Wales in securing the Year 2000 Olympic Games and Paralympic Games. In the lead up to the Games, it is envisaged that the international standard sporting facilities being developed at Sydney Olympic Park and other Olympic venues will attract first-class international and domestic sporting events. They will serve to elevate this State's status as an international sporting venue and tourist destination.

In addition, there is a need to develop New South Wales athletes to the highest standard possible. Accordingly, the Minister for Sport, Recreation and Racing is considering a proposal for existing high performance sport programs to be refocused, repackaged and enhanced under a totally new identity - the New South Wales Institute of Sport. The programs co-ordinated through the institute would make optimum use of the new facilities located at Sydney Olympic Park and other Olympic venues. The programs would have a clear focus on the development of athletes at the elite level and upon achieving success at the national and international levels of competition. The institute would also have a particular focus on developing athletes in the Olympic sports over the next seven years.

Improved performances of New South Wales athletes will have a positive effect on domestic tourism associated with sporting events leading up to and including the Olympic Games. The bill provides for revenue to be raised to fund initiatives such as these to ultimately benefit the people of New South Wales. In addition, it is proposed that a proportion of the revenue generated from the Sunday race-meetings will be directed towards the promotion of the Sydney autumn racing carnival. The Sydney autumn racing carnival promotional campaign is a co-operative effort by the Government, the racing industry and the corporate sector.

The campaign is expected to achieve extensive gains in tourism and the promotion of the State. In particular, it is expected to generate increases in tourism from domestic and short haul international markets in similar fashion to Melbourne's spring racing carnival. It is obvious that the Labor Party and the Government support this initiative as part and parcel of the Olympic bid. It is our duty as parliamentarians to ensure that the revenue raised to provide facilities for the Year 2000 Olympic Games is raised in such a manner that it is paid for by people with a sporting interest, and I believe that the sport of kings is one in which all people have an interest.

The honourable member for Charlestown clearly demonstrated that when he spoke about picnic race days on the North Coast, in particular, Woolgoolga and the North Coast Picnic Racing Association. Over the past three or four years more than $1 million has been raised on Sunday race days to support local charities. One thing that attracted people to the race days was the bookmaker who literally took 50¢, $1 and $2 bets. Unfortunately, the race days on the North Coast have been singled out for particular attention. Though the honourable member for Charlestown has denied prior knowledge of this type of racing or access to police files, he is quoted in the *Woolgoolga Advertiser* of 7 April as follows:

> During a flying visit to Woolgoolga on Wednesday, Mr Face stated that he never had any intention of seeing the races banned, but had been approached by race clubs who complained of illegal SP bookies at the race days and registered jockeys being involved in the events.

That is the first admission the honourable member for Charlestown has made that on the race day involving the police, he had in some way interfered. He has denied that the interference was via the Police Service. I believe the Department of Sport, Recreation and Racing contacted the police to complain about activities on that day. It is sad that politics have entered into this because picnic races encourage a love of the sport by the general public and have been run on the North Coast since the early part of this century. During that time bookmakers have attended but any profits have gone to charities.

As a matter of course, the Minister agreed to a six-point plan that would allow the races to continue. He agreed that no betting would take place on-course other than through calcuttas or approved methods. The Minister set a maximum of six races at any one meeting, a maximum of 30 per cent of the program on the day was to be horseraces, the prime attraction would not be the racing, and betting could not be advertised at a race-meeting. That was agreed until we had a redefinition of what constituted gambling, what constituted two bob on the side - a great old Aussie tradition. The Anzac tradition of two-up is the same thing.

The honourable member for Charlestown interfered politically in a local matter. Races held at other locations within the Hunter Valley where the Labor Party is hoping to win or hold seats were not interfered with by the police or the Department of

Sport, Recreation and Racing. I would appreciate the support of the honourable member for Charlestown in amending the legislation to ensure that totalizator betting continues and that stewards can conduct picnic days - contrary to what occurred at Lawrence with a few of the honourable member's supporters where the chief steward cannot interfere if he is out of kilter with the Minister's policy statement.

Politics should be removed from this issue and the people who have raised more than $1 million should be allowed to continue to conduct race days. They are attractive, successful and raise a substantial sum of money to assist local charities. At last the honourable member for Charlestown has admitted that he was involved in the incident. I know Harry Woods and Neville Newell are not impressed with what the honourable member has done, and I do not think they will be in future unless he supports the Government in amending the legislation to ensure that legal betting that the average person in the street can understand is set down for picnic race days.

Mr Woodward would be dismayed that the honourable member for Charlestown did not know him, because he has written to the honourable member on several occasions and has visited his electorate office at Charlestown. The honourable member refused to see Mr Woodward, and that is an admission of his guilty conscience. It is unfortunate that politics have come into this matter, and I hope that the Labor Party will support the legislation. It is on the record of the Parliament and in the paper that the honourable member for Charlestown by his own admission had some part to play in the police raid, even though he may not have directly contacted the police.

It was a sad day when the police had to partake in an exercise against their own colleagues who were contributing their time, money and energy to a charity. Police were sent out to stop their colleagues from participating, out of uniform, in the picnic day. Also, it is sad that the reputation of the Coffs Harbour police was tarnished on the picnic race day. They attended to promote themselves as public-spirited citizens who

wanted to be part of the community. They were up one end of the racecourse and the other police were acting on instructions from the Department of Sport, Recreation and Racing, obviously instigated by you, as you admitted. It embarrassed the police officers, who were acting in accordance with the law but contrary to their wishes. It has been an accepted fact for more than 60 years that a little bit of gambling on the side is all right, just like playing two-up on Anzac Day, but you saw fit to interfere.

Mr DEPUTY-SPEAKER: Order! I ask the honourable member for Coffs Harbour to direct his comments through the Chair.

Mr FRASER: It is unfortunate that interference by the Labor Party has affected picnic racing not only on the North Coast but statewide. To his credit the Minister has released a policy statement that will enable the continuation of race days. However, that needs to be further refined. I look forward to the support of the honourable member for Charlestown in assisting me to ensure that picnic days continue. I support the bill.

Mr DOWNY (Sutherland - Minister for Sport, Recreation and Racing) [10.36], in reply: I thank the honourable member for Charlestown, the honourable member for Gladesville, the honourable member for Cessnock and the honourable member for Coffs Harbour for their support of the bill. It was wonderful that despite a diversion about picnic races on the North Coast, the bill and most of its components were not opposed. I wish to reply to a number of points made by honourable members. The honourable member for Charlestown said that Sunday races should be seen as a great opportunity for families to have a day out. I note that recently in the press, when the announcement was made about Sunday racing, some members of Parliament and organisations were of the view that it was an extension of gambling. It should be pointed out that the Totalizator Agency Board in New South Wales has always been open on Sunday because other States have conducted race-meetings on that day for many years. This should not be seen as an extension of gambling, and we should encourage the public to think of racing as family entertainment.

Warwick Farm was reopened this year, and those who visit will experience the family atmosphere. Many parents take their children to the races for a day out, and that is a worthwhile exercise. I congratulate the honourable member for Charlestown on making that point. He and the honourable member for Cessnock said that the Australian Jockey Club and the Sydney Turf Club consider Sunday racing to be a financial loss. I am aware that the AJC and the STC were concerned that they were losing revenue through conducting Sunday race-meetings. In fact, it was at my request that the AJC prepared a report on this issue.

I agree that clubs that are dependent on the success of Sunday race-meetings should not lose as a result of those meetings. Accordingly, I have called on the TAB to examine the scheme of distribution of the TAB surplus to provide that losses incurred by the AJC and the STC from Sunday race-meetings will be met as a first charge against the additional profits earned by the TAB from the meetings. This matter must be considered by the TAB, and I am assured that will occur within the next month and that appropriate recommendations will be made to me by the TAB. The Government is addressing the profitability of Sunday racing for the major metropolitan clubs.

The honourable member for Cessnock also had some concerns about the Minister determining the days on which clubs could hold race-meetings. I would never direct any racing clubs in this State to race on certain days. Obviously the clubs will come to me with recommendations and requests, and I will not turn down any club that wishes to race on a Sunday in New South Wales. It is the industry that counts, and I will be bound by the requests of the

industry. There was some discussion about picnic races and, although it does not form part of the bill, it is worth making one point. The Government issued a clear policy statement about picnic races defining what can and cannot be done at an unregistered race-meeting.

If there are still problems with the way in which that policy statement is being interpreted, the Minister for Police will have to be approached again to ensure that police officers in this State understand what that policy statement is all about. It was put together in conjunction with the Minister for Police and the Chief Secretary,

who is in the Chamber. If there are still problems with interpretation we will revisit the legislation. I thank honourable members for their support. I believe that Sunday racing will provide great benefits to the people of New South Wales. I am confident that the legislation will be supported by the majority of people in this State.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LOTTERIES AND ART UNIONS (AMENDMENT) BILL

Second Reading

Debate resumed from 17 March.

Mr FACE (Charlestown) [10.41]: I lead for the Opposition. There will be no amendments to the bill. The Opposition supports it and is pleased to do so because it is a further measure in regularising the various things that associations or incorporated bodies may do under the Lotteries and Art Unions Act, which regulates the conduct of minor community gaming. The Act generally prohibits the conduct of any lottery or game of chance, with some exceptions - raffles, art unions and games of chance, such as bingo and lucky envelopes, housie or bingo in registered clubs, trade competitions, and sweeps and calcuttas for social and fundraising purposes. I indicated in my contribution to debate on the Gaming and Betting (Race-meetings) Amendment Bill that there were some concerns with sweeps and calcuttas. I understand that my colleague has said that we might have to revisit the legislation. This debate may be more rational debate because the honourable member for Coffs Harbour has left the Chamber.

In most cases a permit must be obtained from the charities division of the Chief Secretary's Department to run gaming activities, the exceptions being raffles, certain sweeps and calcuttas. The main purpose of the proposed amendments is to modernise the provisions of the Act to achieve greater consistency in the regulation of community gaming while, at the same time, protecting community interests. The opportunity will be taken to clarify existing requirements and bring the Act into line with other fundraising legislation. Yesterday I raised the matter of bringing into line the amount of money that can be appropriated to running the fundraising activity. I understand from the Minister's office that it is to mirror the Charities Act, and that is a good step forward. However, I understand the reason behind the Minister's wanting a little flexibility because at various times some fundraising activities need seeding to get them going. I believe it is important that associations, incorporated organisations and community groups know that that is 40 per cent, with various exceptions, to be presided over by the Minister.

Too often, as has occurred with charities, too much money was going to people for whom it was never intended. When people are giving money to fundraising ventures they should have a reasonable belief that the money will be used for the specific purpose, but that has not always been the case. The legislation will also clarify people's understanding of the difference between a charity and a community organisation. No better example could be given than the discussion during debate on the Gaming and Betting (Race-meetings) Amendment Bill on charity race days. The honourable member for Coffs Harbour said that they were charity days. They probably are charity, but they are not covered by the Charitable Collections Act. Many of their recipients are football clubs. I do not in any way criticise them, but at times the word charity is loosely used.

Picnic races, for example, might be run by the Lions Club, which is covered by the Charitable Collections Act. If it raises money and disperses it to various organisations, that is legal. Once again, I do not criticise that, but they should be described as benefit days. The sooner it is indicated that they are benefit days and not charity days, the better. I cannot understand how people could believe that some incorporated bodies have a charitable status. The proposal to increase the current limit on ticket sales for sweeps or calcuttas to $20,000, in line with other fundraising activities, and to change permit requirements is welcomed. As the Minister would know, calcuttas were introduced some years ago. They have become extremely popular as an adjunct to

race-meetings and attract a lot of activity, particularly in country towns.

The lifting of the increase is in line with reality. It enables the Minister to publish an order in the *Government Gazette* listing approved events at which calcuttas and sweeps may be held. One of the early problems was what had been approved and what had not been approved. Many people believed that calcuttas and sweeps were legal and, therefore, approval did not have to be sought. I think the message has been made clear to all who want to run calcuttas. There are now certain designated events at which calcuttas can be run.

The bill clarifies the art unions provisions to enable non-profit organisations to conduct art unions and revise the conditions under which art unions may be conducted. Art unions have been subject to a lot of criticism, particularly the infamous ones in the Parramatta district that brought a lot of disrepute to the organisation in which I have been involved for

almost my whole life. They certainly took a battering during the 1970s. A revision of the art union provisions will be beneficial not only to the organisation but to people's perceptions of art unions generally.

The legislation will regularise a practice that has occurred far and wide for as many years as I can remember, whereby liquor has been offered as a prize in lotteries, art unions and minor games of chance. However, strict conditions will apply to prevent minors gaining access to liquor prizes. The Minister and I have attended various functions and neither of us ducked under the table. It was ludicrous that the Minister and I were sitting in the same room, knowing that it was illegal. Everyone agrees that should have been regularised, but successive governments have failed to do so.

I share the concerns of the Minister about access to liquor for juveniles. The fact that such access will not be legal will enable much more power to be exercised in the supervision of those who may be doing the wrong thing when seeking to make certain that juveniles have access to liquor. On the lighter side, the other day I was telling one of the Minister's advisers about some of the broader aspects of liquor prizes. In the bad days of art unions in the Police-Citizens Youth Club movement we were all told that in no circumstances were we to raffle liquor. It was a terrible no-no, it should not be done, and it was against the law - we already knew that. We were also told not to sell beer tickets. The Police-Citizens Youth Club movement immediately stopped the selling of beer tickets, but the public service groups moved in seeking to raise funds for their social clubs. It was just a joke: everyone could do it but the Police-Citizens Youth Club movement.

On one occasion I was walking back from lunch with three or four fellows and we passed the little shop next to Sydney Hospital. Two dear old ladies were selling a gallon bottle of whiskey. I said to the fellow I was with at the time, "Are they going to lock up those two dear old ladies?" The idea is absurd. The amount of money that can be involved in these matters should also be considered. There will always be someone who, though legislation might be well-intentioned, will try to make a quick quid or do something wrong. I ask that when regulations are being formulated consideration be given to the value or volume of what can be raffled. Government has a responsibility to make certain that proper taxes are paid on the liquor. However, existing charts of selling conditions provide that liquor has to be purchased from a retailer, obviously after a proper tax has been paid on it.

Many liquor wholesalers, especially wineries, make liquor available not only to charities and sporting organisations but also to political parties. There is a concern that liquor should be purchased through the person who pays the tax on it. A prize enables moneys paid to be regarded as donations so that the amount raised can be maximised. The bill is a move in the right direction. I believe the amount or volume of liquor should be exactly defined. How that is done and how the calculation is made is a matter for the Minister's advisers, who are aware of my thoughts and those of my colleagues in the other place on that matter. I am aware of the need to preserve revenue by putting such sales through a liquor register.

There is a practice, of which the Minister would be well aware, where people purchase liquor for supposedly genuine reasons but in far greater quantities than would ever be needed for raffles or other functions. That aspect is another matter that may come before the House for consideration some time this year. Using a

crude example, someone might buy two pallets of cans knowing full well that only half will be used and that the rest will be split up between others in the organisation. I do not suggest such practices are rife. These provisions must be dealt with properly to allow them to operate properly and to enable the community to believe that everything is being done genuinely. However, those who want to rort genuine attempts by government to fix up a long-standing anomaly should be cut out.

The bill goes further and provides powers of entry and investigation in relation to persons and organisations conducting lotteries, games of chance and art unions. In the light of my previous remarks, that provision is most important. The bill will enable the Minister to seek orders from the Supreme Court to prevent the conduct of a specified lottery, game of chance or art union, or to prevent an organisation or person from conducting any such activities for a certain period. That is also a move in the right direction. Recently people have purported to run various types of lotteries. It came to my notice that a person tried to use a major football club to become involved in certain activities. Sensibly, that club sought advice beforehand, but a grey area of law was still involved. That is another aspect that needs to be fixed up.

The bill will enable the proportion of the gross proceeds of a lottery, game of chance or art union used for administrative expenses to be prescribed by the regulations. That provision is necessary to parallel the provisions of the Charitable Fundraising Act. The bill will update penalties for offences under the Act so as to make them consistent with penalties for similar offences in the Charitable Fundraising Act. The measure will allow services and vouchers that are not redeemable for money to be offered as prizes in lotteries, games of chance and art unions, and will make the usual minor amendments of an ancillary nature.

The Minister might care to clarify the use of what are known as bingo tickets, an issue that was raised yesterday. A colleague in the other place, who is well known for having had some fundraising experience, brought these bingo tickets to notice. They are quite harmless, but are widely used by many sporting organisations. I have seen them used at parish and school fetes and the like. I understand that at present a person can only get goods for such a

ticket. As with so many other things, particularly liquor prizes, everyone has been using them for years. I understand such tickets are produced in South Australia, and that they are widely used.

When the regulations are being drafted, a maximum monetary value should be placed on these tickets, if that is possible. Most organisations seek a monetary value, and I believe $50 would be adequate. That step would introduce a degree of control into what is now uncontrolled. A person's behaviour could be addressed if the wrong thing is being done. At present everyone is doing the wrong thing by selling these tickets for money. To my knowledge, goods are rarely, if ever, given. An army of police or departmental officers would be needed to control what is already occurring. The present practice does not come to notice because generally the participants are sporting organisations, parish schools or various other well-known community organisations. No one wants to become a nark in relation to the raising of money for a sporting organisation. That issue needs to be addressed.

I turn to sweeps and calcuttas as they pertain to picnic races. I endeavoured to bring a degree of sanity to the debate on the previous bill. Unfortunately, the honourable member for Coffs Harbour seems to be absolutely paranoid about something he alleges I have done up on the North Coast. I do not think I am ever going to change his mind, therefore I have to live with it. One thing I have learned after 21½ years in this place is that Parliament cannot regulate against stupidity. The fact is that what was going on in the picnic race clubs was illegal. The Minister should be aware that, under conservative or Labor governments, someone will always be calling for changes to the law that will allow legal bookmaking at Sunday picnic races. I have never heard anything so absurd in my life.

I believe there is a way to assist the implementation of such betting, and that is to the credit of the Minister and her two colleagues, the Minister for Police, and the Minister for Sport, Recreation and Racing, that they produced a set of rules for guidance in the continued operation of these organisations. Anyone who suggests that I am such a nark that I would try to stop picnic race-meetings is either mischievous or needs some sort of

psychiatric examination because it is just not true. I have been involved with fundraising organisations and youth organisations all my life and I know that picnic race-meetings provide literally millions of dollars to sporting and charitable organisations. I am trying to resolve the matter, as I am sure other honourable members are also.

I was at Lawrence the other day and a bloke said, "It went on for 60 years and no one ever worried about it. So what?" I am surprised that anyone would seriously believe that one could flout the law. If there are problems they must be overcome. There is a problem with the interpretation of the rules relating to calcuttas and sweepstakes. The Minister for Sport, Recreation and Racing said this matter will have to be revisited. The situation is now one of paranoia. Apparently some race clubs in the Hunter Valley hold picnic race-meetings. I have established this from sources on the North Coast, and from the fellow, Woodward, who I met only the other day. I repeat to the House that he has never been to my office. I have a pretty efficient staff and had he been to my office I would know about it. He said that in the Hunter Valley they believe they can continue with sweepstakes and calcuttas.

Contrary to what was suggested by the member for Coffs Harbour that there is some sort of sinister campaign against the police in the northern part of New South Wales, the police in that region are interpreting these events as illegal. I heard that from a fellow I met in Maclean the other day, as well as a fellow at Yamba, one at Woolgoolga and another at Glenreagh. This issue should be cleared up because these picnic race-meetings provide money to charitable and sporting organisations. We should find a way for these organisations to operate these events legally. A fellow from Casino rang me about conducting a charitable sports day. They call it a benefit day, thereby complying with the six-race stipulation, as well as running all sorts of events such as egg and spoon races, and so on. They are thereby able to hold the event and raise money for the charity concerned. All they ask of this Parliament is that they be able to continue to hold these events.

Anyone who is stupid enough to think that this amendment will result in having illegal SP bookies on the track, or in allowing these events to become legal, must realise that to do so would result in every registered race club in this State being up in arms, and quite rightly so. There needs to be some rational debate on this matter. It embraces a number of portfolios: police, chief secretary and racing. I want the matter cleared up once and for all because I have had enough of these people who denigrate my actions and say that I am a spoilsport; that is not so. I am surprised that the Minister for Agriculture and Fisheries and Minister for Mines would say that I am a dreadful fellow because many of these race-meetings occurred while he was the Chief Secretary. Quite frankly, he ought to keep quiet about this matter because he was patron of one of these events and knew it was going on.

I do not want to say any more about that, other than to say that an old saying states, "If your closet isn't clean, don't say anything about it". These events were going on with the Minister's full knowledge. I am trying to get an answer to this issue. Those involved with these events think that I am all right now. They think I am not a bad bloke. They might not vote for me but they think it is all right. Moreover, they have said to me that they would like me to get the police to interpret the operation of these sweeps and calcuttas, just as I am doing here tonight - even though the Minister for Agriculture and Fisheries and Minister for Mines said that I am a dreadful fellow and that I put a stop to these events.

However, most of those police on the North Coast were people I was in class with, and they told me that the Minister said, "Get stuck into them; I have some political advantage in this". That is stupid. If we are talking about politics, it is petty. Let us get a resolution of this issue. Obviously calcuttas and sweepstakes are being conducted. Though I am not a lawyer, my interpretation is that they are legal. If they are legal, they should be allowed throughout the State. The Opposition supports the bill. I thank the Minister for the assistance of her staff in meeting deadlines yesterday, during what was a traumatic day for a lot of us, and for coming back and clarifying matters for those members who expressed concern, such as the Hon. John Johnson in another place. As I said this week, I have endeavoured to obtain information from those associated with picnic races so that I could put that before the Parliament and have the matter cleared up once and for all. The

Opposition supports the bill.

Mr RICHARDSON (The Hills) [11.5]: I am delighted to hear the member for Charlestown support this very worthy bill. The Lotteries and Art Unions Act was proclaimed in 1901 and was probably drafted in 1900, so it is essentially a nineteenth century bill. This bill is an attempt to bring it into the twentieth century before we reach the twenty-first century. Not even the honourable member for Bathurst would remember 1901. It was the year of Federation, a time of comparative innocence when the Boer War was still raging but the First World War had not yet begun. It was also a time of a degree of temperance when many people of a refined nature regarded gambling as a sin, and so they stamped their mores on the laws of the day. For 93 years since the Act was proclaimed it has been an offence to use liquor as a raffle prize. But, as the member for Charlestown has pointed out, I think all of us have been to many functions where a bottle of chardonnay or perhaps a bottle of scotch was the minor if not the major prize.

I venture to suggest that throughout Sydney booze raffles are almost as common as chook raffles. Almost all of us have probably been unwitting accomplices in this most artless of crimes - well-meaning, community minded people fundraising for charity or for community purposes and breaking the law by doing so. I well remember being on a certain bus trip, organised once again for a good cause, on which a raffle was held for a couple of bottles of wine. The wine was duly produced and I whispered to the lady running the raffle that in fact what she was doing was not really legal and she went very red-faced. She tried to hide the wine. When they had drawn the raffle, she gave it to the lady who won it and said, "Hide it under your coat; take it and don't show it to anybody". I think she probably had not broken or transgressed the law before, and has probably not done so since then. That tends to show just how ludicrous the existing provisions are.

I was also talking to one of the librarians today who confessed that he too had broken the law. He had organised a liquor raffle and he said that until this bill came to his notice he was not aware that he had broken the law at that time. Proposed section 18B of the Act will allow liquor to be lawfully offered as a prize, subject to strict controls. It is important to emphasise that, given the degree of community concern about under age drinking. Some of the provisions of proposed section 18B include that a person under the age of 18 years must not sell a ticket for a prize having a liquor component, or collect a prize having a liquor component, and that a person must not sell a ticket for a prize having a liquor component to a person under the age of 18 years, or give a prize having a liquor component to a person under the age of 18 years.

I noted the suggestion by the honourable member for Charlestown about limits on the amount of liquor being raffled. There was some substance in what he said. He suggested that people might buy more liquor than is needed for the prize, perhaps at the discount price. I do not know how that would be policed. However, it was worth while bringing that to the attention of the Minister. Calcuttas and sweeps are also often used for fundraising purposes, particularly around Melbourne Cup time. In 1990 the Government introduced amendments to the Lotteries and Art Unions Act to make the conduct of sweeps and calcuttas legal on approved events, such as the Melbourne Cup. Until that time they had been illegal, but I doubt whether there is a member in this House who had not participated in a Melbourne Cup sweep before that time. The changes to the Act in 1990 brought it into line with community practice.

The present legislation permits sweeps with total ticket sales of $2,000 or less to be conducted either as a simple social activity or to raise funds for a non-profit organisation. According to the second reading speech, the intention of the bill is not to legalise new forms of gambling but simply to make legal relatively harmless gambling activities that are already occurring. The amount of $2,000 was a conservative limit when compared with other forms of fundraising. Sweeps, which do not require a permit, were legal to a $2,000 limit, while ticket sales for the more complicated calcuttas could exceed $2,000 if a permit was issued. Under the current bill the limit on both sweeps and calcuttas will be raised to $20,000, the same as for raffles. That is a lot of chooks. Sweeps and calcuttas over that amount will still require permits.

Raffles with prizes in excess of $20,000 are known as art unions. As the Minister pointed out in her second reading speech, that term is somewhat dated. The art union provisions of the Act are difficult to read and understand, as anyone who goes through them will quickly learn. Proposed new section 5 will rewrite the

art union provisions in a way which recognises the modern concept of an art union and, at the same time, clarifies the obligations and requirements for those conducting art unions. Under the revised Act non-profit organisations, including political parties, will be able to conduct art unions. This is a big opportunity for the Labor Party

to clear the $10 million debt on its Sussex Street headquarters. I have calculated that if it can raise $25,000 per art union, it will need to run only 400 art unions to repay the debt.

At the moment cash can be given as a supplementary prize in a raffle, but not in an art union. For example, where travel is a major prize in an art union, spending money cannot be supplied as part of the prize. The bill will amend this inconsistency. The regulations will prescribe a limit on the cash component of the travel prize of around a quarter of the value of the travel prize. Safeguards have been introduced to protect members of the public from unscrupulous operators running lotteries, art unions and so on for private gain. That matter was drawn to the attention of the House by the honourable member for Charlestown. There is a general tightening up of the control, scrutiny and accountability provisions of the Act.

The legislation will allow the Minister to appoint inspectors with appropriate powers of entry and inspection. The Minister will also be able to apply to the Supreme Court for an order to suspend the conduct of a suspected illegal lottery, art union or game of chance. Previously it had not been possible to immediately stop the suspected illegal activity. An habitual offender may be prohibited, via application to the Supreme Court, from conducting any lottery activities for up to two years. Maximum penalties for offences under the Act have now been brought into line with those obtaining under the Charitable Fundraising Act. Taken as a whole, these changes will result in an Act controlling minor gaming activities that reflects community expectations and offers improved safeguards against crooks and shysters. It truly brings the Act into the twentieth century. I support the bill.

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [11.14], in reply: I thank the honourable member for The Hills and the honourable member for Charlestown for their contributions to the debate and for their support for the Lotteries and Art Unions (Amendment) Bill. The honourable member for Charlestown raised the matter of sweeps and calcuttas, and gambling generally, on picnic race-meetings. Two separate issues are involved, and some of the comments that have been made during the debate need to be clarified. The first issue concerns the status of picnic race-meetings or, as they probably more correctly should be known, unregistered race-meetings. The second issue relates to the sorts of events upon which sweeps and calcuttas may be held. The Government's policy concerning unregistered race-meetings was expressed by my colleague the Minister for Sport, Recreation and Racing in September last year. The policy reiterates the provisions of the Gaming and Betting Act which provide that no race-meeting is to be held on any racecourse which is not licensed under the Act.

Where a mixed sports meeting is conducted on land which is not a licensed racecourse, and horse racing or greyhound racing events form part of the program, it will be considered to be a race-meeting and, therefore, will be unlawful if certain factors are present. Those factors are: where the racing component of the meeting exceeds 30 per cent of the total number of events conducted at the meeting; where the meeting is advertised or promoted as a race-meeting; where the meeting would not have taken place but for the horse racing or greyhound racing events; where illegal betting or wagering is conducted at the meeting; where the proceeds of the meeting are used for private gain rather than for charitable purposes; and where more than six horse racing or greyhound racing events are held.

It will still be up to the normal court processes to determine whether a breach of the Act has occurred. The kinds of events upon which sweeps and calcuttas may be conducted was the subject of a policy statement to the Parliament by me on 27 October 1993. In that statement I indicated the conditions which must be satisfied before sweeps or calcuttas will be permitted to be held on particular events. First, there will need to be demonstrated wide community support and benefits to the community for the event and its associated sweep and calcutta; second, the event will have to be a recognised sporting event in which there is an element of skill; third, the event is not to be contrived for the purpose of the conduct of the sweep or calcutta; fourth, if the event

is used to raise funds for a specific body it must have that body's approval; and, finally, the views of the peak sporting bodies will need to be obtained, if appropriate.

I should make it clear that the policy relating to sweeps and calcuttas leaves it open for approval to be given to the conduct of sweeps and calcuttas on events such as mixed sports meetings. I am presently considering such a proposal in relation to mixed sports events in the Northern Rivers region of the State. However, it should also be made clear that under the Gaming and Betting Act it is unlawful for bookmaking activities to be conducted on mixed sports meetings that are not held on licensed racecourses. As I have already indicated, the bill will enable the approval process in relation to those events upon which sweeps and calcuttas are proposed to be conducted to be more receptive to the sometimes urgent demands of the various community groups who wish to conduct such gaming activity. Nevertheless, I assure honourable members that the policy matters contained in my statement of October last year will continue to apply, as will the controls which attach to the conduct of sweeps and calcuttas generally.

Another matter raised by the honourable member for Charlestown concerns the proposal to remove the percentage of the proceeds to be applied to the fundraising purpose specified in the Act and to prescribe the percentage in the regulations. As the honourable member noted, this approach is similar to the approach taken in the Charitable Fundraising Act. Like other amendments proposed in the bill, this change will promote consistency with respect to the distribution of proceeds from fundraising activities conducted by charitable organisations and those conducted by other non-profit organisations. I assure

honourable members that the regulations will be drafted to ensure consistency with the charitable fundraising regulation so far as that is reasonably practicable. Peak industry and charitable groups will be consulted during the drafting of the regulations. As I indicated when introducing the bill, there is widespread participation in all forms of minor community gaming. We all know that that participation may simply involve the purchase of a raffle ticket, or it could take the form of direct involvement in the conduct of a lottery, art union or game of chance. It is therefore essential that the laws provide an appropriate regulatory framework for these activities.

Parts of the Lotteries and Art Unions Act would no doubt have been adequate to cover minor community gaming when the laws were originally drafted. However, as it has been said, times have changed, and the bill recognises this. It brings the Act into line with modern day practices and establishes community acceptance and consistency in the regulation of lotteries, art unions and games of chance. The honourable member for Charlestown also raised some concerns about the controls over liquor as a prize. I share those concerns, but I am sure the honourable member will agree that the bill recognises the need to control the amount of liquor that can be given as a prize in a lottery, art union or game of chance.

For this reason the bill includes a provision to enable the regulations to prescribe a limit on the amount of liquor that can be awarded as a prize. At the same time, the bill provides the flexibility for that limit to be prescribed as either a proportion of the total value of the prize pool or a specific quantity. No doubt there may be instances where a prize can appropriately consist only of liquor. This would, I believe, be a common situation with minor raffles where a bottle or two of wine might be offered as the only prize. The Government has no intention of changing that.

However, the Government acknowledges that in line with the policy of promoting responsible alcohol consumption practices, a realistic limit should be enforced in order to make it illegal to offer a substantial liquor prize. This issue will be examined in detail during the drafting of the regulations, and the Government will consult with the peak industry and charitable organisations as part of the process.

The other issue raised by the honourable member for Charlestown was the Super Bingo ticket, which has been used as a fundraising venture for a non-profit organisation. The conduct of this type of activity is presently unlawful, as it offers cash as a prize. I am advised that this is the first time this type of ticket has been brought to the attention of the Chief Secretary's Department. I have asked the department to review the present controls over this type of fundraising and advise me whether any amendments are appropriate. The factors which need to be considered include the extent of this form of fundraising activity, the size of the prizes being

offered, and the possible impact on government revenue in removing existing controls.

I would indicate that no-draw lotteries can be conducted by charitable organisations and other non-profit organisations. However, a number of restrictions are placed on this type of activity. These restrictions include a prohibition on offering cash as a prize, a ceiling of $5,000 on the total prize pool and a limit on the number of tickets that may be sold. With the exception of allowing liquor as a prize in no-draw lotteries, other proposals in the bill will change the requirements relating to no-draw lotteries. I thank the Opposition for its support of the bill and for contributing to the debate, and I thank the honourable member for The Hills for his support and his contribution.

Motion agreed to.

Bill read a second time and passed through remaining stages.

House adjourned at 11.25 p.m.

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QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

MAMRE ROAD ACCESS RAMPS

Mr A. S. Aquilina asked the Minister for Transport and Minister for Roads -

(1) When will work commence on the M4 on/off ramps at Mamre Road, St Marys?
(2) What will be the cost of the works proposed?
(3) Will he provide funds for enhancements to Mamre Road and streets in this vicinity?
(4) If so, how much?
(5) If not, why not?

Answer -

(1) The construction of east facing ramps has been programmed to commence in 1994/95.
(2) The ramps will cost an estimated $4.5 million.
(3) The enhancement of local streets in the vicinity will not be necessary as the new work is not expected to attract through traffic to the streets.
(4) Not applicable.
(5) See answer (3) above.

STATE RAIL AUTHORITY MAINTENANCE CONTRACTS

Mr McManus asked the Minister for Transport and Minister for Roads -

(1) Was part of the SRA maintenance contract recently amended to Goninan?
(2) Were various SRA stores given cost free to Goninan?
(3) When these stores were required by the SRA for the El-car facility, were they purchased by the SRA at market prices plus a 7 per cent handling fee?
(4) What was the total cost of this transaction?

Answer -

(1) A contract was awarded to A. Goninan & Co. Ltd, on 30 April 1993, to undertake major maintenance of the CityRail fleet and Freight Rail bogies.
(2) No.
(3) The contract requires that materials be purchased, stored and managed by A. Goninan & Co. Ltd and this attracts a fee of 7.5 per cent.
(4) This is not yet known.

STATE RAIL AUTHORITY WORKSHOP STAFFING

Mr Knight asked the Minister for Transport and Minister for Roads -

(1) How many senior officers in the Workshops Division of the SRA are acting in positions above their own formal grades?
(2) How long does someone have to act in an acting position before he or she qualifies for redundancy payments at a higher rate?

(3) What is the combined annual salary of all senior officers in the Workshops Division acting in higher positions?
(4) What would the combined annual salary of these senior officers be if they were not acting in higher positions?
(5) What is the future of the Workshops Division?

Answer -

(1) 8.
(2) 12 months.
(3) $443,910.
(4) $394,741.
(5) After taking into account the declining workload available to workshops over the next 3 to 5 years, State Rail has decided to consolidate most, if not all, of its workshop activities into its Bathurst and Goulburn facilities. Accordingly, a business plan to optimise the use of the Bathurst and Goulburn facilities is currently being prepared.

LIVERPOOL ELECTORATE SCHOOL BUS SERVICES

Mr Anderson asked the Minister for Transport and Minister for Roads -

(1) Have parents of children residing in Jardine Drive, Edmondson Park, sought the provision of a school bus service to convey local children to and from schools in Liverpool?
(2) Do the present arrangements require pupils to walk a considerable distance and then cross a major road to join the existing bus service in Camden Valley Way?
(3) Will he ensure that the request by the parents is given appropriate consideration?

Answer -

(1) No.
(2) Yes.
(3) Officers of the Department of Transport will be pleased to work with the local bus operator and parents to resolve any request that is brought forward.

AREA HEALTH SERVICE GRIEF COUNSELLING FUNDING

Mr Martin asked the Minister for Health -

(1) How much was allocated in each Area Health Service of the State for grief counselling?
(2) What Health Service Areas failed to use money allocated for grief counselling?
(3) How much of each allocation for each Area Health Service was returned because of non-expenditure?
(4) Were funds allocated for grief counselling in the Hunter Region returned due to non-expenditure?

(5) Why was grief counselling advertising terminated?
(6) Have the non-expended funds been allocated elsewhere and, if so, to what?
(7) What were the reasons each Area Health Service gave for non-expenditure or under expenditure of allocations for grief counselling?

Answer -

(1) There is no specific allocation for each Area Health Service in this State for grief counselling. Rather, each Service apportions funds for personal counselling purposes. These may cover a range of services. The extent to which grief counselling plays a part in these counselling services is extremely difficult to estimate. For example,

drug and alcohol problems may arise as a result of grief, and grief may be an issue for those receiving counselling within services funded for children and adolescents, and older people. Further, in some Areas, a contribution toward the cost of religious personnel who are part of the health team is made from State funds.
Higher levels of grief counselling may be evident in areas where there is a large population of people who are HIV positive for example, or in areas where there is a children's hospital or hospices. Counselling is also offered to health personnel such as ambulance officers as a result of trauma or grief experienced through the course of their work.
Specific services may exist in an Area which entail grief common to a group of people, such as the Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) operated through the South Western Area Health Service. In addition, professionals appropriately trained in grief counselling may be called upon to supplement existing staff in crisis situations such as the recent bush fires.
However, any endeavour to provide an accurate account of funding levels for grief counselling in Area Health Services is precluded, to at least some extent, by the range of circumstances involving grief and the very personal nature of the issue.
(2) and (3) Not applicable.
(4) No specific funds have been allocated to the Hunter Area Health Service for grief counselling. The Hunter received $100,000 in 1989/90 and $30,000 in 1990/91 to provide post-earthquake counselling. Expenditure in 1990/91 exceeded the allocation and additional funds, totalling $125,000, were provided from the Area's Mental Health budget.
(5) to (7) Not applicable.

DEPARTMENT OF HEALTH REDUNDANCIES

Dr Refshauge asked the Minister for Health -

(1) Will the Department of Health adhere to the Premier's direction that the current policy of no forced redundancies will conclude in March 1994?
(2) How many staff will be forced to accept redundancy as opposed to accepting voluntary redundancy packages, subsequently?

Answer -

(1) and (2) The Department of Health will adhere to the Premier's direction in regard to redundancy policy.

DEPARTMENT OF HEALTH SENIOR EXECUTIVE SERVICE PAYOUTS

Dr Refshauge asked the Minister for Health -

(1) Over the last 5 years, how many Department of Health SES officers have received payouts after being dismissed?
(2) How long had they filled the position from which they were dismissed?
(3) What was the payout in each case?

Answer -

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

MOTOR VEHICLE BULLBARS

Mr Sullivan asked the Minister for Transport and Minister for Roads -

(1) Has the NSW Government considered banning bull-bars on commercial and private vehicles in New South Wales?

(2) Will the NSW Government fund research, called for by the NRMA, into the effect of bull-bars on vehicle performance in crashes and pedestrian safety?
(3) Has the NRMA approached the NSW Government on this matter?
(4) Is there currently a bull-bar standard set by the Roads and Traffic Authority on the size, weight and shape of bull-bars fitted to New South Wales vehicles?

Answer -

(1) I have asked the Roads and Traffic Authority to look at the need for bull-bars on vehicles in the metropolitan area.
(2) See answer (1) above.
(3) The Roads and Traffic Authority is not aware of any such approach.
(4) No.

WOLLONGONG ELECTORATE BABY HEALTH CLINICS

Mr Sullivan asked the Minister for Health -

(1) Did the NSW Government contribute any funds to the building of the Figtree Baby Health Clinic building in Figtree Park, Wollongong?
(2) If so, how much and from what source/department did such funds come?
(3) What other Baby Health Clinic buildings in Wollongong City Council area were also funded in full or part by the NSW Government?
(4) For each such Baby Health Clinic building in Wollongong City Council area, how much was contributed by the NSW Government?

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Answer -

(1) Yes.
(2) Building works for Figtree Early Childhood Centre commenced in 1974.
* Health Commission of NSW contributed $20,335.
* Wollongong City Council contributed $5,778.
* Joint Coal Board/Department of Local Government Loans Program contributed $1,000.

(3) and (4) Local Government and Health Authorities entered into standard agreements in previous years which involved a co-operative approach at a local level to providing services for mothers and babies. These agreements were on the basis that the Minister for Health provide 75 per cent of the cost of building and equipping each centre together with staff to conduct the facility. The Council agreed to provide the remaining 25 per cent capital cost and be responsible for maintenance and cleaning. Council provided the land component free of rent.
A survey conducted in 1985 revealed that 480 agreements were in place throughout the State being a testimony to the success of the scheme and the commitment of a large number of Councils to the provision of this important service to families.
It is widely accepted that the co-operative approach previously adopted has resulted in an integration of services which has been most beneficial in providing Early Childhood Health Services to local communities.

HOSPITAL WEEKEND WARD CLOSURES

Mr Yeadon asked the Minister for Health -

(1) Which hospitals operate 5-day wards?
(2) Over 1992/93 and the current financial year to date, how many patients have been transferred to other hospitals due to weekend ward closures?
(3) Over 1992/93 and the current financial year to date, how many patients were re-admitted within 2 days of

discharge from a 5-day ward?

Answer -

(1) to (3) This data is not collected centrally.

NEWCASTLE RAILWAY TRACK MAINTENANCE

Mr Gaudry asked the Minister for Transport and Minister for Roads -

In relation to the close-down of the Newcastle section of CityRail for track maintenance on Saturday 6 and Sunday 7 November -
(1) What particular maintenance was carried out during this close-down, including rebuilding of bridges and track electrical work, fettling and signalling?
(2) What was the cost of weekend track maintenance?
(3) How was the cost apportioned between materials and labour?
(4) How many men were employed during the shutdown?
(5) What was the western limit of the maintenance work?

Answer -

(1) Overbridge and underbridge maintenance work, track resurfacing and reconditioning, sleeper and track crossing replacement, rail welding, vegetation removal, overhaul of and adjustments to overhead wiring, signalling adjustments to support civil works and inspection and maintenance of signalling equipment.
(2) $339,250.
(3) $137,650 for materials, $106,500 for labour, and $95,100 for plant.
(4) Approximately 76.
(5) Woodville Junction.

ROADS AND TRAFFIC AUTHORITY NORTHERN REGION OFFICE

Mr Gaudry asked the Minister for Transport and Minister for Roads -

In relation to the transfer of the Northern Regional Office of the Roads and Traffic Authority to Port Macquarie -
(1) How many officers of the Northern Regional Office are still operating from Newcastle?
(2) How many are operating in Port Macquarie but are being paid living away from home, travel and other expenses related to residence in Newcastle?
(3) How much money has been paid in this way since the transfer?
(4) Has the building program required for the full transfer of the Northern Regional Office been completed?
(5) If not, what remains to be done?

Answer -

(1) 1.
(2) 1.
(3) $31,013.55, in accordance with award provisions.
(4) No. Temporary accommodation has been provided.
(5) Permanent accommodation is under consideration.

MEDICAL COMPLAINTS UNIT INVESTIGATION

Mr Martin asked the Minister for Health -

(1) Has the Medical Complaints Unit received a complaint from Mr Ungley of Soldiers Point Road, Soldiers Point?
(2) If so, when did the Unit receive the complaint?
(3) When will the investigations be completed?
(4) Why has there been delays in finalising Mr Ungley's complaints?

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(5) What is the normal time taken by the Unit to investigate complaints?
(6) Are there sufficient staff in the Medical Complaints Unit?
(7) If not, when will additional staff be allocated to the Unit?

Answer -

(1) Yes.
(2) 6 November 1992.
(3) A peer review report on material obtained during the investigation was received in the complaints unit on 4 February 1994. The report is being assessed to determine whether any further action is needed.
(4) There was some delay due to an oversight by the complaints unit in obtaining medical records from the hospitals where Mr Ungley had been treated. The records were obtained promptly once the oversight was realised and Mr Ungley was advised.
(5) The time taken for the Unit to properly investigate a complaint involving health practitioners and health care facilities depends upon a number of factors which vary from case to case. For example, the seriousness of the complaint, the complexity of the medical issues concerned and the amount of medical records involved may have an impact. As well, delays may occur as a result of a reluctance of parties to a complaint to provide a report to the Unit or where there is some difficulty in obtaining a suitable peer review.
The new Health Care Complaints Act 1993 establishes a 60-day time frame for the assessment of new complaints. Section 29 (2) of the Act states that the investigation of a complaint is to be conducted as expeditiously as the proper investigation of a complaint permits.
(6) Yes.
(7) Not applicable.

MEDICAL COMPLAINTS UNIT INVESTIGATION

Mr Thompson asked the Minister for Health -

(1) Have the representations made on behalf of Ms Mifsud been investigated by a Senior Officer of the Department of Health?
(2) If not, why not?
(3) If an investigation has been carried out, will the Member for Rockdale receive advice from either him or the Director-General of the Department?

Answer -

(1) The complaint made by Ms Mifsud has been extensively investigated and reviewed by senior staff of the Complaints Unit.
(2) Not applicable.
(3) The Director of the Complaints Unit has written directly to the member for Rockdale and to Ms Mifsud stating that the Unit would be willing to be of assistance to Ms Mifsud if she wished to discuss her issues of concern further or was able to provide new information of substance. Additionally, the honourable member was advised of this situation by letter dated 9 November 1992.

ROADS AND TRAFFIC AUTHORITY LABORATORIES

Mr Knight asked the Minister for Transport and Minister for Roads -

(1) What is the current status of the proposal to move the RTA laboratory from Milsons Point?
(2) What is the proposed new location?
(3) Who owns the existing premises?
(4) What is the cost of any lease at the proposed new location?
(5) What are the estimated removal and refurbishing costs?

Answer -

(1) The intention is for the laboratories to move from Milsons Point. The RTA is assessing potential sites in the Rosebery/South Sydney industrial area.
(2) A site has not yet been selected.
(3) The RTA owns the existing premises at Milsons Point.
(4) See answer (2) above.
(5) Estimates of cost cannot be calculated until a site has been selected.

F3 MOTORWAY TRAFFIC VOLUME

Mr McBride asked the Minister for Transport and Minister for Roads -

(1) Has the Roads and Traffic Authority determined the maximum possible number of daily traffic movements allowed by the design capacity of the F3 Freeway?
(2) If so:
  (a) What is the number of daily traffic movements?
  (b) When is it expected that figure will be reached?
  (c) What contingency plans does the RTA have to accommodate traffic upon the limit being reached?
(3) If not, will he request the RTA to conduct such a study?

Answer -

(1) There is no definitive maximum possible daily traffic volume as usage varies during each day. Accordingly, design capacity is related to hourly traffic flows.
(2) (a) Not applicable.
  (b) Not applicable.
  (c) Not applicable.
(3) As a national highway, the funding of increased capacity on the freeway is a Federal Government responsibility. I raised the issue in a recent submission to the Federal Minister for Transport.

TANGARA FACILITIES

Mr McBride asked the Minister for Transport and Minister for Roads -

(1) With respect to standard Tangara railway carriages, what is the width between the back of a passenger seat and the front of the passenger seat next behind it?
(2) With respect to standard inter-urban railway carriages, what is the width between the back of a passenger seat and the front of the passenger seat next behind it?
(3) If there is a difference between the widths referred to in questions (1) and (2), will he move to ensure the provision of leg space is not reduced with the introduction of Tangara services between the Central Coast and Sydney?
(4) With respect to the standard eight-carriage train:
  (a) What toilet services are provided on inter-urban carriages travelling between the Central Coast and Sydney?
  (b) What toilet services will be provided on Tangara carriages when they are introduced to commuter

services between the Central Coast and Sydney?

(5) If there is a difference imbalance with respect to toilet services referred to in question (3), will he move to ensure the provision of toilet services is not reduced with the introduction of Tangara services between the Central Coast and Sydney?

Answer -

(1) 305 mm for suburban Tangara carriages and 290 mm for the proposed outer suburban Tangara carriages.
(2) 280 mm to 290 mm for double-deck intercity carriages.
(3) Not applicable.
(4) (a) There are eight toilets on each eight-carriage double-deck intercity train.
(b) and (5) As a result of monitoring toilet usage on intercity services, there will be two toilets on each outer suburban Tangara train.

TOWN HALL RAILWAY STATION TOILET FACILITIES

Ms Allan asked the Minister for Transport and Minister for Roads -

(1) Has he inspected the public toilet facilities at Town Hall Railway Station?
(2) If so, when?
(3) How many commuters, on average, use the women's toilet facilities at Town Hall Station each day?
(4) What plans has CityRail got for extending and refurbishing these toilets?
(5) When will this occur?

Answer -

(1) No.
(2) Not applicable.
(3) 2,250.
(4) Options for renovating the station, including the toilets, are currently being considered.
(5) It is expected that work will begin during 1994/95.

F6 MOTORWAY GWYNNEVILLE INTERCHANGE

Mr Markham asked the Minister for Transport and Minister for Roads -

(1) What is the timeframe for the widening and construction of grade separated interchange at the junction of the F6 Southern Freeway and the Northern Distributor at Gwynneville?
(2) What is the present position relating to residents whose properties may be affected or resumed due to this project?

Answer -

(1) The establishment of a formal construction timetable will depend upon the determination of the Environmental Impact Statement (EIS) for the project. (2) The effects of the proposed work have been the subject of preliminary discussions with potentially affected land owners. Formal negotiations cannot proceed before determination of the EIS.

KEIRA ELECTORATE DRUG AND ALCOHOL AUTHORITY PROGRAMS

Mr Markham asked the Minister for Health -

(1) Are Drug and Alcohol Authority programs operating in the electorate of Keira?
(2) If so:

(a) Where are they located?
(b) How and to what extent are these programs funded?
(c) Are any of these programs privately operated?

(3) If not:
(a) What drug and alcohol services are available to residents of the electorate of Keira?
(b) What system of referral is used to these services?

Answer -

(1) Yes. In addition, drug and alcohol programs operate elsewhere within the Illawarra area and can be accessed by residents of the Keira electorate.

(2) (a) (i) Quit (Smoking) Campaign located at Kembla House, 34 Kembla Street, Wollongong.
(ii) Wollongong Methadone Management Program located at 3 Sperry Street, Wollongong.

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(iii) Adolescent drug and alcohol outreach counselling and prevention programs are conducted by the Adolescent Drug and Alcohol Service based in Warilla.
(iv) Administrative support for drug and alcohol services is located at Kembla House.

(b) and (c) The drug and alcohol programs above are not privately operated. They are all administered and operated by the Illawarra Area Health Service. Funding from the NSW Drug and Alcohol Directorate for 1993/94 is as follows:

(i)	Quit Smoking Program	$36,000
(ii)	Wollongong Methadone Management Program	$216,000
(iii)	Adolescent Drug and Alcohol Service	$116,400
(iv)	Administrative Support	$18,600

(3) (a) (i) Quit (Smoking) Campaign.
(ii) Wollongong Methadone Management Program.
(iii) Adolescent Drug and Alcohol Service.
(iv) Nowra Community Health Centre.
(v) Needle and Syringe Exchange Program.
(vi) Orana House.
(vii) Methadone Program, Shoalhaven.

(b) Referral to the drug and alcohol services can be by self-referral or via a number of organisations, including health and welfare agencies, industry and local courts.

REGENTS PARK RAILWAY STATION SECURITY

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) Was there a machete attack on a student at Regents Park Station in September 1993?
(2) Was another student also bashed?
(3) If yes, what security have you placed on trains to protect schoolchildren going to and from school?

Answer -

(1) There was an altercation between a number of youths on 21 September 1993 in which one youth allegedly sustained a knife wound to the arm.
(2) There is no record of injury to anyone else.
(3) Crime prevention on the CityRail network is the responsibility of the Police Service, however, in addition to the patrols by uniformed and plain clothes police, there is a range of security measures, including the use of private security guards, improvement of station facilities such as the lighting and expansion of communication and surveillance systems.

SCHOOL BUS SERVICES

Mr Price asked the Minister for Transport and Minister for Roads -

(1) What are the criteria for the provision of a school bus by either a public or private school?
(2) Is there any evidence of some private schools, proposed or established, away from recognised public transport routes, using this fact to solicit pupils with the guarantee of free bus transportation to overcome any objection to the relatively remote school location?
(3) Is the free school transportation scheme presently under review?
(4) Is there the likelihood of bus/train pass fees being introduced?
(5) If so, what will the criteria be?
(6) Will the distance travelled be taken into account?
(7) How has the de-zoning of schools affected the cost of the existing scheme?
(8) What is the budgeted cost of the existing scheme for 1993/94?

Answer -

(1) The Department of Transport has no involvement where either public or private schools provide their own school bus service. It is not a part of SSTS and there is no cost to the Government.
(2) I am not aware of any such evidence.
(3) No.
(4) No.
(5) Refer to answer (4) above.
(6) Refer to answer (4) above.
(7) The abolition of the requirement for students to attend the closest school has led to a greater level of mobility between schools and hence the need for subsidised travel has risen accordingly.
(8) $318.7 million plus Disabled Student Transport of $20.9 million.

BREAST CANCER SUPPORT SERVICES

Mr Sullivan asked the Minister for Health -

(1) Will 1 in 14 New South Wales women have breast cancer at some time in their lives?
(2) Will 1 in 4 New South Wales women who have breast cancer experience chronic anxiety and depression?
(3) What specific services has the Health Department put in place to address this significant health problem?
(4) What specific psycho-social support services for women with breast cancer have been established in New South Wales in the last 5 years?

Answer -

(1) There were 2,807 new cases of breast cancer diagnosed in New South Wales in 1991, representing a 1 in 13 lifetime risk.
(2) The NSW Health Department does not routinely collect data on the incidence of chronic anxiety or depression specifically in women with breast cancer. However, the results of several overseas studies specific to this topic show that the incidence of anxiety states or depressive illness or both, among women who have undergone mastectomy is high

(33 per cent), and 38 per cent in those patients who underwent a lumpectomy followed by radiotherapy. Hence an overall incidence of approximately 1 in 3-4. These results are comparable to those found in other studies.
(3) An accreditation requirement of services affiliated with the New South Wales Program for Mammographic Screening is that suitably trained staff are available to undertake patient education and counselling of women detected with a breast abnormality. The program has funds totalling $19,079,423 allocated for the 1993/94 financial year, which includes a component for the establishment of these counselling services and the necessary networking of such services at a local level such as with the general practitioner.
In addition, the NSW Cancer Council has allocated over $60,000 (1992/93) for the Breast Cancer Support

Service and psychosocial research funding for breast cancer. In particular, one study about to commence will evaluate the level of psychosocial support given to breast cancer patients.
(4) The NSW Breast Cancer Support Service was established by the NSW Cancer Council, offering a free, practical and emotional support service to all women in New South Wales with a diagnosis of breast cancer. This support is based on one-to-one contact between trained volunteers and women receiving treatment. A "drop-in" service and phone line has been established for further information and support, including the provision of booklets, brochures, videos, etc., on breast cancer and associated community service and support groups.
A number of individual or autonomous breast cancer support groups have been established in New South Wales which are linked to a health professional (nurse or general practitioner) in their local community.

MOOREBANK ELECTORATE EDUCATION RESOURCES

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

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

Answer -

(1) to (5) The portfolio has a budget of approximately $4.5 billion in 1993/94. As the honourable member will be aware from the Budget Papers, and the extensive supporting information issued in conjunction with the Budget announcement, this is allocated program by program rather than on the basis of electoral boundaries.
To provide the detailed information requested in the honourable member's question would impinge on the resources and time of senior departmental officers. As a consequence, I am not willing to move resources from the core responsibilities of the respective agencies to meet this request.
General statistical information is available in the various annual reports produced by the agencies in the portfolio.

CENTRAL COAST CANCER TREATMENT FACILITIES

Mr McBride asked the Minister for Health -

As at 16 November 1993 -
(1) What is the population serviced by the Central Coast Area Health Service?
(2) How many people from that population are registered as needing treatment for cancer?
(3) How does the ratio of cancer patients to population on the Central Coast compare with the statewide ratio?

Answer -

(1) Approximately 250,000.
(2) There is no register of people needing treatment for cancer.
(3) The NSW Cancer Council data indicate that the incidence of cancer on the Central Coast is as set out below:

Average age standardised (Aust. 1986) incidence rate per 100,000 population per year

	Central Coast	New South Wales
Males	504.6	404.9
Females	327.4	284.7

HURLSTONE PARK RAILWAY STATION AUTOMATIC TICKETING MACHINE

Mr Moss asked the Minister for Transport and Minister for Roads -

(1) Are over-the-counter ticket sales planned to cease at Hurlstone Park Railway Station in January 1994?
(2) If so, will an additional automatic ticketing machine be installed to accommodate for mechanical failures and congestion?

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Answer -

(1) and (2) No.

AUBURN ELECTORATE RAILWAY STATION STAFFING

Mr Nagle asked the Minister for Transport and Minister for Roads -

(1) Will all railway stations in the electorate of Auburn be staffed during the same hours they presently are after the introduction of automatic ticketing?
(2) Does he rule out changes to levels of staffing at these railway stations?
(3) Has he or the State Rail Authority received the results of a staff review in the electorate?
(4) If so, what are the findings of that staff review with respect to future staffing levels at these railway stations?
(5) If he or the SRA decides to reduce staff levels at these railway stations between 31 December 1993 and 30 June 1994, will he immediately advise the member for Auburn in writing?
(6) If not, why not?

Answer -

(1) Yes.
(2) No.
(3) and (4) No recent staff reviews have been conducted.
(5) and (6) The matter will be considered should the need arise.

FAIRFIELD RAILWAY STATION PEAK HOUR ACCESS

Mr Scully asked the Minister for Transport and Minister for Roads -

(1) Is he aware that commuters at Fairfield Railway Station have considerable difficulty during peak hour in getting access to trains travelling to Liverpool?
(2) Is he aware that commuters approaching the Fairfield to Liverpool side of Fairfield Station are provided with a permanently open stainless steel gate which precludes easy access because the other end of the gate, which is not in the immediate view of commuters, is permanently closed?

(3) What steps does he propose to take to ensure proper access to commuters during peak patronage times?

Answer -

(1) Yes.
(2) Yes.
(3) Installation of a separate entry only turnstile on Fairfield's Liverpool-bound platform is planned in early 1994.

AMWAY AUSTRALIA PTY LIMITED DISTRIBUTION PRACTICES

Mr Scully asked the Minister for Consumer Affairs, Minister Assisting the Minister for Roads and Minister Assisting the Minister for Transport -

(1) (a) Is she aware of the methods used by promoters of Amway products to obtain sales?
(b) Do some of these methods include dishonest, unethical and inappropriate behaviour?
(c) What steps will she take to warn the general community of the methods and harassment of potential purchasers used by promoters of Amway products?
(2) (a) Is she familiar with the organisation Network 21?
(b) Is she aware that this organisation promotes the sale of Amway products by engaging in dishonest conduct and unethical methods?
(c) Will she instruct the Department to launch an investigation into Amway and Network 21 and the methods used by both organisations to promote their products?
(d) Will she warn the general public to be careful when having any contact with any person from Network 21 in particular, and in general any person promoting Amway products?

Answer -

(1) (a) Distributors of Amway products usually obtain sales by showing the Amway catalogue to family, friends and workmates who are invited to make purchases.
Distributors obtain a commission from sales.
Distributors also generate income by receiving commissions on the sales of other distributors who they have introduced to the system.
(b) Amway is reputed to have around 100,000 distributors throughout Australia. Complaints against Amway or Amway distributors are very few and indicate little cause for concern. My Department recently prosecuted an Amway distributor for misleading conduct involving the potential recruitment of distributors. This followed a complaint from Amway Australia Pty Ltd concerned that the distributor was promoting a work-at-home scheme that was not subject to the company's Rules of Conduct.
(c) Should the honourable member be in possession of specific information about dishonest or unethical methods of promotion and harassment of potential purchasers, that information should be brought to the attention of the Department of Consumer Affairs for investigation.

(2) (a) I am aware that Network 21 is a subgroup of Amway distributors which incorporates a program of motivational training.
(b) My Department has only had three formal complaints against Network 21 which were very minor in nature. A small number of telephone enquiries have been received from callers who have alleged that certain Network 21 distributors have engaged in undesirable selling practices, however, there has been no information provided on a formal basis to enable the allegations to be properly considered by the Department.
(c) Subject to my response to answer (1) (c) above, there does not appear to be any substantial reason to launch an investigation into Network 21 or Amway Australia.
(d) At this time there appears to be no justification for issuing a public warning against Network 21 or

Amway Australia.

ILLAWARRA REGIONAL HOSPITAL ELECTRICITY SUPPLY

Mr Sullivan asked the Minister for Health -

(1) Was the main building complex at the Wollongong Campus of the Illawarra Regional Hospital without electrical power from 11.52 a.m. to 12.18 p.m. on 26 June 1993?
(2) Was this caused by a faulty relay on the main electrical board, which is over 20 years old?
(3) Was it found that the old relays on the main electrical board urgently needed replacing?
(4) Have these relays been replaced?
(5) Has staff recommended that a major upgrading of emergency electrical power and electrical power to Hickman House and the services building (the main building complex) at the Wollongong Campus of the Illawarra Regional Hospital be undertaken at an estimated cost of $500,000?
(6) Will this work be carried out, and if so when will it be completed?

Answer -

(1) Yes.
(2) The Wollongong Campus of the Illawarra Regional Hospital is supplied directly with electricity from Illawarra Electricity via two feeder supply lines. One of these lines is on at all times with the other line providing back-up if power is interrupted to the main line.
At approximately 11.52 a.m. on Saturday, 26 June 1993, the electricity supply to the main feeder line was interrupted. When this occurs control relays at the hospital take electricity power from the back-up feeder line and switch it to the main line. On that day the control relay failed to switch over the back-up feeder line thereby causing the hospital to be without mains power for a short period of time.
Electricity power was restored by a maintenance staff member manually switching the back-up feeder line supply to the main supply line.
(3) No.
(4) The control relays are tested each week. Over many years, under test conditions, the control relays have not failed. However, given that a control relay failed on 26 June 1993, all the control relays on the main electrical board have been replaced as a precautionary measure.
(5) The hospital management have identified that there is a need to enhance the emergency electrical power back-up arrangements to the main buildings (Hickman House and services building). The engineering staff have estimated the upgrading to cost in the vicinity of $500,000.
(6) The upgrading of the emergency electrical power back-up and power supply to the main buildings has been included in the capital works program.

EAST-WEST CITY TUNNEL

Mr Langton asked the Minister for Transport and Minister for Roads -

(1) Did you state in 1989 and 1990 that plans to build an east-west city tunnel under Park Street would provide the public with additional parking and shopping facilities?
(2) What has happened to the plans?

Answer -

(1) Yes.
(2) The feasibility of a Park Street tunnel proposal was evaluated by the Concrete Construction-Kumagai Joint Venture in 1990. The details of the evaluation were made public in an Environmental Impact Statement exhibited at that time.
The economic situation existing since then has precluded the advancement of the project.
The proposal is presently being assessed in conjunction with the Circular Quay Redevelopment Scheme.

OUR LADY OF MOUNT CARMEL PRIMARY SCHOOL CROSSING SAFETY

Mr Newman asked the Minister for Transport and Minister for Roads -

(1) Can the school crossing at Our Lady of Mount Carmel Primary School, Mount Pritchard, be modified to the level of a "Wombat Crossing"?
(2) Can a 40-kilometre speed limit be allocated for the section of Humphries Road which leads up to the crossing?

Answer -

(1) Yes. Modification work is expected to be completed by the end of June 1994.
(2) A part-time 40 km/h school zone, operating during the morning and the afternoon periods when children arrive at and depart from the school, was installed in November 1993. Also, a School Crossing Supervisor assists with traffic control.

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CUMBERLAND HIGHWAY LINK WITH M5 MOTORWAY

Mr Anderson asked the Minister for Transport and Minister for Roads -

(1) Is consideration currently being given to the provision of a road linking the Cumberland Highway to the M5?
(2) Is a toll being considered for traffic travelling in both directions on such a road?
(3) (a) Will he give an unequivocal commitment that there will be no such toll?
(b) If not, why not?

Answer -

(1) The concept of a link road is being considered as part of the Liverpool/Hornsby Highway Study, which includes a number of options. A decision on the matter has not yet been made.
(2) See answer (1) above.
(3) (a) See answer (1) above.
(b) See answer (1) above.

HUNTER REGION SEWERAGE FACILITIES

Mr Hunter asked the Premier and Minister for Economic Development -

(1) Is it Government policy to extend the provision of sewerage services in New South Wales?
(2) How is this to be achieved?
(3) Will this Government extend the Westlakes Fringe Area Sewerage Scheme?
(4) What Priority 2 areas will be included if the scheme is to be extended?

Answer -

(1) Yes, to date sewerage services have been provided to over 1.3 million people in country New South Wales. Some 264 towns are serviced, with all sewage effluent discharged to waterways receiving at least secondary treatment.
(2) The NSW Government has delegated the prime responsibility for provision of water supply, sewerage and drainage services in New South Wales country areas to local government councils. Assistance is provided to local government through the Country Towns Water Supply and Sewerage Program (CTWSS).

The Minister for Public Works has the responsibility in Government to ensure that the water and sewerage services provided by local government in country towns meet community needs.
NSW Public Works manages the CTWSS Program on behalf of the Minister and advises on appropriate policies and legislation and statewide priorities for assistance to local government.
Under the CTWSS Program the Government is assisting the Hunter Water Corporation to provide sewerage facilities to unsewered areas around Lake Macquarie and the Tomaree area in Port Stephens. This assistance is being provided in the way of a grant of 50 per cent of the actual capital cost of capital works.
(3) The Hunter Water Corporation advises that it will forward the results of feasibility studies for Priority 2 areas to the Government in the first half of 1994. The Government will then assess the merits of allocating the required subsidy for this purpose against competing demands of other works across the State.
(4) Priority 2 areas to be included if the project is to be extended have not yet been determined.

LENAGHANS DRIVE AND JOHN RENSHAW DRIVE NOISE LEVEL TESTING

Mr Price asked the Minister for Transport and Minister for Roads -

(1) Why have the recommendations resulting from the Lenaghans Drive and John Renshaw Drive EIS released in April 1993, which required public comment to be submitted by 21 May 1993, not been made available to the community?
(2) Has the Federal Minister for Land Transport and his Department received a copy of these recommendations?
(3) Will the Roads and Traffic Authority be re-conducting noise level tests now that the F3 has been operating for 2 weeks with a significant increase in through traffic over this time?

Answer -

(1) A development application for that part of the work on Lenaghans Drive affecting proclaimed wetlands has recently been approved by Newcastle Council. The EIS was determined on 4 January 1994. Copies of the EIS determination and the assessment report have been forwarded to all those who submitted written comments on the EIS.
(2) Copies of the EIS determination and the assessment have been forwarded to the Federal Department of Transport and Communications.
(3) The RTA carried out noise testing on Lenaghans Drive following the opening of the extension of the freeway. This testing showed noise levels to be below statewide guidelines for noise mitigation works.
The RTA arranged for the post-freeway opening noise testing to be repeated through February 1994 in conjunction with other traffic assessments. The findings of the tests will be assessed as quickly as practicable.

PADSTOW REGION TRAFFIC VOLUME

Mr Rogan asked the Minister for Transport and Minister for Roads -

(1) What traffic counts has the Roads and Traffic Authority taken on vehicular movements on Davies Road, Padstow?
(2) What are the results of these traffic counts?
(3) What has been the increase of traffic movement on this road over the past 8 years?

Answer -

(1) Traffic counts have been recorded on Davies Road, Padstow, north of Ryan Road and to the south of Alma Road.

(2) The counts indicated average annual daily traffic volumes as follows:
North of Ryan Road

1983 12,370 vehicles
1985 14,195 vehicles
1987 18,696 vehicles
1989 23,668 vehicles
1991 24,683 vehicles
South of Alma Road
1983 20,160 vehicles
1985 20,834 vehicles
1987 Not recorded
1989 24,205 vehicles
1991 36,435 vehicles

(3) Approximately 100 per cent north of Ryan Road and 80 per cent south of Alma Road.

Mr JOHN BRYSON CRIMINAL ALLEGATIONS

Mr Whelan asked the Minister for Community Services, Minister for Aboriginal Affairs and Minister for the Ageing -

(1) Has a statement been made to his Department regarding the sexual activities of a former Sydney Barrister, John Henry Bryson, formerly of Stanley Avenue, Mosman, now of Southport, Queensland?
(2) When was the statement made to your office?
(3) Was a schoolgirl involved?
(4) Was she under 16 years of age?
(5) Did she inform his officers that several other girls were also involved with Mr Bryson?
(6) Did the statement reveal that Mr Bryson paid for an abortion for one of these young schoolgirls?
(7) Did the statement reveal that one of these young schoolgirls contracted a sexually transmitted disease from Mr Bryson?
(8) Did his officers take any action against Mr Bryson?
(9) If not, why not?
(10) Will they take any action in the future?

Answer -

(1) Mr Bryson is known to the Department.
(2) to (7) Sections 22 (1), 22 (8) and 115 of the Children (Care and Protection) Act 1987 provide legislative prohibitions on disclosure of information in relation to notifications of child abuse, including statements.
As this matter is before the courts, the material referred to is *sub judice.* Officers of the Department of Community Services have, however, briefed the Opposition on this matter.
(8) to (10) The Department of Community Services is primarily concerned with the protection of children. Its role is to ensure that children are safe. The Department has no powers to prosecute an alleged perpetrator nor does it involve itself with the investigtion of criminal matters. The Department's guidelines state that if an officer believes a criminal offence has been committed the matter is to be referred to the police for investigation. The Department referred this matter to the Police Service for investigation and follow-up.

TOW TRUCK INDUSTRY COUNCIL

Mr Langton asked the Minister for Transport and Minister for Roads -

(1) What immediate and long-term steps will he take to rectify all management, administrative and financial problems raised in the RTA's report on various operations of the Tow Truck Industry Council?
(2) Will he direct the RTA to review all current axle weight laws to ensure all present and perceived anomalies are rectified?
(3) Will this review be carried out in public consultation with industry and operator representatives?

Answer -

(1) In September 1993, the TTIC commissioned an internal audit of its operations. It is standard practice for organisations to undertake a stocktake of their systems and procedures every 2 or 3 years. It was undertaken by the RTA's Internal Audit Branch as the TTIC has no internal audit function of its own.
The audit was separate from and different to the Government's legislative review. Action has been taken in regard to EDP operations and the relationship with the RTA. However, other issues will need to be dealt with after the implementation of changes I have recently recommended as a result of the legislative review.
(2) and (3) The Authority is currently negotiating with the Heavy Vehicle Towing Industry Committee on revised axle weight limits for heavy tow trucks. These negotiations are expected to be completed within the next few months. It is understood that the Heavy Towing Industry Committee represents the majority of heavy towing industry operators.

REMEMBRANCE DRIVE, TAHMOOR, SPEED LIMIT

Mr Langton asked the Minister for Transport and Minister for Roads -

(1) Why has the RTA allowed an increase in the speed limit from 60 kilometres to 80 kilometres along Remembrance Drive, Tahmoor, between Koorana Road and Bradbury Street?
(2) Given the number of families with young children, school age children and elderly people who live in the area and that this road is a school bus route:
(a) Will he direct the RTA to review this decision with the aim of restoring the 60 kilometre speed limit?

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(b) Will he have the RTA liaise with Wollondilly Shire Council to ensure that area is provided with adequate traffic control measures?

Answer -

(1) The extension of the 80 km/h zone on Remembrance Drive to include the section between Koorana Road and Bradbury Street was implemented as part of statewide review of speed zones, which was undertaken with the objective of improving road safety through the adoption of safe but enforceable speed limits on all roads. The decision was confirmed at Wollondilly Council's Traffic Committee meeting on 11 March 1993.
(2) (a) The decision has been reviewed by the RTA, which still considers that an 80 km/h speed limit is appropriate having regard to current traffic conditions, the standard of the road, roadside development, vehicular and pedestrian traffic volumes, accident history and travel speeds.
(b) The RTA regularly liaises with Council through its Traffic Committee to ensure that adequate traffic control measures are in place on roads in Council's area. In this respect, a special 40 km/h school zone is proposed in the vicinity of Tahmoor Primary School to enhance safety for children.

STATE RAIL AUTHORITY FREIGHT CONTAINER HANDLING

Mr Langton asked the Minister for Transport and Minister for Roads -

(1) Does the Nestles Company, based at Smithtown, near Kempsey, currently load freight onto SRA freight carriages to Sydney, where they are transhipped onto NRC containers for shipment to Melbourne?
(2) If so, does the SRA consider this an efficient use of resources?
(3) Will the growth of the NRC see a reduction in double handling of this nature or will the SRA continue to freight containers to NRC pick-up points?
(4) Does the SRA and NRC have a policy aimed at reducing the number of transhipment points?
(5) If so, could he give a summary of its main objectives?

Answer -

(1) The Nestles Company is a customer of TNT.
(2) This is a matter between Nestles and TNT.
(3) The NRC will not be operating intrastate services.
(4) Yes.
(5) A new freight yard is being built at Enfield. The objective is that the NRC will relocate to this depot to undertake its Sydney operation.

PACIFIC HIGHWAY UPGRADING

Mr Price asked the Minister for Transport and Minister for Roads -

(1) When will that section of SH23 between Sandgate Road, Shortland, and the Pacific Highway, Sandgate, be constructed?
(2) (a) Are the design drawing and tender documents complete and ready for issue?
(b) If not, why not?
(3) Given the traffic congestion at the present intersection of SH23 and Sandgate Road, Shortland, when will the flyover originally proposed be constructed to remove the risk to motorists travelling from Shortland via Sandgate Road onto SH23?

Answer -

(1) Owing to the need to undertake higher priority works, this project has not been included in the Roads and Traffic Authority's current 5-year roadworks program. Accordingly, it is not possible at this stage to indicate when the work will be commenced.
(2) (a) No.
(b) See answer (1) above.
(3) See answer (1) above.

KINGSGROVE HIGH SCHOOL PEDESTRIAN BRIDGE

Mr Thompson asked the Minister for Transport and Minister for Roads -

(1) Has consideration been given to the construction of a pedestrian bridge over Stoney Creek Road and/or Kingsgrove Road near their intersection in proximity to Kingsgrove High School?
(2) If so, what is the estimated cost of the project?
(3) Will approval be given to this much-needed facility?
(4) If it is approved, when will construction commence?
(5) If not approved, why not?

Answer -

(1) The matter has been given consideration at the preliminary level.
(2) An estimate of cost has not been prepared. However, it would be reasonable to expect that the construction of a single pedestrian bridge would cost in excess of $0.5 million.
(3) Preliminary investigations indicate that the facility is not warranted at this time. Pedestrian movements are adequately catered for at the Kingsgrove Road-Stoney Creek Road intersection where pedestrian crossing facilities have been provided on all arms of the intersection.
(4) See answer (3) above.
(5) See answer (3) above.

INNER WEST CYCLEWAY FACILITIES

Mr J. H. Murray asked the Minister for Transport and Minister for Roads -

(1) What plans exist for the RTA to design and build connections to cycleways between Drummoyne, Concord, Strathfield and Auburn municipalities as well as Parramatta and Ryde City Councils?
(2) Will consideration be given to ensuring that proper cycleway connections are made between these cycleways and the Homebush Olympic Park Complex?
(3) What plans exist to complete cycleways within the Homebush Olympic Park Complex?

Answer -

(1) Drummoyne, Concord and Strathfield Councils have existing Bikeplans which show connections between each council boundary and to the Homebush Bay complex.
Ryde Council is currently developing its Bikeplan and Parramatta Council intends to develop its Bikeplan in the 1994/95 financial year. Auburn Council has yet to advise the RTA of its proposals for a Bikeplan.
In assessing funding proposals, the RTA ensures that proposed cycle routes will connect with routes in adjoining council areas. Funds for approved projects are provided on a 50/50 basis between the RTA and councils.
(2) Yes.
(3) Advice on cycleways within the Homebush Bay complex should be sought from the Homebush Bay Corporation.

POLICE INVESTIGATION OF Mr PASTERN

Ms Allan asked the Minister for Police and Minister for Emergency Services -

(1) Did six police officers with raised batons visit Mr G. Pastern of 21 Zambesi Road, Seven Hills, at his home?
(2) Was this entry a mistake and no apology extended to Mr Pastern?
(3) Were three police vehicles used?
(4) Had Mr Pastern previously requested through the Ombudsman that any police interviews with him be conducted at the office of the member for Blacktown?
(5) Were the police working on a Telecom trace of an interrupted 000 phone conversation?
(6) Did the police subsequently investigate the correct address from which this phone call originated?
(7) (a) Was this address also in Zambesi Road, Seven Hills?
(b) If so, what was the address and what action did the police eventually take?
(8) What action does he intend to take to ensure that the Pastern family receives an apology for the error?

Answer -

(1) I am advised that on the morning of 17 October 1993, five police responded to a 000 emergency call in which a woman was screaming for help and was then cut off.
The call was traced by 000 to 21 Zambesi Road, Seven Hills, and passed on to any available police vehicles in the area by police radio VKG. Police did not approach the premises with batons raised.
(2) No. A Highway Patrol officer initially knocked on the front door and was subsequently joined by another two officers. I am advised that all inquiries were conducted in a proper and courteous manner at the front door.
I understand the police responded properly to an emergency 000 call and, as such, no apology to Mr Pastern was called for.
(3) Three police vehicles responded to an emergency 000 call.
(4) Yes. Although the police who responded to the call were not aware of Mr Pastern's request, they would have been in neglect of their duty not to respond considering the circumstances.
(5) Yes.
(6) According to a 000 trace, the correct address was 21 Zambesi Road, Seven Hills.
(7) (a) and (b) Not applicable.
(8) I am not convinced that there was an error.

REWARDS FOR LOCATION OF MISSING PERSONS

Mr Anderson asked the Minister for Police and Minister for Emergency Services -

(1) In relation to the disappearance of Azucena Pollard and her son in mid-1987, why is the posting of a reward inappropriate in view of the number of rewards posted in other matters where the investigation has been underway for a much shorter period of time?
(2) How many rewards have been posted since he became Minister?
(3) What was the date of posting of such rewards and what was the date of disappearance or death of the victim in each case?

Answer -

(1) I am advised that it is not appropriate to post a reward seeking the whereabouts of Mrs Pollard and her son as the State Coroner, in an inquest in 1989, determined that both persons were deceased.
In addition, a prima facie case was found by the Coroner against the offender. Police forwarded these papers to the Attorney General, who then forwarded them to the Director of Public Prosecutions, who determined not to proceed with charges of murder.
(2) Nine as at 8 December 1993.
(3) Reward offers announced by Mr T. Griffiths, M.P.

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MATTER	DATE DECEASED/MISSING	DATE OFFERED
Joanne Walters and Caroline Clarke - murdered Belanglo State Forest	Bodies found 19 September 1992 - last seen alive April 1992	11 November 1992
Phillip Ma and Xiao Lu - suspected murder	Both disappeared Summer Hill and Strathfield 18 April 1992	1 December 1992
Ada Collins - murdered	Body found in her Swansea home 30 November 1992	6 April 1993
Filepe Flores - murdered	Body found Woolloomooloo 2 May 1991	6 April 1993
Penny Hill - murdered	Found unconscious near Coolah on 8 July 1991	29 June 1993
Matthew Di Losa - murdered	Body found at Belfield 10 October 1991	20 August 1993
Anne Taylor - murdered	Body found Dover Heights 26 December 1991	20 August 1993
Backpacker murders - this offer replaced the Walters/Clarke reward above	Bodies found 19 September 1992, 5 October 1993, 1 November 1993 and 4 November 1993	5 November 1993
William O'Connor - murdered	Found seriously injured in his Alexandria home 18 November 1993	26 November 1993

HUNTER TOTAL CATCHMENT MANAGEMENT COMMITTEE

Mr Price asked the Minister for Land and Water Conservation -

(1) When is the report of the Ironbark Creek Study Group of the Hunter Total Catchment Management Committee due to be completed and released?
(2) Which Department or Departments will contribute to the anticipated recommendations and have any allowances been made in the current budget for immediate funding?

(3) What immediate steps are proposed to limit flood damage to both public and private property on and surrounding the Hexham Wetlands, in particular, Sandgate Road adjacent to the stormwater channel at the Austral Soccer Stadium?
(4) What is the 1993 contribution to the Hunter Total Catchment Management Committee by the ratepayers of the City of Newcastle?

Answer -

(1) It is anticipated that a draft report be released by mid-1994. Following consideration of public input, the final report will be available in December 1994 for release in early 1995.
(2) The Ironbark Creek Study Group has representation from many organisations and community groups. In addition to the Hunter Catchment Management Trust, these include the Department of Conservation and Land Management, Public Works, Agriculture, Fisheries, National Parks and Wildlife Service, Hunter Water Corporation, the Councils of Newcastle City, Lake Macquarie and Cessnock and two community representatives.
Yes.
(3) Any development proposals are managed in accordance with the NSW Government Floodplain Development Manual. Options for reducing potential damage to existing development from both Hunter River flooding and local catchment run-off are being investigated. The effectiveness or otherwise of the suggested extension of the concrete lining beyond Sandgate Road past Austral Soccer Club is also being examined by the Dark Creek Drainage Investigation.
When the results of this investigation is known, and has been integrated with the wider flood management strategy of the TCM report, then the appropriateness or otherwise of any immediate steps will be apparent.
(4) It is unclear whether Mr Price is seeking information in relation to the Ironbark Creek Study Group exclusively, however, in the 1993 calendar year contributions to the Hunter Catchment Management Trust's entire program by ratepayers from Newcastle City Council totalled $899,326.

CONSTABLE NADER HANNA

Mr Face asked the Minister for Police and Minister for Emergency Services -

(1) Has Constable Nader Hanna reported to the Police Service any investigation, contemplated action, or action taken against him or the company known as Nader Services Proprietary Limited by Federal Police or any Federal authorities?
(2) If not, why not?

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(3) If so, what was the nature of the investigation, contemplated action or action taken against him or the company known as Nader Services Proprietary Limited?
(4) (a) Has any action been taken against any tenant of the premises on the corner of the Great Western Highway and Old Bathurst Road, Emu Plains, by Federal Police or Federal authorities?
(b) If so, did Constable Nader report to the Police Service his involvement, if any?

Answer -

(1) No.
(2) The Australian Federal Police advised the NSW Police Service of their intention to execute a search warrant on the home of Constable Nader Hanna.
(3) The investigation was in relation to alleged Medicare fraud by Nader Services Pty Ltd and an associated company. The Australian Federal Police have referred papers to the Commonwealth Department of Public Prosecutions.
(4) (a) Yes. The premises referred to is the Southern Cross Medical Centre and a raid was conducted by Federal Police. Departmental investigation of these premises has been deferred pending completion of Federal inquiries.

(b) Constable Hanna has been interviewed. Any further action has been deferred awaiting the result of Federal inquiries.

POLICE TRAIL BIKE SQUADS

Mr Anderson asked the Minister for Police and Minister for Emergency Services -

(1) How many Police Trail Bike Squads still exist in New South Wales?
(2) What is the location, number of police attached, number of trail bikes, availability and patrols covered by each such squad?
(3) Which squad covers the Liverpool and Green Valley Patrols?
(4) On how many occasions in:
(a) 1992/93; and
(b) 1993/94 to date;
has the squad performed duty in:
(i) Liverpool Patrol?
(ii) Green Valley Patrol?

Answer -

(1) Two Regions maintain dedicated Trail Bike Squads - North West Region and South Region.

(2) NORTH REGION
Does not maintain a dedicated Trail Bike Squad.
*Warringah District:
(i) Frenchs Forest.
(ii) Riders drawn from authorised Highway Patrol trail bike riders on a needs basis.
(iii) 2 bikes.
(iv) Cover all patrols in the district, and may, on occasions, be used to assist operations in neighbouring districts.
*Central Coast District:
(i) Gosford.
(ii) Riders drawn from authorised Highway Patrol trail bike riders on a needs basis.
(iii) 2 bikes.
(iv) Cover all patrols in the district, and may, on occasions, be used to assist operations in neighbouring districts.
*Hunter District:
(i) Newcastle.
(ii) Riders drawn from authorised Highway Patrol trail bike riders on a needs basis.
(iii) 2 bikes.
(iv) Cover all patrols in the district, and may, on occasions, be used to assist operations in neighbouring districts.
NORTH WEST REGION
Trail Bike Squads at Cumberland, Nepean-Blue Mountains and Prospect Districts.
*Cumberland District:
(i) Richmond Police Station.
(ii) 6 units part-time.
(iii) 3 trail bikes.
(iv) District resource used on a needs basis in all patrols within Cumberland District.
*Nepean-Blue Mountains District:
(i) Penrith Police Patrol.
(ii) 4 permanent officers.
(iii) 4 trail bikes.
(iv) The Squad operates as a shared district resource, operating within the district from Mount

Victoria to Mount Druitt.

*Prospect District:

(i) Blacktown, Fairfield, Cabramatta and Merrylands.

(ii) Blacktown - 3 units.
Fairfield - 2 units.
Cabramatta - 4 units.
Merrylands - 1 unit.

(iii) Blacktown - Nil.
Fairfield - Nil.
Cabramatta - 2 trail bikes.
Merrylands - 1 trail bike.

(iv) District resource, used on a needs basis in the Prospect District.

SOUTH REGION

Trail Bike Squads at Eastern Suburbs and Illawarra Districts.

*Eastern Suburbs District:

(i) Maroubra Patrol.

(ii) 4 certified riders.

(iii) 2 trail bikes.

(iv) The squad is available for patrols throughout the Sydney metropolitan area, patrolling as far south as Menai and The Royal National

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Park. The squad has been utilised on occasions by the Plantation Unit, Drug Enforcement Agency, for operations on the far South Coast.

*Illawarra District:

(i) Corrimal, Dapto, Nowra and Wollongong Patrols.

(ii) 7 certified riders.

(iii) The district has 3 trail bikes.

(iv) The riders and bikes are used for enforcement through the Illawarra District.

SOUTH WEST REGION

No Trail Bike Squad in the region. There are 21 certified trail bike riders in the region and 2 in training.

*Georges River District:

(i) Revesby and Bass Hill Patrols.

(ii) 6 certified riders.

(iii) 2 trail bikes at Revesby Patrol and 1 at Bass Hill Patrol.

(iv) Used within the district, particularly in parklands along the Georges and Parramatta Rivers.

*Macarthur District:

(i) Campbelltown and Macquarie Fields Patrols.

(ii) 4 certified riders at Campbelltown Patrol and 3 at Macquarie Fields Patrol.

(iii) 2 bikes at Campbelltown. 2 bikes at Macquarie Fields are sponsored by the local council and most duty is performed within the local government area.

(iv) Used throughout the district on a needs basis.

(3) There is no specific squad servicing Liverpool and Green Valley Patrols.

(4) (a) (i) Liverpool Patrol - 8 shifts.

(ii) Green Valley Patrol - 8 shifts.

(b) (i) Liverpool Patrol - 4 shifts as at 9 December 1993.

(ii) Green Valley Patrol - 4 shifts as at 9 December 1993.

ROOTY HILL LAW AND ORDER

Mr Amery asked the Minister for Police and Minister for Emergency Services -

How many persons have been charged with offences relating to vandalism and street offences in the Rooty Hill area, at the Mount Druitt Police Station during the 6 months ending 31 October 1993?

Answer -

Five.

CASINO TENDERING PROCESS

Mr Face asked the Chief Secretary and Minister for Administrative Services -

(1) Has Sergeant Bob Clark of the NSW Police Service had any role on an official basis with the tendering process into calling of tenders for the New South Wales Casino?
(2) Has he had any role in the vetting or appraisal of tenders for the New South Wales Casino?
(3) Has Sergeant Clark communicated in any way, officially or unofficially, with any of the tenderers for the New South Wales Casino or their personnel?

Answer -

(1) I have been advised by the Casino Control Authority that Sergeant Clark has no role in the Authority's consideration of applications for a casino licence under the Casino Control Act 1992.
(2) See answer (1).
(3) I have also been advised by the Casino Control Authority that it is not aware of any communication between Sergeant Clark and applicants for a casino licence under the Casino Control Act 1992.

HANDGUN PERMIT APPLICATIONS

Mr Price asked the Minister for Police and Minister for Emergency Services -

(1) How many applications for permits to possess a hand gun have been made in New South Wales each year since 1988 to October 1993?
(2) How many of these applications were successful each year by either:
(a) Ministerial approval?
(b) Commissioner's approval?
(3) How many rejected applicants have sought permits by way of the appeal provisions since 1991?
(4) How many of these appeals were upheld by the court?
(5) How many of the successful appellants were subsequently issued with a permit?
(6) On what grounds does the Commissioner overrule the court decision and continue to reject the resubmitted legitimate applications?

Answer -

(1) Pistol permits are a relatively new concept. 165 applications for pistol permits were received between 1 May 1992 and 31 December 1992. 365 applications for pistol permits were received between 1 January 1993 and 31 October 1993.
(2) (a) and (b) Since 1 May 1992, 170 pistol permits have been issued. All permits were issued by an authorised person pursuant to delegation by the Commissioner of Police.
(3) There were 40 appeals in 1992 and 49 appeals in 1993.
(4) 16 appeals were upheld in 1992 and 22 in 1993.
(5) I am advised that permits are issued to successful appellants after notification of the result of the appeal is received.
(6) The Commissioner of Police does not overrule the court in relation to a successful appeal.

MINISTERIAL ADVISORY REVIEW COMMITTEE REPORT INTO FEDERATION OF POLICE-CITIZENS YOUTH CLUBS

Mr Thompson asked the Minister for Police and Minister for Emergency Services -

(1) When the MAC report was compiled, how much input, written and verbal, did Chief Superintendent Carter provide for such report?
(2) What recommendations did Superintendent Carter make for compiling the report?
(3) What was the role of Mr Terry Breen into the MAC report?
(4) Did Mr Breen write the report?
(5) If so, under whose direction and supervision?
(6) What was Mr Breen's position at the time of the writing of the report?
(7) By whom was he employed and what was his remuneration?
(8) (a) What is Mr Breen's present position?
(b) Who employs him?
(9) How much is his annual salary?
(10) (a) Are there any other benefits, as part of his employment, in a package?
(b) If so, what are they?
(11) (a) Has he the use of a motor vehicle?
(b) If so, under what terms?
(12) (a) Has he an expense account or use of a credit card?
(b) If so, under what conditions and what were the amounts for the financial years 1992 and until June 1993?
(13) Has Mr Breen done any travelling on behalf of the Federation in the same 2 financial years?
(14) What expenses were incurred and for what purpose and where and when did they take place?

Answer -

From the reference to Mr Tery Breen, it is assumed that this question refers to the 1992 MAC Report compiled after a review chaired by the Hon. R. T. M. Bull, M.L.C.
(1) Chief Superintendent Carter's role in the Ministerial Advisory Review Committee inquiry was that of an adviser and to answer questions put to him by members of the Committee. Chief Superintendent Carter did not make a written or verbal presentation to the Committee.
(2) None.
(3) Executive Officer to the Ministerial Advisory Review Committee.
(4) Yes.
(5) The Hon. R. T. M. Bull, M.L.C.
(6) Executive Support Officer, Federation of NSW Police Citizens Youth Clubs.
(7) The NSW Police Service as a Clerk, Grade 8, with an annual salary of $42,202.
(8) (a) Executive Support Officer, Clerk, Grade 8, Federation of NSW Police Citizens Youth Clubs.
(b) The NSW Police Service.
(9) $42,202.
(10) (a) Yes.
(b) The industrial award provisions for Grade 8 Clerks employed in the NSW Public Service, such as employer's contribution to superannuation, leave loading, flexible working hours, annual leave, sick leave and long service leave.
(11) (a) Yes.
(b) Mr Breen has access to a motor pool vehicle when his official duties require it.
(12) (a) Mr Breen does not have an expense account. He has limited use of a company credit card.
(b) To meet specific costs in relation to the Branch Evaluation Program. No credit card expenses incurred in 2 years to June 1993.
(13) As an employee of the NSW Police Service, any work-related travel by Mr Breen is done on behalf of the NSW Police Service.
(14) Mr Breen's expenses are met by the NSW Police Service as, under his award agreement, he is entitled to travelling allowance.
The nature of Mr Breen's duties often require him to visit Federation installations where no overnight

accommodation is required and on other occasions where overnight accommodation is required.
The following details relate to travel involving overnight accommodation. The money values relate to travelling allowance paid to Mr Breen by the NSW Police Service:

* 2-3 April 1992 - Sydney, Wagga Wagga, Sydney - conduct education phase of Branch Evaluation Program for Riverina Zone police and civilians. $148.36.
* 23-26 November 1992 - Sydney, Wagga Wagga, Young, Cowra, Bathurst, Mudgee, Quirindi,Tamworth,Cessnock, Sydney - meetings with Zone Co-ordinators to discuss Branch Evaluation Program. $374.10.
* 17-20 April 1993 - Sydney, Wagga Wagga, Albury, Griffith, Goulburn, Sydney - meetings with Riverina Zone Branch Management Committee members to discuss Branch Evaluation Program. $360.42.
* 28-30 April 1993 - Sydney, Newcastle, Taree, Sydney - meetings with Hunter Zone Branch Management Committee members to discuss Branch Evaluation Program. $255.48.
* 3-4 May 1993 - Sydney, Armidale, Tamworth, Sydney - meetings with Northern Zone Branch Management Committee members to discuss Branch Evaluation Program. $155.10.

MOOREBANK ELECTORATE POLICE RESOURCES

Mr Knowles asked the Minister for Police and Minister for Emergency Services -

With regard to the electorate of Moorebank -
(1) What services and facilities are provided by agencies which operate within his portfolio area?

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

Answer -

(1) to (5) The information requested would take considerable resources to obtain. I suggest the honourable member look at the annual reports of the agencies within the portfolio for the years in question.

CABRAMATTA ELECTORATE POLICE STAFFING

Mr Newman asked the Minister for Police and Minister for Emergency Services -

With regard to the Cabramatta Police Patrol -
(1) What is:
    (a) The number of police officers?
    (b) Their ranks?
    (c) Their length of service?
    (d) The specific duty sections?
(2) The number of times in the past 12 months that a senior constable rank has been in charge of the police station?
(3) What action has been taken to recruit police officers with Asian language skills?
(4) What public relations initiatives have been taken by the patrol to gain local ethnic community confidence?

Answer -

(1) (a) Authorised strength 90, actual strength 84, as at 30 November 1993.

(b)

Chief Inspector		1
Senior Sergeant	3	
Sergeant	11	
Senior Constable	12	
Constable 1st Class		21
Constable		36

(c)

Rank	Length and Service
Chief Inspector	26 years
Senior Sergeant	25 years
Senior Sergeant	24 years
Senior Sergeant	18 years
Sergeant	27 years
Sergeant	26 years
Sergeant	24 years
Sergeant	21 years
Sergeant	20 years
Sergeant	19 years
Sergeant (2)	18 years
Sergeant	17 years
Sergeant	16 years
Sergeant	14 years
Senior Constable	19 years
Senior Constable	18 years
Senior Constable	16 years
Senior Constable (2)	15 years
Senior Constable	14 years
Senior Constable (2)	11 years
Senior Constable	10 years
Senior Constable	9 years
Senior Constable	5 years
Senior Constable	1 year
Constable 1st Class (2)	9 years
Constable 1st Class (5)	8 years
Constable 1st Class (3)	7 years
Constable 1st Class (5)	6 years
Constable 1st Class	5 years
Constable 1st Class (2)	3 years
Constable 1st Class (3)	1 year
Constable (4)	5 years
Constable (8)	4 years
Constable (17)	3 years
Constable (5)	2 years
Constable (2)	1 year

(d)

General Duty	41	
Beat Police	20	
Intelligence	3	
Detectives		11
Highway Patrol/Traffic		9

** Figures for (1) (a) to (d) as at 30 November 1993.

(2) 91 occasions on the 3 p.m. shift and 119 occasions on the 11 p.m. shift for the period 1 December 1992 to 30 November 1993. Patrol Commanders are responsible for the patrol and are on call.

In the Prospect District, further support is provided to patrols through a rostered Commissioned Officer

performing duty as the after hours District Duty Officer.
(3) The Patrol Commander, Cabramatta, is presently a member of a working party which is examining recruitment, training and deployment of Australian citizens of Asian background.
(4) * Crime Prevention lectures.
* Victim Support Program.
* Neighbourhood Watch of the Air on community radio 2GLF.
* Police have been attending language courses on a voluntary basis.

CALOOLA PASS ROAD

Mr Rumble asked the Premier and Minister for Economic Development -

(1) In October 1988, did the Premier express his full support for the construction of the Caloola Pass Road at a meeting of the Illawarra Parliamentary Task Force?
(2) When will the Government commence construction of the Caloola Pass Road?

Answer -

(1) Yes.
(2) Unless special Federal funding were to be made available, the relative priority of the Caloola Pass Road proposal will have to be assessed in relation to the many other important projects that need to be undertaken on the State's road network.

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SPEED CAMERA LOCATIONS

Mr Face asked the Minister for Police and Minister for Emergency Services -

In regard to speed camera locations -
(1) What was the amount of days that the cameras were in operation at each of these five locations:
(a) Main Road 217, Toronto, between Bath Street and Fennell Bay Bridge?
(b) Lambton Road, Broadmeadow, between Brown and Turton Roads?
(c) Maitland Road, Mayfield, between Stelwyn and Carandotta Streets?
(d) Main Road 217 (T.C. Frith Avenue), Boolaroo, between Warners Bay Road and Main Road?
(e) Hannell Street, Maryville, between Dangar and Annie Streets?
(2) What was the period of time at each location on those days?
(3) What amount of infringements were committed on each day?
(4) What was the criteria for the use of the cameras at each of the five locations?
(5) Has the desired result of any criteria been achieved with the cameras' location at these five areas?

Answer -

(1) (a) 42 days for the period 1 January 1993 to 8 December 1993.
(b) 70 days for the period 1 January 1993 to 8 December 1993.
(c) 35 days for the period 1 January 1993 to 8 December 1993.
(d) 34 days for the period 1 January 1993 to 8 December 1993.
(e) 19 days for the period 1 January 1993 to 8 December 1993.
(2) and (3) The Hunter District Traffic Co-ordinator contacted Mr J. R. Face, M.P., personally and advised him of the unavailability of this information. Mr Face, M.P., indicated his satisfaction with that advice.
(4) These five locations each met the site selection criteria for speed cameras. Each area has been designated a "black spot" location and satisfies the crash risk factor and one of two severity index factors.
(5) Yes. It has been observed that driver behaviour has improved through these signposted areas. On consultation with patrols and through information received from the public, this has been established. Before

and after crash studies at this stage have not been completed.

SENIOR SERGEANT COLQUHOUN

Mr Face asked the Minister for Police and Minister for Emergency Services -

(1) Why did the then Superintendent Perce Carter disregard the several verbal expressions of concern about the suitability of Sergeant Thomas Colquhoun when it was drawn to his attention by the elected Chairman of the Board of Directors of the Federation of NSW Police and Citizens Youth Clubs in the period leading up to the selection for a position of Senior Sergeant of Police?
(2) Why did he disregard these expressions of concern?
(3) If he believed there was ill-will on the part of Sergeant Colquhoun, why did he not make further inquiries to establish Senior Sergeant Colquhoun's credentials and effectiveness for such position?
(4) Why did the then Superintendent Perce Carter ignore verbal concerns after a variety of the activities were not true and fail to check that the assertions were correct?
(5) What specific programmes did Senior Sergeant Colquhoun implement and play a role in prior to his application?
(6) Who validated such programmes and if they were validated, what was their position?

Answer -

(1) I am advised that in the period prior to the selection for a position of Senior Sergeant of Police, Mr J. R. Face, M.P., the then Chairman of the Board of Directors of the Federation of NSW Police Citizens Youth Clubs alleged to the then Superintendent P. E. Carter that Sergeant Thomas Colquhoun was addicted to cough mixture. A check of the Sergeant's Service Register revealed no record of sick leave or counselling related to cough mixture addiction and in his dealings with the Sergeant, Superintendent Carter had observed no indication of addiction.
The question of medical fitness for promotion is determined by legally qualified medical practitioners attached to the Police Medical Branch. Sergeant Colquhoun was pronounced medically fit for promotion.
In the period leading up to the selection process, Mr J. R. Face, M.P., the Board Chairman, allegedly made derogatory remarks concerning the suitability of Sergeant Colquhoun. The remarks were of a personal nature calculated, in the opinion of Superintendent Carter, to influence the outcome of the selection process.
The question of the suitability of Sergeant Colquhoun was one for consideration by a properly constituted selection panel.
(2) See response to (1).
(3) I am advised that in Superintendent Carter's opinion, Sergeant Colquhoun's personal opinion of the Board Chairman would not prevent him from carrying out the requirements of his Statement of Duties and Accountabilities.
The then Board Chairman's antipathy towards Sergeant Colquhoun was a matter beyond the control of Superintendent Carter.
(4) Chief Superintendent Carter is not aware of verbal concerns relating to activities of Sergeant Colquhoun or assertions. In late October 1990, an anonymous complaint including references to Senior Sergeant Colquhoun's 1989 application for the position of Zone Co-ordinator, was received and

investigated in accordance with the provisions of the Police Regulation (Allegations of Misconduct) Act.
(5) No record can be located at the Federation Head Office or at the Newcastle Police Citizens Youth Club of specific programs implemented by Senior Sergeant Colquhoun or in which he played a role prior to his application.
(6) Not applicable.

SENIOR SERGEANT COLQUHOUN

Mr Face asked the Minister for Police and Minister for Emergency Services -

(1) Who were the referees for the promotion of Senior Sergeant Colquhoun?
(2) If they were police, where were they stationed and what was their association with Senior Sergeant Colquhoun?
(3) If they were civilians, what were their occupations and their connection with Senior Sergeant Colquhoun?
(4) What questions, written or verbal, were posed to the referees as to claims made by Senior Sergeant Colquhoun?
(5) What achievements specifically advanced his application to approval?
(6) (a) Who sat on the panel that chose Senior Sergeant Colquhoun?
(b) If they were police, what were their ranks and locations of duty and why were they chosen?
(7) Other than police, what was the criterion for choosing them and was their choice influenced by their occupation or position?

Answer -

(1) and (2)

* Superintendent P. E. Carter - Head Office, Federation of NSW Police Citizens Youth Clubs - Commander.
* Inspector F. A. Weiss - Head Office, Federation of NSW Police Citizens Youth Clubs - immediate supervisor.
* Chief Inspector I. Cleary - Newcastle Police Station - Branch President, Newcastle Police Citizens Youth Club.

(3) Not applicable.
(4) There were no written questions directed to the referees. Referees were requested verbally to comment on the suitability of the applicant for the position applied for.
(5) The selection committee was of the unanimous opinion that Sergeant T. F. Colquhoun had the greatest merit for the advertised position compared with the other applicants.
The decision of the committee was based on the interview performance of Sergeant Colquhoun and the opinion of the members was that he clearly possessed the essential qualifications to a greater degree than the other applicants, particularly in relation to:

* Appropriate policing experience and the ability to supervise the Zone consistent with the Statement of Values.
* High degree of self-motivation and the ability to encourage the development of positive attitudes in Zone personnel towards Federation objectives.
* Ability to positively promote Federation policies, programs and services.
* High degree of personal and professional integrity and the ability to implement anticorruption strategies.
* Willingness and capacity to implement EEO policy.

The committee was impressed with the quality of the application and outstanding presentation of Sergeant Colquhoun at interview. He possessed the essential qualifications to a very high standard, demonstrated by his ability to positively promote Federation policies, programs and services, ability to implement anticorruption strategies and level of self-confidence.
(6) (a) Superintendent P. E. Carter, Inspector D. A. Sykes and Mr A. Price.
(b) * Superintendent P. E. Carter - Head Office, Federation of NSW Police Citizens Youth Clubs. Chosen as Convenor as he had line management of the Federation of NSW Police Citizens Youth Clubs.

* Inspector D. A. Sykes - Commander, Traffic Enforcement, Penrith District. Selected by ballot by the Promotions Unit from a number of police officers who were not from the Federation of NSW Police Citizens Youth Clubs.

(7) Mr A. Price - Senior Industrial Officer, Department of Industrial Relations and Employment. Chosen by the Promotions Unit on the basis of his personnel/human resources experience and knowledge of selection procedures. The choice was not influenced by occupation or position.

AUBURN ELECTORATE POLICE RESOURCES

Mr Nagle asked the Minister for Police and Minister for Emergency Services -

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

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Answer -

(1) to (5) The information requested would take considerable resources to obtain. I suggest the honourable member look at the annual reports of the agencies within the portfolio for the years in question.

RESCUE SERVICES

Mr Sullivan asked the Minister for Police and Minister for Emergency Services -

(1) What areas of New South Wales do not have the primary rescue role fulfilled by the Fire Brigade Service?
(2) Why is this so in each such area?

Answer -

(1) NSW Police Service
    Bathurst
    Cooma
    Goulburn
    Katoomba
    Lismore
    Newcastle
    Springwood
    Wollongong
    Zetland
    NSW Ambulance Service
    Bankstown
    Camden
    Caringbah
    Cowra
    Gosford
    Newcastle
    Nowra
    Parramatta
    Rutherford (Maitland)
    Singleton
    St Ives
    Tamworth
    Wagga Wagga
    Wollongong

NSW State Emergency Service
Ashford
Ballina
Baradine
Bingara
Blayney
Boggabilla
Boggabri
Braidwood (Tallaganda)
Brewarrina
Broken Hill
Canowindra
Coffs Harbour
Collarenebri
Condobolin
Coonamble
Cooranbong
Culcairn (Shire)
Deepwater
Dorrigo
Dunedoo
Dungog
Eden
Forbes
Gilgandra
Glengarry
Gloucester
Goolgowi
Grafton
Grenfell (Weddin)
Griffith
Gundagai
Gunnedah
Harden
Hawkesbury (Windsor)
Hay
Hillston
Holbrook
Jindabyne
Kempsey
Kiama
Kyogle
Lake Cargelligo
Lightning Ridge
Maclean
Moree
Moruya (Eurobodalla)
Moulamein (Wakool)
Muswellbrook
Nabiac
Nundle
Oaklands
Oberon
Orange

Parkes
Peak Hill
Picton (Wollondilly)
Port Macquarie (Hastings)
Raymond Terrace (Port Stephens)
Scone
Sofala (Turon)
Tabulam
Tambar Springs
Temora
Tenterfield
The Rock
Trundle
Tumbarumba
Urana
Urbenville
Walcha
Walgett
Warialda (Yallaroi)
Wee Waa
Wellington
West Wyalong (Bland Shire)
White Cliffs
Wilcannia
Woodburn
Yetman

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Volunteer Rescue Association of NSW
Albury
Armidale
Balranald
Barraba
Batemans Bay
Batlow
Bega
Berrima District
Binalong
Bourke
Brunswick Heads
Bulahdelah
Burren Junction
Casino
Cessnock
Cobar
Coleambally
Coolah
Coonabarabran
Corowa/Rutherglen
Deniliquin
Denman
Dubbo
Glen Innes
Gulgong

Guyra
Inverell
Junee
Kings Cliff (Tweed District)
Leeton
Lithgow
Macksville
Manilla
Merriwa
Moama
Mudgee
Murrurundi
Narooma
Narrabri
Narrandera
Narromine
Nyngan
Penrith
Quirindi
Rylstone
Taree (Manning)
Tocumwal
Tumut
Urunga (Bellingen Valley)
Wagga Wagga
Warren
Wyong (Central Coast)

(2) In accordance with the provisions of section 54 of the State Emergency and Rescue Management Act 1989, which requires the State Rescue and Emergency Services Board to make recommendations to the Minister on the accreditation of rescue units, the Board recommended to the then Minister responsible for the administration of the Act, the accreditation as primary rescue units of the rescue resources of those services in those areas as detailed above.

The then Minister approved of those accreditations in accordance with the requirements of the Act.

WOLLONGONG ELECTORATE EMERGENCY SERVICES

Mr Sullivan asked the Minister for Police and Minister for Emergency Services -

(1) Is the Wollongong Fire Brigade Salvage and Rescue Unit fully staffed on site at its location centre continuously (i.e., 24 hours per day, 7 days per week)?

(2) Is the Wollongong Police Primary Rescue Unit fully staffed on site at its location centre continuously?

(3) Is the Wollongong Ambulance Primary Rescue Unit fully staffed on site at its location centre continuously?

Answer -

(1) Yes, except at those times when the unit has responded to incidents/emergencies in accordance with its primary and secondary roles; e.g., fire and hazardous materials incidents/emergencies and rescue.

(2) No. Between 11 p.m. and 7 a.m. "on call" response arrangements are in place.

(3) No. Between 5 p.m. and 7 a.m. "on call" response arrangements are in place.

SENIOR SERGEANT COLQUHOUN

Mr Face asked the Minister for Police and Minister for Emergency Services -

(1) Was an internal inquiry by a Senior Sergeant Gary Lee carried out in the Hunter area about Senior Sergeant Thomas Colquhoun?
(2) When was such inquiry conducted and over what days and time?
(3) What was the purpose of such inquiries by Senior Sergeant Lee?
(4) What recommendations or conclusions did Senior Sergeant Lee's report come to?
(5) (a) Was any action recommended or taken in regard to his report?
(b) If not, why not?
(6) Who directed Senior Sergeant Lee to the Hunter region to inquire into the activities of Senior Sergeant Thomas Colquhoun?
(7) What police did Sergeant Lee talk to, and for what purpose, in regard to Senior Sergeant Colquhoun?
(8) What civilians or committee personnel of youth clubs in the Hunter area did Sergeant Lee talk to?

Answer -

(1) to (8) I understand that the investigator, Senior Sergeant Lee, has replied to the honourable member.

HURSTVILLE LAW AND ORDER

Mr Iemma asked the Minister for Police and Minister for Emergency Services -

(1) What has been the progress of Hurstville police enquiries into the theft of property from the residence of Mr D. J. Fraser of Moore Street, Hurstville?

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(2) Have police interviewed the owner of a white Cortina (MAN 342) in relation to the theft?
(3) If not, why not?
(4) If so, what has been the outcome of police inquiries?
(5) When was the owner interviewed?
(6) Have police interviewed the owner of a red Escort (RKD 103) in relation to the theft?
(7) If not, why not?
(8) If so, what has been the outcome of police inquiries?
(9) When was the owner interviewed?
(10) Have police interviewed the supervisor of the day release prisoners who carried out maintenance work at the residence at the time of the theft?
(11) If not, why not?
(12) If so, what was the outcome of police inquiries?
(13) Have the prisoners been interviewed?
(14) If not, why not?
(15) If so, what was the outcome of police inquiries?
(16) What relationship have police been able to establish between the owners of the vehicles and the prisoners?
(17) Did police advise Mr Fraser's brother-in-law, Mr W. McGrath, that they could not investigate due to staff shortages?
(18) Will he review staffing levels at the Hurstville Patrol?
(19) Why have police taken so long to enquire into this incident which was first reported on 4 August 1993?

Answer -

(1) Police inquiries have terminated with no charges being laid against any person. Weekend detainees from Long Bay Prison were assigned the task of cleaning the house where Mr Fraser lived in recluse with three dogs in vermin infested conditions, after Mr Fraser was removed from the house and admitted to hospital.
The lawnmower and washing machine were taken in separate incidents by weekend detainees on Sunday, 8 August 1993, after they were released from weekend detention.
Mr Fraser's brother-in-law, Mr McGrath, told the prisoners that "everything was to go" referring to property

from the house. No mention was made of retaining the washing machine or lawnmower. Because of this inference, the property was taken from the premises.
(2) The owner of vehicle MAN-342 has been interviewed, along with a weekend detainee, Mr C. Crago, who was also in the vehicle.
(3) Not applicable.
(4) A 4-drawer chest was produced by Mr Crago which he removed from the house. He denied taking the washing machine.
(5) 24 August 1993.
(6) Yes.
(7) Not applicable.
(8) The owner of vehicle RKD-103 was not involved. He followed another vehicle to the address. The other vehicle contained a weekend detainee, Mr S. Riley, who removed the lawnmower. He returned the lawnmower at police request stating that he took the mower after he heard Mr McGrath give them permission to take what they wanted.
(9) 12 August 1993.
(10) Yes.
(11) Not applicable.
(12) The property was taken after the weekend detainees were released from their weekend imprisonment. The supervisor was not present when the property was removed.
He confirmed, however, that Mr McGrath, in broad terms, told the detainees that they could have what they wanted.
(13) The prisoners involved in taking the property have been interviewed.
(14) Not applicable.
(15) The prisoners informed police that in view of Mr McGrath's comment, they were under the impression that they could take property from the house. The lawnmower was returned.
(16) Vehicle MAN-342 was driven and is owned by a girlfriend of the detainee, Mr Crago. Vehicle RKD-103 is owned and was driven by a friend of detainee, Mr Riley.
(17) Police were informed of the incidents on Sunday afternoon, 8 August 1993. A constable spoke to Mr McGrath and informed him that there was only one police vehicle working that afternoon in the Hurstville Patrol and because of this, police were unable to personally attend the addresses of the registered owner of the vehicles seen at the address in Moore Street.
Telephone messages were sent to the police stations nearest these addresses, which were in the inner city and western suburbs of Sydney.
(18) Not applicable.
(19) The incident was initially investigated by uniform police and the people involved interviewed. Mr McGrath was informed that no police action was proposed owing to the missing element to prove the offence of larceny - "the taking was done without the consent of the owner".
Mr McGrath complained to a number of agencies and the matter was reinvestigated, with the initial response being confirmed. Mr McGrath has been spoken to and is satisfied with the reinvestigation and the outcome of the incident.

OFFENCES AGAINST ASIANS

Mr Newman asked the Minister for Police and Minister for Emergency Services -

(1) How many home invasion type robberies have been recorded in New South Wales in:
    (a) 1991?
    (b) 1992?
    (c) 1993?
(2) What has been the success rate for charges and convictions of the persons responsible?
(3) How many have been subject to the Immigration Act, section 55 deportation provisions?

Answer -

(1) and (2) "Home Invasions" is a modern term to describe the commission of offences in the homes of Asian victims usually by armed and masked offenders.
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There is no specific crime classification in regard to such incidents and statistics are unavailable relating to the number of arrests, charges and convictions under the Crime Information Intelligence System (CIIS).
The incidents may involve the offence of "armed robbery", "assault and rob" or "demand money with menace", which all have separate crime classifications.
(3) Not known.

POLICE ALCOHOL CONSUMPTION

Mr Scully asked the Minister for Police and Minister for Emergency Services -

(1) Are police officers permitted to drink alcohol whilst on duty?
(2) If so, in full, what are the guidelines which set out the circumstances and regulate the manner in which alcohol may be consumed on duty?
(3) What is the policy of drinking whilst on duty for each of the Cabramatta, Fairfield and Wetherill Park stations?
(4) If drinking on duty is not allowed, what disciplinary procedures are implemented against officers found to have been drinking on duty?

Answer -

(1) and (2) There are general instructions concerning the consumption of alcohol by police on duty. These are:
* Commissioner's Instructions 4.17 and 4.18 govern the taking of alcohol on to police premises and the conditions of consumption whilst on those premises.
* Regulation 9 (4) of the Police Service Act provides for the punishment of police who are under the influence of alcohol whilst on duty or whilst in uniform.

(3) See response to (1) and (2).
(4) Where the circumstances and/or the extent of consumption of liquor amounts to an offence, formal disciplinary procedures may be applied under the provisions of the Regulation of the Police Service Act. The level of penalty is determined on the severity of the offence.

REWARDS FOR LOCATION OF OFFENDERS

Mr Anderson asked the Minister for Police and Minister for Emergency Services -

(1) How many rewards are currently on offer in New South Wales for information leading to the arrest of persons responsible for crimes?
(2) With respect to each reward, what is:
(a) The date the reward was originally offered?
(b) The amount of the reward?
(c) The nature of the crime and name of any victim or victims?
(d) The date of the commission of the alleged crime?
(3) How many unsolved murders, or disappearances where the victim is believed to have been murdered, occurring in the last 10 years have not had a reward offered?
(4) With respect to each matter referred to in (3) above, what is:
(a) The date of the crime or apparent disappearance?
(b) The name of the victim?
(c) The reason for not offering a reward?
(5) (a) Is there a committee within the Minister's Administration which recommends rewards be offered?
(b) If so, who are the people on the committee, when were they appointed and by whom?
(c) What is the rank or title of each such person?

Answer -

(1) to (5) To provide answers to this question would require considerable dedication of staff time which is not warranted within the priorities of the Police Service.

LIVERPOOL POLICE-CITIZENS YOUTH CLUB

Mr Anderson asked the Minister for Police and Minister for Emergency Services -

(1) Does the Liverpool Police and Citizens Youth Club currently have funds in excess of $450,000 on hand?
(2) In what manner has that amount been amassed, from what sources and when?
(3) What are the full details of each fund-raising activity undertaken since 1988?
(4) (a) Is the Police and Citizens Youth Club Federation demanding that it have freehold title to any site to be used for the construction of a Liverpool Police and Citizens Youth Club?
(b) If so, why?
(5) How many existing Police and Citizens Youth Clubs are currently:
(a) On land where the Federation has freehold title?
(b) On land secured in some other manner?

Answer -

(1) The Steering Committee of the proposed Liverpool Police Citizens Youth Club currently has $362,000 invested in a term deposit account and $2,320 in a working account. An additional $100,000 has been allocated by the Federation towards the proposed Liverpool Police Citizens Youth Club.
(2) 1987 Donations from Liverpool Council, Westfield and raffles.
1988 Donation from Liverpool Council, raffles, other donations and interest on term deposit.
1989 Other donations and interest on term deposit.

1990 Liverpool Council fund raising, other donations and interest on term deposit.
1991 Liverpool Council fund raising, donations from Westfield and Liverpool City Festival and interest on term deposit.
1992 Other donations and interest on term deposit.
1993 Other donations and interest on term deposit.

(3) Under the auspices of the local steering committee of the proposed Liverpool Police Citizens Youth Club, fund raising has been conducted by soliciting donations, conducting raffles and participation in fund raising activities organised by local community interests.
Assistance has also been provided by the Federation Head Office on a needs basis.
In accordance with Federation policy, fund raising for the establishment of Police Citizens Youth Clubs is the responsibility of the local community and not the Federation of NSW Police Citizens Youth Clubs.
(4) (a) Yes.
(b) Where it is necessary to construct new buildings, in view of the capital investment required and the necessity to recover investment in the event of relocating the facility, the present policy of the Federation of NSW Police Citizens Youth Clubs is to construct on freehold land.
(5) (a) 31.
(b) 10 on leasehold land whilst 13 are situated on land held under trusts of Crown grants.

HAMILTON POLICE PROMOTIONS

Mr Face asked the Minister for Police and Minister for Emergency Services -

(1) Is he aware of false information, similar to the circumstances of Senior Sergeant Colquhoun, contained in an application for promotion to Senior Sergeant in the Hamilton Police Patrol?
(2) What was the nature of the false information?

(3) Was an appeal heard by GREAT at Kurri Kurri?
(4) Was it only then that some of the appellants proved that the application in part was false?
(5) Why was the application not screened within the standard procedure and safeguards in place since 1 July 1992?
(6) Will he hold an investigation into why it was not carried out and only became apparent when the appeal took place?
(7) (a) How was the information in answer to question upon notice No. 1684 compiled?
(b) Who compiled the information?
(8) If an inquiry proves that the proper procedures were not set out, will he ask the Commissioner of Police to set up a mechanism so that there will be no more recurrences of inaccurate and loaded job applications?

Answer -

(1) No. It has been established that no false information was contained in the application to which the honourable member refers.
(2) Not applicable.
(3) Yes.
(4) There is no evidence to suggest that any information was false.
(5) Established procedures were followed.
(6) Not applicable.
(7) (a) From information supplied by officers of the Promotions Unit within the Human Resources Command and officers of the Federation of Police Citizens Youth Clubs within the State Command.
(b) Officers of the Ministry for Police and Emergency Services.
(8) I am satisfied that proper procedures were followed and that mechanisms currently in place are adequate.

HUNTER DISTRICT POLICE STAFFING

Mr Gaudry asked the Minister for Police and Minister for Emergency Services -

What was the natural attrition rate for the Hunter District in 1991 as compared to the attrition rate for 1993 as a percentage?

Answer -

The District Commander, Hunter, has assumed the phrase "natural attrition" refers to resignations and transfers out of the District by way of application.
There are no records available for 1991. However, figures for 1992 and 1993 are set out hereunder for comparison purposes:

1992 23 (includes 10 resignations).
1993 36 (includes 17 resignations).

The figures indicate a 36 per cent increase in 1993 compared to 1992.

POLICE TRANSFERS

Mr Gaudry asked the Minister for Police and Minister for Emergency Services -

Of the police officers seeking transfer back to Newcastle, how many are current Sydney-based officers who were eligible, under the current "Transfer and Tenure" policy, for transfer to the Hunter District at the time they lodged their expressions of interest?

Answer -

I am advised that of the 136 officers who submitted applications for transfer to the Hunter District, 94 were current Sydney-based officers who were eligible, under the existing "Transfer and Tenure" policy, for transfer to

the Hunter District.

POLICE TRANSFERS

Mr Gaudry asked the Minister for Police and Minister for Emergency Services -

With regard to the criteria for police transfers -
(1) What changes needed to be made?
(2) What was the previous criteria for transfer from Sydney to the Hunter District?

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(3) What is the current criteria for transfer from Sydney to the Hunter District?
(4) Who was responsible for selecting officers for transfer to vacancies as they were created in the Hunter District?

Answer -

(1) The problem that existed in the areas which have become subject to the operation of the Rational Transfer initiative was that there were far more officers wishing to transfer to those locations than there were vacancies occurring there to accommodate them.
There was an obvious need to somehow share the burden of commuting being endured by officers from those areas working in Sydney. For those originally from either the Hunter, Illawarra or the Central Coast Districts now living and working in Sydney, there were higher accommodation costs to be borne.
(2) Basically the previous criteria used to determined a person's eligibility to fill a vacant position that might have occurred within the areas now subject to the Rotational Transfer policy were:
- (a) the satisfaction of the tenure requirement, normally of having worked at least 3 years in one's current location except in some specialised types of duty; or
- (b) the existence of special compassionate circumstances relating to the applicant.

(3) The Rotational Transfer scheme was initiated in May 1993 by the calling of expressions of interest from officers who had completed 3 years tenure at their then current location who fell into the following three broad categories:
- (a) Constables resident in the Illawarra, Central Coast or Hunter Districts who were travelling to and from work in Sydney.
- (b) Constables residing in and previously attached to locations within Hunter, Illawarra and Central Coast Districts prior to their transfer to the metropolitan area.
- (c) Constables who for a variety of other reasons were seeking to be relocated to the Hunter, Illawarra or Central Coast Districts.

In 1994/1995, these categories will, however, have been further refined to encompass members of the Police Service of the rank of constable who have completed 3 years tenure at their current location, and:
- (a) currently reside in the Illawarra, Hunter or Central Coast Districts and have been travelling for at least 3 years to and from duty to metropolitan patrols or branches; or
- (b) constables who currently reside in Hunter District and have been travelling for at least 3 years to and from duty to the Central Coast District.

(4) The Executive Director, Human Resources, in conjunction with Region/District Commanders.

NOWRA POLICE RESOURCES

Mr Hatton asked the Minister for Police and Minister for Emergency Services -

(1) Is the Police Service in the process of allocating a fingerprint specialist to the Nowra Patrol?
(2) If so, when will this officer commence duties at Nowra Patrol?
(3) If the officer is not to commence duties, why not?
(4) Why does each region have different methods of recording work statistics?
(5) In what way does each region (South Region as opposed to Goulburn) vary in respect to the methods of

recording work statistics?
(6) Why is it desirable for the various regions to have different methods of recording statistical data?
(7) Are there, including fingerprint police, two physical evidence police attached to Nowra, five attached to Goulburn and six attached to Queanbeyan?
(8) In view of the overall workload statistics for the three areas, is there a case for additional physical evidence police, as well as a fingerprint specialist, for Nowra?

Answer -

(1) No.
(2) Not applicable.
(3) I am advised that the present workload does not justify the allocation of a fingerprint specialist at this time.
(4) Since December 1991, each Physical Evidence Crime Scene Unit throughout the State commenced using an identical stand-alone computerised case management system to uniformly record relevant job information and work statistics.
The system is supported by written operating procedures to ensure capture uniformity, together with regular reviews of collected data to identify any anomalies.
(5) There is no difference in methods used to record work statistics from Physical Evidence Crime Scene Units located at 27 locations across the State.
(6) Not applicable. One of the major objectives of introducing the computerised case management package for Physical Evidence Crime Scene Units across the State was to achieve uniformity of statistical data.
(7) Nowra
Physical evidence - 2 members.
Fingerprints - Nil.
Fingerprint scenes attended by fingerprint personnel from Wollongong (4 members including Zone Supervisor).
Goulburn
Physical Evidence - 3 members.
Fingerprints - 2 members.
Queanbeyan
Physical Evidence - 4 members.
Fingerprints - 2 members.
** Staffing levels as at 3 February 1994.
(8) See response to (3).

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NEWCASTLE POLICE STAFFING

Mr Mills asked the Minister for Police and Minister for Emergency Services -

(1) What staff turnover would he expect under normal circumstances in the Hunter Police District?
(2) What staff turnover has occurred over the past 2 years in the Hunter Police District?
(3) What staff turnover has occurred over the past 2 years in the NSW Police Service statewide?
(4) What staff turnover would he see as advantageous to policing in the Hunter District?
(5) When was the decision made to exclude the Upper Hunter District from the rotational transfer scheme?

Answer -

(1) Under normal circumstances, approximately 20 officers per annum would be replaced within the Hunter Police District through natural attrition.
(2) 1992 - 9 officers transferred out and 18 officers transferred in.
1993 - 24 officers transferred out and 29 officers transferred in.
(3) Approximately 8,000 staff turnovers have occurred over the past 2 years as at 25 February 1994.

(4) Policing within the Hunter District has not in the past been disadvantaged by addressing the natural attrition rate of approximately 20 police (5 per cent of authorised strength) per annum.
It is the opinion of the North Region Acting Staff Officer, Personnel, that there is no advantage to be gained by increasing that number to ensure a greater turnover of police within the Hunter District.
(5) The Upper Hunter District was never intended to be included in the rotational transfer scheme because of its distance from the metropolitan area.

POLICE TRANSFERS

Mr Neilly asked the Minister for Police and Minister for Emergency Services -

(1) Has Mr David Gill, Manager Human Resources in the Police Service, indicated that he is seeking alternative employment?
(2) If he has so indicated, has he yet submitted a timeframe for leaving the Police Service in his present position?
(3) Is it seen to be in the best interests of serving police and their families who are affected by the rotational transfer scheme to have a Human Resources Manager making long-term decisions who may not be with the Police Service to preside over its implementation?
(4) If a replacement occurs in Mr Gill's current position, will consideration be given to the reasonable alternatives about rotational transfer to the Gill Plan?

Answer -

(1) Mr Gill, the former Executive Director, Human Resources with the NSW Police Service, has been appointed to the position of Director, Human Resources with the Queensland Police Service.
(2) He resigned with his last day of service being 7 February 1994.
(3) The Rotational Transfer Policy is a policy of the NSW Police Service and as such was approved by the Commissioner and the State Executive Group. Its ongoing implementation, like any other policy which is approved for introduction, is being competently implemented by the Human Resource Command in conjunction with the relevant officers within the regions.
(4) I would assume that when the Police Board has completed its selection process and appointed a replacement for Mr Gill, that individual will have the capacity to examine any existing Human Resource Policy and to recommend amendments or refinements if thought necessary. Such amendment or refinement would of course require approval by the Commissioner and the State Executive Group prior to any implementation.

POLICE TRANSFERS

Mr Price asked the Minister for Police and Minister for Emergency Services -

(1) How many alternative plans did the Executive Director of Human Resources draw up or have drawn up when studying the proposed rotational transfer of Newcastle Police?
(2) Are these other alternatives available for discussion by the Police Association as a possible compromise?
(3) If no other alternatives were drawn up, why not?

Answer -

(1) and (2) The development of the rotational transfer scheme did not involve a process of elimination in which numerous "alternative plans" were considered and then abandoned until an acceptable one was chosen.
A policy was developed over time after considerable consultation with the Police Association and, when presented to the State Executive Group of the Police Service, was accepted in that form.
(3) See response to (1) and (2).

GOVERNMENT EMPLOYEE TRAVEL ENTITLEMENTS

Mr Rogan asked the Premier and Minister for Economic Development -

(1) What State Government employees are entitled to first class air travel including employees of Government Trading Enterprises?
(2) (a) Do the same conditions for air travel apply to employees referred to, apply as for Members of Parliament?
(b) If not, why not?

Answer -

(1) The arrangements for air travel by Government employees provide that for all intrastate, A.C.T., Victorian, South Australian and Queensland destinations south of and including Brisbane, travel
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shall be economy class. For other domestic travel, business class may be used by Chief Executives, Senior Executive Service members and persons with salaries above $65,759 per annum. Part-time chairpersons of statutory bodies may also use business class in those situations.
In the event that a State Government employee is accompanying a Minister who is travelling first class, the employee may, if so directed by the Minister, travel first class on the sectors on which they travel together.
(2) (a) Yes, with the exception that members are entitled to travel to South Australia by business class.
(b) Not applicable.

Mr JOHN BRYSON CRIMINAL ALLEGATIONS

Mr Whelan asked the Minister for Police and Minister for Emergency Services -

(1) Are Chatswood police in possession of a statutory declaration from a school counsellor from Monte St Angelo Mercy College, North Sydney?
(2) Does the statement reveal that barrister John Henry Bryson had sexual "relationships" with girls at the school?
(3) Were these girls under 16 years of age?
(4) Does the statement reveal that the school was contacted by the Department of Community Services about Mr Bryson's sexual activities with a girl from the school?
(5) Was Mr Bryson a guest lecturer at the school?
(6) Was Mr Bryson employed in a similar capacity at Mosman High School and Loreto?
(7) Does the statement reveal that Mr Bryson has taken one of the girls to Queensland to live with him?
(8) Was the girl forced to accompany him?
(9) Has he tried to obtain the school records of this girl?
(10) Has the school refused to supply the records?
(11) Does the school counsellor state that the girl should return to school to complete her HSC?
(12) Do Chatswood Police have a statutory declaration from a medical practitioner of Neutral Bay who examined a 15-year-old schoolgirl in October 1992?
(13) Does the statement reveal that the girl had lost her virginity to John Henry Bryson, a barrister who was a guest lecturer at the girl's school?
(14) Does the statement reveal that the girl was suffering from cystitis and moniliasis?
(15) Does the statement reveal that the girl attended counselling sessions at Camperdown Children's Hospital?
(16) What action do police intend to take as a result of this doctor's statement?
(17) When did police first become aware that former Sydney barrister John Henry Bryson had sexually assaulted girls under the age of consent?
(18) What action did police take?
(19) How many girls were assaulted by Mr Bryson?
(20) Why wasn't Mr Bryson charged?
(21) Does Mr Bryson now live in Queensland?
(22) If not, where is Mr Bryson?
(23) Will charges be laid against Mr Bryson?

(24) Did Mr Bryson coerce a young female to go with him to Queensland?
(25) Does the young schoolgirl still reside with Mr Bryson?
(26) Do police intend to interview Mr Bryson?
(27) Will Mr Bryson be expedited to New South Wales?
(28) If not, why not?

Answer -

(1) to (28) This matter is currently before the Court and it would naturally be inappropriate for me to make any comment.

OMBUDSMAN REPORT ON THE POLICE SERVICE ACT

Mr Anderson asked the Minister for Police and Minister for Emergency Services -

What action is proposed in response to the Special Report to Parliament issued by the Ombudsman on 13 December 1993 entitled "Urgent Amendment to the Police Service Act"?

Answer -

A bill amending Part 8A of the Police Service Act will be introduced in the 1994 Autumn Session of Parliament.

SINGLETON REGION POLICE STAFFING

Mr Neilly asked the Minister for Police and Minister for Emergency Services -

(1) When did the Police Service last evaluate the workload and staffing levels at Singleton Police Patrol?
(2) What was the outcome of the evaluation?
(3) How does the results from the evaluation compare with other patrols in the Hunter and Upper Hunter Police Districts?
(4) Was any action taken to address imbalances divulged by the evaluation?
(5) If not, is any action intended to be taken?

Answer -

(1) The last evaluation of workload and staffing levels at Singleton took place at the end of 1990 through to the beginning of 1991.
(2) Singleton did not warrant being established as a 24-hour station.

(3) Authorised and Required Strengths, 1990 Workload Analysis.

	Authorised S/Sgt	Sgt	RequiredDeficit/Surplus ConS/SgtSgtConS/SgtSgtCon
Maitland Patrol Total	1	7	411946+2+5
Raymond Terrace Patrol Total	2	4	202425+5
Cessnock Patrol Total	1	6	271735+1+8
Muswellbrook Patrol Total	1	5	251719+2-6
Scone Patrol Total	1	2	10129-1
Singleton Patrol	1	2	91212+3
Branxton Sector			22
Bulga Sector			11
Jerrys Plains Sector			11

(4) No.
(5) Not at this time.

JULIAN STREET RESERVE
ILLEGAL ALTERATIONS

Ms Allan asked the Minister for Land and Water Conservation representing the Minister for Planning and Minister for Housing -

(1) Is he aware of the illegal construction of a concrete path and dumping of rubbish on the Water Board Reserve in Julian Street, Mosman?
(2) Is he further aware that the Water Board had investigated the illegalities and decided to take no further action?
(3) Can he confirm that the identity of the person responsible for construction of the illegal pathway is known to the Water Board?
(4) Is this private pathway used as a short cut to this person's boat which is moored just off the reserve?
(5) Will he take immediate action to have this illegal construction demolished?
(6) Will he also institute legal proceedings against this person for illegal work and trespass?
(7) If not, why not?

Answer -

I have been advised by the Minister for Planning and Minister for Housing that the answers to the honourable member's questions are:
(1) Yes.
(2) The Board has investigated the matter and is unable to identify the person or persons responsible for rubbish dumping and the construction of the concrete pathway.
(3) Not applicable.
(4) Not applicable.
(5) No. The pathway does not interfere with the board's services and the expense of demolition cannot be justified.
(6) Not applicable.
(7) Not applicable.

EXPOSURE TO ELECTROMAGNETIC FIELDS

Mr Rogan asked the Minister for Energy and Minister for Local Government and Co-operatives -

(1) Did a recent Victorian Government study of the effect of electromagnetic fields upon health endorse the prudent-avoidance approach to reducing human exposure to EMFs?
(2) Did this study also suggest that consumers be given information about ways of modifying exposure to these fields?
(3) What is the NSW Government's approach to human exposure to EMFs?

Answer -

(1) Yes.
(2) Yes.
(3) The electricity supply industry, as well as the Office of Energy, closely monitors overseas and local research and authoritative scientific reviews. Research in the area receives direct funding from Pacific Power (a major childhood cancer study) as well as through the Electricity Supply Association of Australia (a $1 million

EMF research project).
Pacific Power and distribution authorities have adopted as policy the concept of "prudent avoidance" outlined by Sir Harry Gibbs in his comprehensive 1991 report on the issue.

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Given the uncertainty regarding the risk, Sir Harry Gibbs considered "that it would not be prudent, but foolish, to make radical or expensive changes to existing lines until further scientific studies have resolved the doubts. On the other hand, when new lines are being constructed, it may be prudent to do whatever can be done without undue inconvenience and at modest expense to avert the possible risk . . ."
The possibility of undergrounding overhead lines has been perceived by some people as a panacea for the EMF issue. In some situations, such as in the area with many trees, when initial costs will be offset by reduced costs of tree trimming and repairs after storm damage, undergrounding may be the prudent course to follow. On this matter, Sir Harry Gibbs concluded that "having regard to the cost, it cannot be stated as a general rule that new lines should be placed underground for the purpose only of avoiding a possible risk to health".
A variety of information booklets are available from the industry and the Office of Energy which explain the EMF issue, give typical field levels for a variety of equipment and give advice on how individuals should respond. Information is given on what action can be taken to reduce exposure to EMFs around the home and in the workplace. Such action could include increasing people's distance from such appliances as ovens, heaters and TV sets, removing motor driven electric clocks from the bedside and using electric blankets to pre-heat the bed and use low heat settings for prolonged use. Field levels can be measured, upon request, to assist in understanding the issues.

LETONA CO-OPERATIVE

Mr Amery asked the Minister for Energy and Minister for Local Government and Co-operatives -

(1) Has the Registrar of Co-operative Societies been active in monitoring the operations of the Letona Co-operative in Leeton?
(2) When did the Registrar first learn of Letona's financial difficulties?
(3) What action did the Registrar take when this information was first obtained?

Answer -

(1) Within the framework of the applicable legislation, the Registrar of Co-operatives has been monitoring the operations of the Letona Co-operative in Leeton.
It is necessary to provide some background information on the role of the Registry of Co-operatives.
The Registry of Co-operatives is the regulatory authority for co-operatives in the same way as the Australian Securities Commission (ASC) is the regulatory authority for companies. As the ASC does not share in the success or failure of companies, neither does the Registry of Co-operatives share in the success or failure of co-operatives.
The business and operations of a co-operative are managed and controlled by the Board of Directors of that co-operative. This is provided for in section 204 of the Co-operatives Act 1992, it was also provided for in section 84 of the 1923 Co-operation Act. It is for the board to make the commercial decisions that affect the co-operative's business activities. These decisions are not the province of the Registry of Co-operatives.
Co-operatives prepare annual reports in the same way as companies do. These provide the members with financial and other information concerning the co-operative's activities. If the members are not happy with the performance of the co-operative and its directors, they may dismiss those directors.
In the ordinary course of commerce many companies fail or go out of business. This is often in response to a changing economic and trading environment. Co-operatives are in no different position to companies, and can fail or go out of business in the same way. Ordinarily, the Registrar does not intervene in these matters and would normally only do so in exceptional circumstances and then only with the framework of the legislation.
Letona has had a history of financial problems. In 1983 an administrator was appointed by the Registrar of Co-operative Societies. The administrator, amongst other things, entered into a scheme of arrangement with creditors and the rules were changed to allow for the election of three non-member growers. The administrator

was replaced by a board of directors in 1984. Part of the scheme of arrangement is still in place. Over the years there have been efforts by various parties to merge with or otherwise interact with Letona.
For the year ended 31 December 1991, Letona reported in its annual report to members a loss of $2.4 million. The Registrar wrote to the co-operative querying the loss and received an explanation that amongst other things it was largely due to increased costs and declining sales. Nevertheless it was decided to carry out an inspection of the co-operative and this was done in December 1992.
During this period the co-operative had decided to change its financial year end from 31 December to 30 June. In effect this meant that the next report to members would be for the 18-month period ending 30 June 1993.
The Inspector's draft report was forwarded to Letona and in March 1993 the Registrar requested a meeting with the Chairman and Managing Director of Letona.
In May 1993 senior officers of the Registry met with the Chairman and Managing Director of Letona and discussed the issues arising from the Inspector's draft report.
At this meeting Registry officers were advised that notwithstanding continuing losses, Letona was working closely with its bankers and looking for outside finance to address the problems arising from continued lack of profitability. In view of this it was not appropriate for the Registrar to intervene. A further request was made for a formal reply to the inspection report in addition to a request for unaudited quarterly figures.
Subsequent to that the Managing Director was in intermittent contact with the Registry officers.

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In July 1993, Letona requested the State Bank to appoint a receiver and manager over its affairs. Mr James Millar of Ernst and Young was appointed as receiver/manager effective 27 August 1993. The necessity for such action was occasioned by the State Bank formally notifying Letona that it could no longer support its operations.
Subsequent to that Registry officers have spoken with the receiver on several occasions in relation to the progress of his administration. A Statement of Affairs Report made by the directors together with the receiver/manager's comments thereon was received by the Registrar on 18 February 1994 and this is now being examined.
It is not appropriate for the Registrar to take any action while the appointment of a receiver/manager is on foot and that person is actively pursuing his duties. It should be noted that the appointment of an administrator would be ineffective as against the control the receiver/manager has over the assets the subject of his appointment.
(2) See answer (1) above.
(3) See answer (1) above.

AUSTRALIAN ASSOCIATION OF CO-OPERATIVES

Mr Amery asked the Minister for Energy and Minister for Local Government and Co-operatives -

(1) What role did the Registrar of Co-operative Societies take in policing the operations of the Australian Association of Co-operatives (AAC) during the 3-year period leading up to its collapse?
(2) When the Registrar first learned that the AAC was in financial difficulties, was action taken to remedy the problems?
(3) Were member societies advised of the difficulties?
(4) If not, why not?

Answer -

(1) Within the framework of the applicable legislation, the Registrar of Co-operatives monitored the operations of the AAC on a regular basis prior to the Supreme Court order to wind up the AAC.
It is necessary to provide some background information on the role of the Registry of Co-operatives.
The Registry of Co-operatives is the regulatory authority for co-operatives in the same way as the Australian Securities Commission (ASC) is the regulatory authority for companies. As the ASC does not share in the success or failure of companies, neither does the Registry of Co-operatives share in the success or failure of co-operatives.
The business and operations of a co-operative are managed and controlled by the Board of Directors of that

co-operative. This is provided for in section 204 of the Co-operatives Act 1992, it was also provided for in section 84 of the 1923 Co-operation Act. It is for the board to make the commercial decisions that affect the co-operative's business activities. These decisions are not the province of the Registry of Co-operatives.
Co-operatives prepare annual reports in the same way as companies do. These provide the members with financial and other information concerning the co-operative's activities. If the members are not happy with the performance of the co-operative and its directors, they may dismiss those directors.
In the ordinary course of commerce many companies fail or go out of business. This is often in response to a changing economic and trading environment. Co-operatives are in no different position to companies, and can fail or go out of business in the same way. Ordinarily, the Registrar does not intervene in these matters and would normally only do so in exceptional circumstances and then only within the framework of the legislation.
In the 3-year period prior to the appointment of a provisional liquidator to the AAC on 4 March 1994, the Registrar played a monitoring role in relation to the affairs of the AAC. The events during that time did not justify the Registrar's formal intervention. This and other matters were covered in the Report of the Inquiry into the working and financial condition of the AAC, which was tabled in the House in March 1993 by the then Minister. I shall provide a brief summary of these events.
As detailed in that Report, inspectors attached to the Registry of Co-operatives inspected the AAC in November 1990. That inspection raised concerns about the capital adequacy of the AAC, but there was no action that the Registrar could take under the provisions of the 1923 Co-operation Act.
As an outcome of that inspection, Deloitte Ross Tohmatsu (Deloittes) was engaged to study the operations of the AAC. Deloittes' Report was presented in September 1991. Deloittes provided a number of recommendations concerning operational aspects of the AAC and its loan portfolio. It gave no indication that the AAC was insolvent and no recommendation was made to wind up the AAC. It considered that the future of the AAC depended on the ability of the Board of Directors to successfully monitor and manage its major problem, viz., the loan to the Singleton District Co-operative (SDC). It also recommended allowing SDC to trade out of its difficulties.
In February 1992, the AAC was placed under Formal Inquiry by the Deputy Registrar of Co-operatives and this oversight continued until its collapse in March 1993. The affairs of the AAC were closely monitored during this period. Deloittes produced a second report in November 1992 which included that SDC had a good chance of trading out of its difficulties. In view of this, the AAC had to be seen as being able to continue with its activities and it was not appropriate for the Registrar to intervene.
In carrying out its operations, the AAC was dependent on its arrangements with the National Australia Bank (NAB). Although Registry officers were advised on 26 February 1993 that the AAC's overdraft facilities had been cancelled, they were also advised that money previously on deposit was transferred to cover current account transactions. While ever satisfactory arrangements were in place, the Registrar had to regard the AAC as able to continue to manage its own affairs and was not in a position to intervene.

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On Monday, 1 March 1993, the officer conducting the Inquiry into the AAC received information that a cheque, drawn on the AAC account, had been returned. Further information was received on 2 March 1993 that indicated that the AAC was in financial difficulty. In the morning of the next day, 3 March 1993, a draft of the Inquiry Report was forwarded to the AAC for comment. I am advised that this was necessary to afford natural justice to the Board of the AAC. The Report was finalised the same day. It recommended that an administrator be appointed to the AAC and the formalities for such an appointment were arranged on the same day. However, other events intervened and the Registrar was put on notice that the AAC was approaching the court for a provisional liquidator. This effectively prevented the Registrar from proceeding with the appointment of an administrator.
On 4 March 1993, the Supreme Court appointed a provisional liquidator to the AAC. On 2 April 1993, the Supreme Court ordered that the AAC be wound up and a liquidator (as distinct from a provisional liquidator) was appointed.
(2) The Registrar first learned on 1 March 1993 that the AAC was in financial difficulties such that he would be in a position to take formal action, pursuant to the provisions of the Co-operation Act. Within 2 days, steps had been taken to appoint an administrator.
See answer to question (1) for more details of the events that transpired.
(3) Not by the Registry.

(4) It is not the role of the Registrar to advise members of a co-operative of that co-operative's financial position.

NATIONAL ELECTRICITY GRID

Mr Rogan asked the Minister for Energy and Minister for Local Government and Co-operatives -

(1) What is the current status of the paper trial for New South Wales and participation in the National Grid Electricity link-up?
(2) Does he still have reservations regarding New South Wales' participation in the National Grid trial?
(3) Is New South Wales still on target to be fully integrated into the National Grid by the agreed date by participating States and the Commonwealth?
(4) (a) Does he perceive any problems within the National Grid Management Council?
(b) If so, what are these problems?

Answer -

(1) The paper trial of the proposed National Electricity Market is currently in its fifth month of operation. The trial is providing participants with valuable experience in electricity trading. There have been a number of technical problems in setting up the arrangements which have prevented active participation by distributors and customers until January 1994. These problems were largely related to the computer software required for the complex trading system and have led to delays in other trial activities such as the implementation of the contract exchange and the entry of Queensland and Tasmania via simulated links.
Following widespread support for an extension of the trial among participants, the National Grid Management Council had decided that the trial should be continued for a further 2 months, terminating on 30 June 1994.
The paper trial forms part of the transition to a National Electricity Market, timed for commencement on 1 July 1995. New South Wales is committed to achieving this target date and is participating fully in work being undertaken by the National Grid Management Council to develop the National Market arrangements.
(2) My reservations about the paper trial related primarily to aspects of the trial arrangements as originally proposed. Following negotiations with various parties, including the previous Commonwealth Minister for Resources, Mr Michael Lee, and my Victorian counter-part, Mr Jim Ploughman, these reservations were addressed to my satisfaction and I agreed to New South Wales' participation in the trial. I remain concerned, however, that various participants and observers may view the trial as indicative of outcomes likely in the National Market and therefore may develop unrealistic expectations.
This concern has been reinforced by recent press articles about very low prices occurring in the trial. It needs to be stressed that participants in the trial are experimenting with a trading system while bearing no financial risks and that trial outputs therefore do not reflect commercial realities.
(3) Yes, refer to answer (1).
(4) (a) The National Grid Management Council has performed well in handling a substantial workload involving a wide range of difficult technical issues. I have no major concerns at this time with the structure or functions of the National Grid Management Council. New South Wales agreed at the Council of Australian Governments meeting on 25 February 1994 to defer a fundamental review of the National Grid Management Council until after the commencement of the competitive market on 1 July 1995. However, New South Wales supported the further decision taken by the Council of Australian Governments that there be a review of the National Grid Management Council by senior officials, clearly delineating the Council's role, in particular, its relationship with the senior officials Working Group.
(b) Refer to answer (4) (a).

CABRAMATTA, FAIRFIELD AND WETHERILL PARK POLICE STAFFING

Mr Scully asked the Minister for Police and Minister for Emergency Services -

(1) What is the authorised and actual strength for Wetherill Park, Cabramatta and Fairfield Police Stations?

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(2) What are the classifications of police officers and the number in each classification for each of Wetherill Park, Cabramatta and Fairfield Police Stations?

(3) (a) Is he aware that the rate of various crimes are similar to each of Wetherill Park, Cabramatta and Fairfield Police Patrols?

(b) Is he aware that the demographic characteristics of the residents of each of Wetherill Park, Cabramatta and Fairfield Police Patrols are very similar?

(c) Why does the Wetherill Park Patrol have substantially less police per head of population than the Fairfield Patrol or Cabramatta Patrol?

Answer -

(1)

Police Station	Authorised Strength	Actual Strength
Wetherill Park	54	56
Cabramatta	90	88
Fairfield	13	110

** These figures are as at 8 February 1994.

(2)

Wetherill Park		
Patrol Commander	1	
Patrol Tactician		1
Station Controller	1	
General Duties	33	
Beat Police		7
Intelligence		1
Investigation	4	
Highway Patrol	8	
Cabramatta		
Patrol Commander	1	
Patrol Tactician		1
Station Controller	1	
General Duties	35	
Beat Police		27
Investigation	11	
Intelligence		3
Highway Patrol		8
Traffic	1	
Fairfield		
Patrol Commander	1	
Patrol Tactician		1
Station Controller	1	
Detective Inspector	1	
General Duties	61	
Beat Police	25	
Intelligence		1
Investigation	11	
Highway Patrol		8

(3) (a) There are similarities in the rates of crime in the three patrols. However, Break and Enter of Dwellings and Stealing from retail stores offences are considerably higher at Cabramatta and Fairfield Patrols. Drug offences at Cabramatta are substantially higher than at Fairfield and Wetherill Park.

(b) Yes.

(c) Population is only one factor in determining police strengths. Other issues such as types of crime, crime rates and infrastructure requirements, e.g., 24-hour cell complexes are also considered.

A review has been undertaken of boundaries between Wetherill Park, Fairfield and Cabramatta. Based on the findings of the review team, the transfer of the Wakeley suburb from Wetherill Park to the adjoining Fairfield Patrol has been recommended, and will reduce the workload.

Wetherill Park is growing rapidly and the position is constantly monitored.

SMALL BUSINESS REGISTRATION FEE

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

(1) Has there been a 33% increase in the 3-year registration fee for small businesses from $75 to $100?

(2) Why has such a large increase been applied to this sector of business?

(3) What validity is there now in the Government's policy to maintain costs and charges within the range of movement of the C.P.I.?

Answer -

This matter is not the portfolio responsibility of the Department of Business and Regional Development.